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TITLE VII, THE BILINGUAL EDUCATION ACT: A STUDY OF THE EVOLUTION
OF UNITED STATES FEDERAL POLICY SINCE 1968 TO THE YEAR 2000

BY

GILDA DEL RISCO

Dissertation Committee

Shouping Hu, Ph.D., Mentor
Daniel Gutmore, Ph.D.
Annette Lopez, Ed.D.

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requirements of the Degree of Doctor of Philosophy
Seton Hall University

2001
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Dedication

This dissertation is dedicated to my parents Carlos and Anicia Cespedes, my husband Jose, and my three sons Joseph, George, and Charles who often said, "We want our Mother back." Your unconditional love and sacrifice made possible the completion of my doctorate degree.
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CHAPTER I

Introduction

Background of the Problem

The amount of limited English proficient (LEP) students enrolled in United States schools has grown enormously during the last decade, from 2,030,451 in 1989-1990 to 3,452,073 in 1996-1997. This represents an increase of 70.0% as compared to a 14.2% in the total kindergarten to twelfth grade population. It is projected that by the year 2000 the total enrollment of kindergarten to grade-twelfth LEP students will be 4,148,997, representing an increase since 1989 of 104.3%. Table 1 and Figure 1 provide the year and the number of enrollments since 1989-1990 to the 1996-1997 school years and the projected numbers from 1997-1998 to 1999 - 2000 (The National Clearinghouse for Bilingual Education, 2000).

According to Lopez (2000) “The impact of these demographic changes has created a greater awareness of students whose first language is other than English and the challenges of educating them while they are learning English.” (p.23). It is of the utmost importance to meet the language and academic needs of this population in order for them to be successful in school and to be able to contribute to society in the future. These students are also more likely than others to put aside academic plans due to the lack of adequate finances which play an important role in pursuing and completing post-secondary education (Lopez, 1998). Cohen (1996) expressed that “The public perceived schooling as an avenue of upward mobility and as a contributor to the community’s wealth” (p.2). United States higher education has a long
history of responding to the needs of society. During the early years of the twentieth century

Table 1

The Growing Numbers of Limited English Proficient Students

<table>
<thead>
<tr>
<th>Year</th>
<th>LEP Enrollment</th>
<th>Growth Since 1989</th>
<th>Total K-12 Enrollment</th>
<th>Growth Since 1989</th>
</tr>
</thead>
<tbody>
<tr>
<td>89-90</td>
<td>2,030,451</td>
<td></td>
<td>40,608,842</td>
<td></td>
</tr>
<tr>
<td>90-91</td>
<td>2,198,778</td>
<td>8.3%</td>
<td>42,553,764</td>
<td>4.8%</td>
</tr>
<tr>
<td>91-92</td>
<td>2,429,815</td>
<td>19.7%</td>
<td>42,790,993</td>
<td>5.4%</td>
</tr>
<tr>
<td>92-93</td>
<td>2,620,747</td>
<td>29.1%</td>
<td>44,444,939</td>
<td>9.4%</td>
</tr>
<tr>
<td>93-94</td>
<td>3,037,922</td>
<td>49.6%</td>
<td>45,443,389</td>
<td>11.9%</td>
</tr>
<tr>
<td>94-95</td>
<td>3,184,696</td>
<td>56.8%</td>
<td>47,745,835</td>
<td>17.6%</td>
</tr>
<tr>
<td>95-96</td>
<td>3,228,799</td>
<td>59.0%</td>
<td>47,582,665</td>
<td>17.2%</td>
</tr>
<tr>
<td>96-97</td>
<td>3,452,073</td>
<td>70.0%</td>
<td>46,375,422</td>
<td>14.2%</td>
</tr>
<tr>
<td>97-98*</td>
<td>3,725,586</td>
<td>83.5%</td>
<td>47,085,936</td>
<td>15.9%</td>
</tr>
<tr>
<td>98-99*</td>
<td>3,937,291</td>
<td>93.9%</td>
<td>46,743,604</td>
<td>15.1%</td>
</tr>
<tr>
<td>99-00*</td>
<td>4,148,997</td>
<td>104.3%</td>
<td>46,139,064</td>
<td>13.6%</td>
</tr>
</tbody>
</table>

*Projected (The National Clearinghouse for Bilingual Education, 2000a).

Figure 1

Population Growth and School Data

(The National Clearinghouse for Bilingual Education, 2000b).

social forces gave raise, to the American community colleges. The need for workers trained to
operate the expanding industries, and lengthened period of adolescence, that mandate
custodial care of the young for a longer time, fostered the development of colleges across the country. Social institutions of practical value to society members were formed. Questions such as "What knowledge yields the greatest tangible benefit to individuals or to society?" (p. 2) were asked. The Morrill Act of 1862 required every state to offer agricultural schooling and teacher training. The public supported the universities that were pioneering the ideas of service to the broader community. A number of subjects and occupations were introduced which gave access to a wider range of the population. Different types of schools such as schools of business, journalism, forestry, and social work became widely extended. The diverse goals of people demanded more diverse programs. The newer programs attracted a greater variety of people. Schools were to solve social or personal problems. Cohen (1996) claimed that:

As a society we have looked to the schools for racial integration.

The courts and legislature have insisted that schools mitigate discrimination by merging students across ethnic lines in various programs. The schools are expected to solve problems of unemployment by preparing students for jobs. (p. 2)

An increasing number of demands were being placed on schools of every level which is probably the overall reason for the growth of higher education. According to Assante and Ravitch (1991) there is an existing debate about what knowledge should be taught in the college and university curriculum. This situation has heightened ethnic tension leaving many educators confused about the meaning of multicultural education. Banks (1991) stated that multicultural education is an education for functioning effectively in a pluralistic democratic society. Helping students to develop the knowledge, skills and attitudes needed to participate in reflective civic action is one of the
major goals. Rowley, Lujan, and Dolence (1997) argued that global competition holds the key to success and the academy must adapt to what is taking place in the world. Furthermore, the authors stated that “if college and university graduates are not able to converse in the languages and culture of the marketplace or if they lack the skill to trade effectively in it, the United States economy and society will find other sources for this talent” (p.19). According to Frederick Rudolph (1995) “Values change and so does the curriculum” (p.5). He reported that the curriculum has not always been taken seriously since just a little over one hundred years ago fewer than two out of every 100 Americans between the ages of eighteen and twenty-one were thinking about enrolling in a college or university. In order to judge the quality of a curriculum it is important to have an understanding of what the curriculum is expected to accomplish. University presidents and professors have stated that a curriculum should make a man or woman more sensitive, wiser, more compassionate, and free from prejudice. It should give every individual a humanized conscience and the desire for continuing to learn.

Rowley et al. (1997) expressed that hundreds of colleges and universities in the United States have been in the process of making efforts at strategic planning during the past dozen years. These institutions, pushed by external changes in demographics, family life, technology, outmoded academic programs, and political scrutiny, have caused many campus leaders, trustees, and faculty members to try very hard to find the ways to make strategic changes so that their institutions can adapt to their environment, which is changing very rapidly. Questions such as: “What are society’s needs?”; “How does society expect us to meet its needs?” (p. 11) are raised as key strategic questions facing higher education. These questions reflect the growing demands of the external
environment. Their answers will form the basis on which each institution will make its own decision to whether or not they will be involved in a strategic planning process that will serve to create constructive change responding to the changing world.

An example of constructive change has been the passage of the Bilingual Education Act in 1968 based upon the impact of demographic changes. President Lyndon B. Johnson signed The Bilingual Education Act of 1968 on January 1, 1968 into law, as Title VII of the Elementary and Secondary Education Act (ESEA). It has been known as Title VII ever since. With this ratification of the new law, the United States Federal government made its first commitment to addressing the needs of the limited English proficient students (Crawford, 1991). The initial purpose of Title VII was to provide federal funding to local educational agencies for programs teaching English acquisition through bilingual education instruction. Initial funding for fiscal year of 1969 was $7.5 million; by 1992 the fiscal year funding was $195 million. This study examined how the United States federal policy toward bilingual education has evolved since 1968. The Act has been reauthorized, five times since then, in 1974, 1978, 1984, 1988, and the 1994 amendments are in the process of reauthorization at the time of this dissertation. (United States Department of Education Office of the Secretary, 1992).

Bilingual education has been one of the most contentious issues in the United States. Before the colonizing of the United States by Europeans, the original settlers of the United States, the Native Americans, spoke non-European languages. The European languages spoken by the first colonists were Spanish, Dutch, French, and English. Later immigrants introduced non-European languages which were added to the already existing languages spoken by the Native American and European colonists, thus, giving to the
United States a long history of language diversity. The Third World has provided 85% of immigrants to the United States. By the 1980s these newcomers, as Crawford (1992) pointed out,

...were far less familiar, racially and culturally and so was their speech. After a half a century of decline, minority tongues were suddenly more audible and, to many Americans, more dissonant as well. (p.3)

The history of bilingual education in the United States has gone through different stages, from using bilingual education for religious instruction during the mid 16th century, to the beginning of the 19th century. From the mid 19th century to until 1887, bilingual education was used for public school instruction and maintenance of the native language. Towards the last decade of the 19th century, bilingual education for religious and public school instruction started to decrease. This decreasing stage lasted until over the middle of the 20th century. The period of 1960 – 1975 is considered a period of resurgence for bilingual education in public school instruction (Garcia, 1976).

It was obvious, from the inception of bilingual education, that specialized training for teachers was imperative. The 1968 Bilingual Education Act provided for pre-service training designed to prepare individuals to participate in bilingual education. Financial assistance was provided by the 1974 amendments to the act for the establishment of educational programs that use bilingual education practices, techniques, and methods designed to enable students of limited-English-speaking ability to achieve competence in English. There are regulations that must be followed by individuals who want to obtain certifications in this field as well as for the higher education institutions.

Minaya – Rowe (1992) indicated that those entering the teaching profession should
be aware that they would be facing a linguistically and culturally heterogeneous group of students. Therefore, they must be prepared, regardless of area of expertise, to serve the special needs of this population. In these cases, institutions of higher education are faced with the task of adequately preparing capable teachers to effectively instruct their students.

Statement of the Problem

Students enrolled in United States schools, whose primary language is other than English, represent a rapidly increasing percentage. As reported by the National Clearinghouse for Bilingual Education (see Table 1 and Figure 1), the limited English proficient student enrollment between 1989 and 1999 has more than doubled from 2,030,451 to 4,148,997. It is predicted that school-age children considered minorities would be the majority in the United States schools by the year 2030 and 2050 (Berliner & Biddle, 1995). It is imminent to meet the linguistic and academic needs of these children and youth in order for them to achieve academic success in school. The finances play an important role in bilingual education (Lopez, 1998). This study investigates the allocation of funds for the Bilingual Education Act, Title VII, within the political arena of each funding cycle. Furthermore, each time the act was reauthorized, if the implications of the latest research finding were not taken into consideration, bilingual education suffered. Therefore, in the education of the limited English proficient (LEP) students, it is the students who are the "silent losers" (Weiner & Vining, 1992). This is further compounded by the fact that not all LEP students receive Title VII sponsored services and programs. There has been an inequality in the education of these students.
According to Padilla (1998) the ambiguity toward bilingual education was also demonstrated in the nation’s colleges and universities. He stated that there could be no effective bilingual education in the schools unless someone prepares well-trained and competent bilingual teachers. Furthermore, Padilla argued that:

... thirty years ago most colleges and universities did not have the competence or capacity to produce the thousands of bilingual teachers needed in the nation’s classrooms. After thirty years of Title VII, the United States still can not produce the quantity or quality of bilingual teachers that are urgently needed in the nation’s schools. The ambivalence of the colleges and universities rests on their willingness to accept federal grants for bilingual teacher training ... For years now, many have considered that higher education is in “crisis”. To the extent that ethnocommunities have a role in this crisis, they may simply be asking of the nation’s colleges and universities: What do you know that is of importance and consequence for our children? And how can it be applied to improve the education which they receive in school?” (p.vi)

Well-prepared teachers are necessary to assist the limited English proficient students in succeeding academically and adjusting to the new linguistic and cultural environment. Institutions of higher education play a paramount role in this matter. No other institution could assume to grant degrees or certifications as an accredited institution may bestow. In-service workshops offered in the districts are beneficial in the sense that they may keep teachers and administrators informed and provide some new skills. However, these workshops are not as comprehensive as a teacher education program at a college or university. Teacher educators are abreast of new knowledge and research and have themselves conducted studies in their respected fields. Their courses
reflect this knowledge and the implications in the education of children. The education of our children is a serious endeavor. Regardless of their ethnic background or the language they speak, they are the future leaders of this great nation.

Purpose of the Study

The purpose of this research is to gain information about the evolution of Title VII, The Bilingual Education Act, and to investigate its contribution as well as its impact on equal educational opportunity for limited English proficient (LEP) students. This study will examine original acts in order to find the changes that occurred every time the act was reauthorized. In addition, the study will show, based on the historical records, which political party was at the White House and which party had majority rule in the United States Congress at the time of each reauthorization. Were there conflicts? For example, Parsons (1997) writes about the meaning of power in the higher education policy arena during the late 1990s:

The White House changed from Republican to Democratic with the new occupant believing that government could and should play a positive social role in American life. The new secretary of education and his leadership team expressed similar views about the ED’s role... In contrast, the Congress changed from Democratic to Republican with the new leadership believing that the role of the federal government was strictly limited by the Constitution. Education was a right reserved for the states. These changes in the social and belief foundations made institutional conflict inevitable. (p. 212)

One way of analyzing historical perspective is by viewing who the key actors are, and also who the silent losers are. Finally, the study examines the role of higher
education in Title VII, presenting a link to higher education through the variable of teacher education or teacher training which has become a very important aspect of the Bilingual Education Act. It seems that the reauthorizations were due in response to new research in the field of bilingualism, as well as on the social environment. According to Crawford (1997) Congress charted a new policy direction for the act when it voted in 1994 to reauthorize the law for the fifth time. He asserted that changes were due in the development of educational research over the last three decades in order to give such insight on how children acquire languages and become successful in learning the different content areas.

The Research Question

How has United States federal policy toward bilingual education evolved and has it contributed to equality of educational opportunity for limited English proficient students since 1968 to the year 2000?

Subsidiary Questions

1. What were the major events, factors that can be attributed to the enactment of the first act and subsequent reauthorizations of Title VII, The Bilingual Education Act?

2. What was the impact, as an educational approach, of Title VII, on the education of non-English speakers and on the nation?

3. How has funding for bilingual education evolved since 1968?

4. How has bilingual education federal policy impacted teacher-training programs in institutions of higher education?

Significance of the Study

The examination of bilingual education during the past thirty years, from 1968 – 2000, provides a significant perspective of this contentious issue in the United States of
America. Perhaps one of the most sensitive issues in the field of bilingual education that causes intense and political debates is the use of public funds to support academic instruction in languages other than English. First language instruction, an indispensable component in bilingual education, has been considered by many to be a misuse of public funds for schools. Perhaps the public has been mistakenly informed by individuals’ personal opinions that are not based on research thus giving the impression that very few significant studies have been done in the bilingual education field. This may have been true in the 1960s when bilingual education started to expand in the United States. Very little research on second language acquisition existed at that time. Today, ample information is available about the role of the first language and its relationship to second language acquisition and schooling. The federal government can have an impact on school policy decisions by providing or denying federal funds that provide support for additional programs. The two major categories of federal influence on bilingual education are federal legislation and court decisions (Ovando & Collier, 1998).

Definition of Terms


Assimilation; The process by which a person or language group loses their own language and culture replacing them with a different language and culture (Baker & Jones, 1998).

Bilingual Education: Instruction in two languages. It is a program of instruction by which students who are not proficient in the language of the land where they live are taught all subject matter in their native language, and at the same time are taught the language of the land as a second language (Castellanos, 1983).

Desegregation: The assignment of students to public schools where provision is made for
all the students to receive equal opportunity for effective participation in education programs, despite any English deficiencies resulting from environments where the dominant language is not English (Leibowitz, 1980)

Equality of Education: Language minority students’ basic right under the Equal Opportunities Act of 1974, which states that:

...no state shall deny equal educational opportunity to an individual on account of his or her race, color, sex, or national origin, by ... the failure of an educational agency to take appropriate action to overcome language barriers that impede equal participation by its students in its instructional programs. {20 USC 1703(f)}

English as a Second Language (ESL): It is a system of instruction that enables students who are not proficient in English (English language learners) to acquire academic proficiency in spoken and written English. ESL is an essential component of all bilingual education programs in the United States (Ovando & Collier, 1998).

Evolution: The various reauthorizations of Title VII: The Bilingual Education Act during a period of over thirty years. The Act has been reauthorized four times since its initial enactment (Crawford, 1997).

Reauthorization: An Act is an authorizing statute. "... it defines the purpose of programs under the and sets the life span at the end of which programs must either be reauthorized or come to an end" (Parsons, 1997, p. 38).

Segregation: Marginalization and subordination in respect to the issue of social equality (Schmidt, 2000).

Silent Losers: "Those who fail to voice protest against the policies causing their losses" (Weimer & Vining, 1992, p.110).
Strategic Planning: “a formal process designed to help an organization identify and maintain an optimal alignment with the most important elements of its environment.” (Rowley et al., 1997).

Title VII: Bill introduced in January 1968 which became The Bilingual Education Act, Elementary and Secondary Educational Act (ESEA). This federal act has promoted a new concept of schooling for non-English speakers.

Ex-post Method: Method for evaluating policy after they are in place.

Limitation of the Study

The scope of this study is limited to federal policy related to The Bilingual Education Act. The time period to be studied is limited to the years 1968 to 2000. The method of policy analysis is based on Patton and Sawicki’s (1993) model for ex-post analysis. The historical perspective is based on Cohen and Manion’s (1994) model for historical research. It is important to note that different methods and perspectives based on different models for analyzing policies may yield different results.

Organization of the Study

Chapter I presents an introduction to the study, including the statement of the problem, the purpose and the significance of the study. Research and subsidiary question were also stated.

Chapter II reviews the literature related to Title VII, The Bilingual Education Act. Major heading includes Historical Perspective, Impact of Title VII, The Bilingual Education Act, Funding of Bilingual Education, and Teacher Training in Title VII and the Role of Higher Education.

Chapter III describes the methodology used in the study. Patton and Sawicki’s
model for analyzing policy served as the conceptual framework. Since the study is a policy analysis within a historical context, the historical research model described by Cohen and Mannion is also used as part of the methodology for the research.

Chapter IV describes the results of the study, which examines the research question followed by four subsidiary questions.

Chapter V provides a summary of findings from the study, conclusions and recommendations for policymaking and further research.
CHAPTER II

Review of Related Literature

Introduction

This chapter reviews aspects of the literature, which are important in understanding the evolution of Federal policies in the United States concerning bilingual education. Title VII, the Bilingual Education Act, is the foundation for several bilingual education efforts in the United States today. This literature review will begin with a historical look at some of the factors that lead to the first act in 1968 and then traces the development of the law until the present time. Three important aspects of the law will be studied in the Review of Related Literature, these are 1) Historical Perspective; 2) Educational Impact of Title VII; 3) Funding of Bilingual Education; and 3) Teacher Training programs in higher education.

Historical Perspective

There was an increase in immigration to the United States towards the middle of the nineteenth century beginning soon after the Napoleonic Wars in Europe. It continued during the thirties and forties, and reached its highest point in 1854. Federal statistics (comprehensively collected for the first time in 1820) document the change. In the decade of the twenties, the number of arrivals was 151,000; in the 1830s a fourfold increase to 500,000; in the 1840s, 1,713,000; and in the decade of the fifties, 2,314,000 (Faust, 1969).
During the pre-Civil War period the only large number of non-English speaking immigrants were the 1.5 million Germans. They had no teachers that were familiar with English. The German migrants did not have any intention of excluding the English language, but they requested that German be taught as well. In response to their demand, the Ohio legislature passed a law by which the German language could be taught in the public schools in those districts where a large German population lived. By 1840 German-English public schools were introduced in Ohio.

In 1837 Pennsylvania German schools were founded on an equal basis with English ones. In some schools all instruction was to be given in German. In many parts of the country it became the norm that in districts containing a large German population, teachers were to instruct in German or in both German and English (Faust, 1969). This was the right approach since studies show that the cognitive development in the first language should not be interrupted (Collier, 1995). During the initial years of exposure to English, continuing cognitive and academic development in first language is an extremely important factor for academic success in second language acquisition, (Hakuta 1986; Garcia, 1994). According to Krashen (1982) in order for language acquisition to take place, students need to receive instruction in a language they can understand. This is called comprehensible input.

Immigration continued to increase sharply; from 1815 to 1860, five million; 1860-1890, ten million; and from 1890 to 1914, fifteen million. From 1860 to 1890, as in the pre-war years, immigrants came mostly from the British Isles, Germany, and Northern Europe; but in the later period (1890-1914, they came from Southern and Eastern Europe, and from the non-English speaking countries of Russia, Austria, Hungary, and Italy. As
the end of the nineteenth century approached, nineteen of America's largest cities consisted of over half immigrants and their children (Faust, 1969).

During the latter part of the twentieth century, non-eastern European groups arrived in great numbers to the United States seeking freedom of speech, religion, and the opportunity to have a better life. Latin America, the Caribbean islands, and many others from third world nations have comprised the majority of the rapidly growing immigrant population. Besides seeking freedom and economic opportunities there is the need to learn the new language. The teachers who have been able to instruct children and youth in their native language have been a tremendous resource to bilingual programs. Instruction in the native language avoids the danger of stopping or interrupting the learning process.

The first bilingual education program in the United States after World War II, started in September 1963 at the Coral Way Elementary School in Miami, Florida, due to the Cuban influx after the political takeover of Cuba by Fidel Castro. The program initiated with the help of the Ford Foundation funds. School officials considered it necessary to implement a demonstration project with the purpose of awakening educators as well as the public to the needs of the Spanish speaking population. They were interested in a project that would go beyond English as a Second Language (ESL) instruction. Request for funding was submitted to the Ford Foundation in 1962 and $350,000 were received for a 3-year experimental Spanish-English program to begin in 1963. Pauline Rojas who had been directing the English Language Center at the University of Puerto Rico became the program director. At that time there were no bilingual programs in the nation from which to draw information, thus she had to
examine Latin American models on which to base the project. Rojas took into consideration the American schools in Ecuador and Guatemala where the children of United States diplomats, businessmen, and the children of wealthy people in both countries were educated. The schools in both countries used English and Spanish for instructing content areas as well as for teaching fluency in both languages. One of the main goals was to fully prepare bilingual students, “this became the main goal of the Coral Way Project” (Stein, 1986, p.21).

Students, both English speaking and Spanish speaking, were almost equally divided. Parents were given the opportunity to choose between the traditional all-English classes and the bilingual programs, where part of the instruction was taught by Cuban teachers. All the parents, English and Spanish speaking, except for a small group of Cuban parents chose the bilingual program. By the end of the first year the option of a bilingual program was almost unanimous and the method of teaching only in English only was eliminated. Both cultures were present in the instruction that the students received. Academic subject instruction in the native language of the students was provided for half of the school day. That is, Spanish speakers received instruction in Spanish by the Cuban teachers and English speakers by American teachers. During the other half of the school day the concepts that were introduced in the native language were reinforced in the student’s second language. From the very beginning students shared playground activities, cafeteria, music, art, and most important, they were free to speak the language of their choice (Catellanos, 1983). English-speaking students were offered Spanish instruction to give them an opportunity to participate in the trade and commerce that had begun to flow through Miami as a gateway to Latin America (Stein, 1986).
Furthermore, concurring with Castellanos, Stein asserted that the influx of Cuban
refugees to Dade County in Florida in the early 1960s provided the backdrop for the
resurgence of bilingual education in the nation. The federal government provided
millions of dollars annually for refugee education through formula-based funding. The
money was provided yearly according to the number of children attending school. The
Dade County school system received help from the funds to provide orientation to
teachers, teachers’ aides, secretaries, and visiting teachers. The funds also provided
teacher retraining programs at different universities.

Leibowitz documented that in 1967 Senator Ralph Yarborough introduced S-428
which would amend the Elementary and Secondary Education Act of 1965. The purpose
of the amendment was to provide assistance to local educational agencies in establishing
programs serving children of limited English-speaking ability. The act was directed at the
Spanish speaking students only because of the large number of students in the United
States whose mother tongue is Spanish and to whom English is a foreign language.
Spanish-speaking students were defined as elementary and secondary school students that
were born in, or children with one or both parents born in, Mexico or Puerto Rico, and
other students with Spanish surnames. The limitation to the Spanish-speaking and the
definition of Spanish-speaking students were greatly attacked by other members of
Congress. A number of similar bills advocating bilingual education were introduced.
Amongst the most notable were the bills by Congressmen Augustus Hawkins and Edward
Roybal of California and Congressman Jerome Scheuer of New York. The Yarborough
bill was expanded by the Hawkins-Roybal bill to include assistance to the French-
speaking as well. The Scheuer bill authorized bilingual instruction for all students whose
native language was other than English. Adopting the broader approach, the final law of 1968 was directed at those children who were coming from an environment in which the dominant language was other than English. It was expected that the number of children whose mother tongue was not English would increase in the following years due to the Immigration Act of 1965 which made provision ... (Leibowitz, 1980).

Schmidt (2000) reported that in 1965 the United States abandoned the discriminatory national-origin quota system that had been designed to ensure that most immigrants would continue to come exclusively from northern Europe. According to the new law a fresh wave of immigrants has continued to expand in numbers and scope of diversity from all over the world during the three-plus decades since.

The genesis of Title VII had its origin on January 2, 1968 when President Johnson, a former teacher, signed the Bilingual Education Act into law. This was the first United States commitment to the needs of limited English proficiency students (Crawford, 1999). According to Garcia and Gonzalez (1995) the initial Title VII legislation built upon the Civil Rights Act of 1964 and originated as part of the war on poverty legislation. The Bilingual Education Act was intended as a demonstration to meet the educational needs of low-income, limited English speaking children. The Committee on Labor and Public Welfare, Committee Print, Elementary and Secondary Education Act Amendment of 1967 (1968) reported President Johnson's words expressing the significance of the act:

This bill authorizes a new effort to prevent dropouts; new programs for handicapped children; new planning help for rural schools. It also contains a special provision establishing bilingual education programs
for children whose first language is not English. Thousands of children of Latin descent, young Indians, and other will get a better start – a better chance – in school...

What this law means is that we are now giving every child in America a better chance to touch his outermost limits – to reach the farthest edge of his talents and dreams. We have begun a campaign to unlock the full potential of every boy and girl – regardless of his race or his religion or his father’s income. (pp. 40-41)

There have been different interest groups and key actors involved in bilingual education that have influenced federal policy with their different goals, motivations, beliefs, and resources. Among the interest groups we may find the English-Only Movement whose advocates alleged that English language skills are acquired through monolingual education in English. The English Plus advocates maintain that skills in English are acquired through strong forms of bilingual education (Crawford 1992). According to Weimer and Vining (1992) there are two sets of actors: “Those with a substantive interest in the issue and those with official standing in the decision arena” (p. 314). When losing in the legislative and executive branches, one may try to shift the arena to the courts. The authors sited the case of Brown vs. Board of Education in which students in the 1970’s were being bused to reduce racial segregation in the schools. Brown’s objectives were satisfied through the courts. Likewise different individuals and groups faced court trials in order to achieve policy outcomes, as in the case of Lau vs. Nichols, in which eighteen hundred Chinese students who were attending schools in San
Francisco, California, were given subject matter offered only in English, a language they could not understand.

In 1964 Congress passed the Civil Rights bill that was signed into law by President Lyndon B. Johnson. The bill covered almost every aspect of public life including schools. Title VI of the Civil Rights Act provided that no person, on the basis of race, color, or national origin, shall be excluded from, or discriminated against, in any program receiving federal financial assistance. In 1972 another lawsuit was filed by the American Legal Defense and Education Fund, on behalf of Mexican-American parents in New Mexico. This case, Serna v. Portales Municipal Schools (1974), lead to the first court mandate for bilingual education. The Appeals Court found an equal protection violation in the school district’s failure to adopt an education program that would guarantee equal educational opportunity to Spanish-speaking children. The Appeals Court also found a statutory violation of the students’ Title VII rights similar to Lau. As a result of this lawsuit the federal court mandated the implementation of a bilingual/bicultural curriculum, a revision of assessment procedures in order to monitor Hispanic students’ academic achievements, and the recruitment bilingual personnel (Ovando & Collier, 1998, Crawford 1999). Another major case involving Puerto Rican students’ rights, was Aspia of New York v. Board of Education of the City of New York, resulting in the Aspia Consent Decree (1974) which brought action against the Board of Education in New York City. Plaintiffs felt that more than one hundred fifteen thousand Spanish-speaking students were denied equal educational opportunity as compared to English-speaking students. The Aspia Consent Decree lead to, among other things, the creation of a standardized test for assessing the students’ proficiency of English. The language
assessment battery (LAB) was created for this purpose and has become one of the most widely used tests.

Raymond V. Padilla’s in the chapter *The legal dialect of bilingual education* by Steven R. Applewhite presented an account of this major court decision on the rights of language minority students, and the only such by the United States Supreme Court, *Lau v. Nichols* (Schumann, 1979). The District Court for the Northern District of San Francisco found in 1971 that students of Chinese ancestry in the San Francisco Unified School District spoke little or no English, and could not therefore comprehend the language of instruction. After several appeals, in the District Court, the Lau case was appealed to the Supreme Court which found that the school district was in violation of Section 601 of the Civil Rights Act of 1964 (Title VI). San Francisco officials signed a consent decree agreeing to provide bilingual education for the city’s Chinese, Filipino, and Hispanic children. The Lau decision as handed down by the Supreme Court stated that this decision would have a far-reaching impact for all language minority students and their schools.

That summer President Ford signed and Congress passed the Education Amendments Act of 1974 (see Table 2). This act modified earlier legislation, and retained the Federal role in bilingual education.

**Impact of Title VII, The Bilingual Education Act**

Federal bilingual education policy has evolved from a minor piece of legislation into a major educational reform affecting hundreds of local school districts as well as innumerable state educational agencies and teacher training institutions of higher education throughout the United States. Bilingual education has affected allocation and
distribution of funding, staffing patterns, curriculum and instruction and decision-making (San Miguel, 1988).

Gonzalez (1975) observed that the Act recognized the political feasibility to encourage instruction in a language other than English, therefore raising serious questions about the English-only laws, which existed in many states. For example, in Pennsylvania instruction in a language other than English was allowed only for the study of a foreign language. Through a formal governmental recognition of the legitimacy of bilingual education a welcome impetus was provided to the emerging breed of bilingual educators. The enactment of the Act with the funds it provided, and the attention it gave to meeting the needs of teaching children in a language they understood sparked a new movement toward bilingual education in many parts of the United States.

Huddy and Sears (1990) believed that symbolic politics such as resentment of special treatment for minority groups, anti-Hispanic bias, and hostility toward immigrants has caused opposition against bilingual education resulting on English-Only laws.

Bilingual education is one of the most contentious issues in United States' public schools today eliciting different opinions concerning community, national identity, pluralism and multiculturalism. Ravitch (1985) theorized that bilingual education tries to use the public school system to maintain the different ethnic communities with their own cultural heritage and language. However, Begay, Dick, Estell, D., Estell, J., McCarty, and Sells (1995) conducted three case studies in which community activism brought change from inside out. The programs that were studied were the Choctaw bilingual program in Mississippi, the Rough Rock program in Arizona, and a Hispanic parent organization in a community in California. The authors' observations of the process through community
members indicated that they have become highly involved in the education of their children. A process of evolution from the inside out has been perceived by administrators, teachers, and university consultants, as having changed the traditional “relations of indigenous educators to the larger school power structure” (p.121). Relations among the members of communities were due to the development of education, economics, intermarriage, and political coalition. This has brought about a different concept of nationality, respecting and dignifying all contributing cultures giving rise to the concept of cultural pluralism.

Ovando and Collier (1998) presented cultural pluralism as a basis for multicultural education. “Cultural pluralism characterizes a society in which members of diverse cultural, social, racial, or religious groups are free to maintain their own identity and yet simultaneously share equitably in a larger common political organization, economic system, and social structure” (p. 145). Multicultural education is based on the need “to prepare all children, minority and majority, to participate equitably in a culturally pluralistic society” (p. 146).

According to Baker and Jones (1998) a person may hold two or more cultural identities. Identities may merge making it possible to be Ukranian and Canadian, Cuban or Puerto Rican or Mexican and North American. The individual will not be a replica, for example, of a Cuban in Cuba, or a white North American. Instead the individual will become “a more or less integrated combination of parts of both” (p.299).
Multiculturalists’s beliefs include the idea that two languages and two cultures enable a person to have dual or multiple perspectives on society. Those who speak more than one language have the tendency to be “more sensitive and sympathetic, more likely to build
bridges than barricades and boundaries” (p.299). Multiculturalism is an additive process, however, assimilation is a subtractive one which leads ethnic minorities to adopt a positive attitude to the majority culture and a negative attitude to their own heritage culture. Finally, “Multiculturalism promotes empathy and sensitivity, and helps eradicate prejudice and racism” (p. 299).

Bennett (1999) emphasized that multicultural schools offer an environment where the students from every ethnic group and socioeconomic background feel welcome and capable of being successful. Bilingual education is an essential component of the multicultural schools in the United States due to its linguistically diverse society. It is in the bilingual classroom where students will have the perfect opportunity and environment to develop the dual or multiple perspective on society and to become more sensitive and sympathetic as mentioned above. However, all of these can only be achieved if offered in a language the students can understand.

According to Crawford (1999), Title VII, The Bilingual Education Act of 1968 (PL. 90-247) became a centerpiece of the War on Poverty. The law, at that time, embodied a consensus that the prevalent sink-or-swim approach to teaching English was an educational failure and a denial of equal opportunity for language minority students.

Studies have shown the effectiveness of bilingual education programs. This effectiveness is measure in terms of student outcomes. The most extensive study is being conducted by Virginia Collier and Wayne Tomas (1999, 2000). The Collier and Tomas studies are longitudinal studies from well implemented, mature programs in school districts across the United States. Their studies look at the five types of programs implemented throughout the United States. These are:
1. Two-Way Developmental Bilingual Programs in which language majority and language minority students are schooled together in the same bilingual class, with many variations possible, including immersion bilingual education and late-exit bilingual education.

2. Late Exit program typically places the English language learner in a general English-speaking classroom after five, six, or more years. In this kind of program, attention is given to the development of the native language, and initial reading instruction is provided in that language. Research findings emphasize the importance role that first language literacy play in bilingual student's academic achievement (Garcia, 1994). Several researchers have concluded that students apply reading skills learned in one language to reading in the other language. Once students are placed in the general program, instruction in the native language is usually withdrawn.

3. Early Exit plus content ESL program typically places the LEP student in a general program (all-English curriculum) classroom within one or two years. Content-area instruction (science, social studies, mathematics, etc.) is half a day through each language, with gradual transition to English instruction. Content ESL means that English language instruction is based on the vocabulary and language structure of the content areas.

4. Early Exit plus traditional ESL means English language instruction without content area study.

5. Traditional ESL pull out consists of removing the students for a portion of the day from the mainstream classroom to receive language instruction.
Longitudinal studies seem to suggest that dual language and late exit bilingual education programs are the most successful. Students in these programs perform at the 50th percentile, the national average, or better. In contrast, those ESL only or Early Exit Programs perform below the national average at the 11th and 33rd percentiles respectively (Collier & Thomas, 1998; 1999; 2000).

Concurring with Collier and Thomas, a case study project conducted in California called Basic Principles for the Education of Language Minority Students: An Overview. This study, by the California State Department of Education, concluded that for bilingual students, the development of proficiency in both the native and English language has a positive effect on academic achievement (Crawford 1995).

Funding of Bilingual Education

Perhaps one of the most sensitive issues in the field of bilingual education that causes intense and political debates is the use of public funds to support academic instruction in languages other than English. First language instruction, an indispensable component in bilingual education, has been considered by many to be a misuse of public funds for schools. Perhaps the public has been mistakenly informed by individuals' personal opinions that are not based on research giving the impression that very few studies have been done in the bilingual education field. This proves true about the 1960s when bilingual education started to expand in the United States. Very little research on second language acquisition existed at that time. Today, ample information of high quality studies could be found through resources such as books, articles, and the World Wide Web about the role of the first language and its relationship to second language acquisition and schooling. The federal government can have an indirect impact on school
policy decisions by denying federal funds that provide support for students in the
categories of federal funding. The two major categories of federal influence on bilingual
education are federal legislation and court decisions. (Ovando & Collier, 1998).

On January 2, 1968 President Johnson signed into law the Bilingual Education Act,
officially Title VII of the Elementary and Secondary Education Act of 1965, (ESEA) as
amended in 1967 (1968) Congress authorized the appropriation of $7.5 million for fiscal
year 1969. The act was reauthorized in 1974 and 1978, with appropriations increasing
each year. In 1980 $166.9 million was spent and 564 projects were funded. The lower
appropriation during the Reagan years from 1980-1988 represented a 47% reduction from
the spending level in 1980 for Title VII programs (Lyons, 1990). Subsequent allocations
provided 25% of its instructional-program budget to support all-English methodologies
(Crawford, 1997). According Loera (2000) the President Clinton’s budget requested,
submitted on February 7, 2000, for the fiscal year 2001 to Congress, was for $40.1
billion. This represents an increase of $4.5 billion, or 12.6 percent over FY2000
educational fund which has been the largest investment in educational funding in the
history of the Department of Education. The request includes $296 million for Bilingual
Education Act grants, an increase of $48 million over FY2000. Thereby demonstrating
continued increases in funding from 7.5 million in 1969 to 296 million in 2000.

Teacher Training Programs in Institutions of Higher Education

Movements in the United States such as the Land-grant College Movement has been
considered by widely acknowledged authors, Edward D. Eddy, Joseph B Edmond, Allan
Nevin and Earle D. Ross, as part of the educational evolution of the United States. In
their views, these colleges came forth because of the educational needs of a growing
democracy. It was out of the cry from the common people, such as farmers, asking for higher education that would focus on their practical interests. They identify educational reform as the principal motivation in the passage of the Morrill Act.

According to Rudolph (1990) and Veysey (1970) there are two other critical elements in the development of land-grant universities, the debate over curricular changes away from a classical toward a more science-based curriculum and the emergence of the Morrill Act of 1862 as a mechanism for distributing the public lands that initiated the federal practice of grants-in-aid to achieve specific objectives. While these historians agree that educational reform was paramount, they also argue that the Morrill Act was a watermark for federal involvement in higher education.

The need for specialized training for teachers was recognized from the onset of bilingual education. Padilla in the chapter written by Schuhmann (1979), the 1968 Bilingual Education Act provided for "pre-service training designed to prepare persons to participate in bilingual education." After reviewing the results of the program's evaluation, Congress agreed on the need for additional qualified teachers. Financial assistance was provided by the 1974 amendment to Title VII for the establishment of educational programs that use bilingual education practices, techniques, and methods designed to enable children of limited-English-speaking ability to achieve competence in English and the training of teachers qualified to impart these practices. At the time of Shuhmann's study, thirteen states had adopted certification requirements for teachers of bilingual education programs: Arizona, California, Delaware, Illinois, Indiana, Louisiana, Massachusetts, Michigan, Minnesota, New Jersey, New Mexico, Rhode Island, and Texas. In New Jersey, for example, according to certification regulations (Authority NJSA 18A:
6-34 et.seq.-NJSA 18:35-15-26), for the bilingual education endorsement, a teacher must hold both a bachelor's degree based upon a four-year program in an accredited college and a regular teaching certificate in another field. In addition, a teacher must complete twenty-four semester-hour credits in bilingual-bicultural education and demonstrate verbal and written proficiency in both English and in the language that will be used as a medium of instruction. The number of semester-hour credits was reduced from twenty-four to eighteen (Schumann, 1979).

Fern (1998) reported that school districts have expressed discontent about newly-graduated teachers coming to the schools unprepared to face the real classroom. They lack classroom management, effective methodologies and understanding of cultural diversity. They feel that new teachers are not in possession of the knowledge they need to succeed with today's students. School systems find themselves needing to retrain new teachers. Meanwhile, the students suffer the consequences of inappropriate instruction.

Leibowitz (1980) stated that in 1974 the training component was expanded in the existing legislation, which required a fifteen-percent of local bilingual education funding for in-service training. However, in 1978 the fifteen percent for in-service training was removed from the legislation:

Regarding in-service training, the mandatory 15% set-aside for that purpose is very crucial for some local programs. For others, the need may have been fulfilled and therefore the funds may be better used for other purposes. The Committee bill, therefore, removes the requirements in present law that each local project must expend at least 15% of its funds on in-service teacher training. Rather, the decision on the exact degree of such funding would be
left with the local school district with the expectation that in-service training is an important component of these programs. However, it must be noted that this set-aside funds for in-service training programs that are non-degree in nature and therefore may not completely solve the need for highly qualified teachers (House of Representatives Report, 1978, p. 89).

The commissioner of education was able to provide a wide range of training through grants, contracts, and fellowships (including stipends and allowances for dependents) to meet specific needs and to promote general career development. The training may be given to teachers, administrators, counselors, teacher aides, and parents.

Training was to be conducted by local educational agencies, and institutions of higher education including, junior colleges and community colleges. To receive bilingual education program grants, one or more local educational agencies or an institution of higher education in conjunction with one or more local educational agencies was able to apply for such grants (Leibowitz, 1980).

When deciding to become bilingual educators, language minority candidates are not provided with adequate opportunities to develop native-like fluency in the second language. In some cases prospective teachers may lack proficiency in the target language which in this case is English, and the other language. This is evident in language minority candidates, who have not been given the opportunity to develop their native language formally (Fern, 1998). Cummins' (1989) concept of a common underlying proficiency explains how students with previous education in their own country often do better academically than students who have been in English-speaking schools longer but never received any schooling in their native language. Students who had previously received
instruction from the beginning in a language that they could understand were able to
develop concepts, negotiate meaning and learned to read. Later, when they began studying
in an English-speaking country, they easily transferred those skills to the new setting.

Minaya-Rowe (1992) described a three-year training program for staff development
specialists to prepare educators to work in bilingual-bicultural programs within a context of
staff development partnership between an institution of higher education and six local
education agencies. The author analyzed the staff development process-oriented approach
used in the program to help the trainees to become more responsible for change and for
creative problem solving. Among the purposes of the program were the following: to prepare
the trainees to become staff development specialists who could function in two languages,
that could be sensitive to the problems and advantages of limited English proficient students
to develop a strong background in bilingual and bicultural education, and who would not
conform with anything less than superior education along with being abreast of constant
social changes. The results of the institution of higher education and the local education
agencies working together were very rewarding. Twenty staff development specialists,
program graduates, were promoted in their respective districts from bilingual teachers to
curriculum or resource specialists, staff developers, principals or vice principals of schools,
or bilingual directors amongst other higher positions. Fourteen of them pursued doctorate
degrees. All of them continued serving language minority students. The educational
partnership of institutions of higher education and the local education agencies can offer
quality education to those that are at the heart of bilingual programs, the limited English
proficient students. Minaya-Rowe emphasized that institutions of higher education “have as a
mission, the provision of services to the increasing language minority population in the
country” (p. 93). Boyer (1994) in his article Creating the New American College emphasized the importance of institutions of higher education of reconsidering their mission to be the preparation of the students to become responsible citizens instead of educating them merely to have a career. Thus the new American college will be connecting theory to practice resulting in meeting challenging social problems encountered by institutions of higher education in urban settings.

Borden (1998) recommended teachers to acquire proper training if they are to be expected to understand the needs of English learners in their classrooms. Most teacher training programs for subject area teachers do not provide instruction in teaching techniques to use with ESL students. This might have been appropriate years ago when immigrant students in a community was not a common issue. Today, Borden emphasizes:

...in most areas of America we no longer have such luxury. The sheer number of immigrant students from all over the world makes it inevitable that all teachers, save those in the few geographic areas as yet untouched by recent immigration, will have ESL students in their classrooms.

(p. 28)

Universities with their valuable resources which include faculty, students, research expertise, technology, and libraries may become accessible to the community when they enter a partnership with the community and address its needs (Bringle & Hatcher, 1996). Institutions of higher education traditionally have served their communities by fortifying the economic development of the region, meeting the educational needs of the community, and advancing the cultural life of the community (Boyer, 1996).

Based on the needs of language minority students and the schools for well qualified
bilingual educators and ESL teachers, The University of Massachusetts Lowell (UML) implemented a grandfather professional development program in bilingual education at the graduate level. Two major components were reflected in the philosophy of the grandfather program at the UML: (1) the competency-based tradition that focuses on skills necessary to teaching and (2) the ethnographic tradition. The ethnographic tradition takes into consideration the cultural background of the students in order to bring the instructional strategy into harmony with students' way of learning and, at the same time, to engender student respect for other ways of learning (Faltis & Merino, 1991). The department of education at UML confronted a situation in which, the problem was to adapt the established traditional college professional development program to meet the needs of the new emerging, nontraditional LEP student population in the schools. The design of the program content focused on the need for the effective teacher to not only be aware of the school culture but also to have the knowledge of the students' beliefs, values and traditions.

The numbers of school-age children has been increasing significantly as it is accounted for on Table 1 and Figure 1 (National Clearinghouse for Bilingual Education, 2000a & 2000b). Therefore, institutions of higher education "must find ways of increasing the pool of language minority teachers and teacher trainers who can serve as role models and linguistic brokers for the growing numbers of language minority students in the elementary and secondary schools."

President Clinton's FY2001 budget proposed appropriations for the Bilingual Education Act would provide $180 million for Instructional Services. The request would also provide an increase for state education agency grants so the states can continue to collect data, provide technical assistance, and review Instructional Services and Staff Development
applications from within the state. The increase would also allow states to assist local
education agencies in improving accountability systems. The requested funding would
continue supporting research and public dissemination efforts. Professional Development
Programs would receive $100 million in the Administration’s budget proposal to help 8,000
teachers a year in an effort to address the critical shortage of certified bilingual education and
ESL teachers (Loera, 2000).
CHAPTER III
Methodology

Conceptual Framework

The Patton and Sawicki (1993) model for analyzing policy was used to analyze Title VII federal bilingual policy in the study. According to the authors' policy analysis is "a process that usually begins with a problem definition rather than a broader inventory phase of the planning process" (p. 20). The model offers social methods that are systematic procedures for attacking specific problems with specific purposes. The primary emphasis of their book is the policy analysis process, how the analysis is formulated and conducted, and the methods used in the analysis.

Policy analysis has served as the conceptual framework for the study and analysis of the evolution of Title VII: The Bilingual Education Act. Patton and Sawicki (1993) introduced the concept of policy analysis as "the process through which we identify and evaluate alternative policies or programs that are intended to lessen or resolve social, economic, or physical problems" (p. 21). Furthermore, the authors indicated that a good policy analysis addresses an important problem in a logical manner, and provides information that can be used by decision-makers in adopting politically acceptable policies that will resolve public issues. They also stated that there is no single, agreed-upon way of conducting policy analysis. The problem should dictate the methods, and not the opposite. The methods can be combined and more than one should be used whenever possible.
Since the study is a policy analysis in an historical context this dissertation has followed the historical research model described by Cohen and Manion (1994) in Research Methods in Education. Information and relevant data were collected from scholarly journals, books, and studies. Upon compilation of data collection, the researcher submitted this research to the two stages of historical criticism, external criticism or authenticity, and internal criticism or accuracy. Such criticism consists of obtaining primary sources such as laws, amendments to laws, titles, etc., directly from government agencies and their archives and examining them against the secondary sources or data previously obtained for likeness and differences in order to legitimatize the information that had been gathered. At this point any misinterpretation or discrepancy has been disregarded.

Gottschalk (1951) in establishing criteria to identify a particular topic recommends four questions. These questions are:

What area of the world do I wish to investigate?

What persons am I interested in?

What period of the past do I wish to study? From the beginning till now?

What spheres of human interest concern me most? What kinds of human activity? (p.62, 63)

In answering the first question posed by Gottschalk, this research has presented events that have made an impact on bilingual education in the United States. The second question referring to the people involved in the topic will deal with those involved, in any capacity, in bilingual education. It could be as students in a bilingual program, educators who teach bilingual students, authors who have written about this topic, and/or advocates of bilingual education as well as those opposing bilingual education. The third question is
clearly identified by the parameters established by the researcher, which is the period of 1968 to the present days. The last question involves events that have caused the changes and evolution in bilingual education.

Following the two stages of the historical criticism mentioned before in this method of analysis section, the researcher has continued with the synthesis process. The process consists of piecing together the information from all the sources in relation to the research problem to show the events of bilingual education and policy within the time frame studied. The culmination of the project will answer the research question posed in this dissertation.

As an overall conceptual perspective, the study will analyze how the different interest groups and their ideologies, concerning bilingual education and political issues, influenced the creation of the policies. Who were the key actors?; Who are the silent losers? The study analyzes how these forces impacted evidential factors such as the ones mentioned above. These are: Impact of Title VII, The Bilingual Education Act on the educational opportunity of limited English proficiency students and on the nation, funding of bilingual education, and teacher training and the role of higher education.

Method of Analysis

The starting point of the study is the historical analysis of Title VII: The Bilingual Education Act of 1968 and its evolution to the present time. The act has been reauthorized four times since its enactment. The first reauthorization was in 1974, followed by subsequent authorizations in 1978, 1984, 1988, and 1994. Presently, a fifth reauthorization is in progress at the Congress after President Clinton and Secretary of Education Richard W. Riley unveiled The Educational Excellence for All Children Act of 1999. The legislation was transmitted to the Congress, by Senator Edward Kennedy as
S.1180 and in the House of Representatives by Representative William Clay as H.R. 1960. The new legislation, when passed by Congress and signed into law, will reauthorize the present Title VII, the Bilingual Education Act of 1994.

The techniques of policy analysis, based on Patton and Sawicki's (1993) concept of analyzing policy, have been used to investigate the following: (1) the events that were attributed to the enactment of Title VII, The Bilingual Education Act; (2) the educational impact of Title VII on the education of non-English speakers and on the nation; (3) funding of Bilingual Education; and (3) teacher training programs in institutions of higher education (See figure 2). According to the authors "Policy analysis can be done before or after the policy has been implemented, ... or it can be conducted to describe the consequences of a policy. Descriptive policy analysis refers to either the historical analysis of past policies, or the evaluation of a new policy as it is implemented" (p.23). This type of analysis can be further broken down into two categories, retrospective and evaluative. Retrospective is concerned with the description and interpretation of past policies answering the question: (What happened?) and evaluative policy analysis referring to program evaluation (Was the purpose of the policy met?) (p.23). It is also called ex-post, or post-hoc.

The method before-and-after is one of the methods recommended in ex-post analysis. According to Patton and Sawicki (1993) before-and-after may be the most widely used evaluation method which involves comparing conditions before a policy or program is implemented and after it has had a chance to make an impact.
Patton and Sawicki (1993) claimed that policy analysis is not merely methods and techniques, but a way of organizing data, thinking about problems, and of presenting findings. The purpose of this method is not to identify the one best alternative but to generate options that experience has proved can be implemented. Furthermore, they stated that a good policy analysis provides information that can be used by decision makers in adopting policies that will resolve public issues.
Sources of Evidence

This dissertation is comprised of qualitative elements. Two major sources of evidence were used in completing this study. The main and primary source was obtained from the United States of America Congressional Records which provided policy on bilingual education as well as proceedings and debates of the different Congressional sessions.

Chapter IV

Analysis of the Data

Introduction

The analysis of the data presented in this chapter is based upon a review of documents and literature to determine the evolution of the United States’ federal policy toward bilingual education and its contribution to equal educational opportunity for limited English proficient students since 1968 to 2000. This analysis will be presented by discussing the findings based upon each subsidiary question.

Since this study includes an analysis of the Bilingual Education Act, Title VII of the Elementary and Secondary Education Act, a brief description of the congressional process through which a bill becomes law follows. When a bill is introduced in Congress it is discussed in the appropriate committee of each chamber of Congress, i.e., the House of Representatives and the Senate. Among the standing committees that review bills related to education are the House Committee on Economic and Educational Opportunities and the Senate subcommittee on Education, Arts and Humanities. Each committee takes action on the bill and decides through voting, whether or not it should be presented on the floor of the corresponding chamber. After a bill is presented and voted upon by the members of the House, the bill then goes to the Senate. Again it goes through the same process of committee review then, if decided that it should be presented on the floor of the Senate, the Senate votes upon it. After the House and the Senate have passed
a bill, it then goes to the President of the United States for signing into law or veto. It takes a two-thirds vote of Congress to overturn a presidential veto.

Table 2 presents the majority parties in Congress during each of the reauthorizations of Title VII and the Presidents who signed them into law. It appears that between 1968 and 1994 the Democratic Party had the majority rule in Congress with the exception of 1984 when the Republican Party had the majority in the Senate. The Democrats have been principal key actors in the evolution of the Bilingual Education Act. These key actors have been a major force in Congress for most of its history (Parsons, 1997).

Subsidiary Question 1

The following discussion presents highlights of the events and factors, which were attributed for the first authorization and the changes in each reauthorization. After discussing subsidiary questions 1 and 2, a summary of the impact of the events is provided in table 3.

The 1968 Authorization

Among the important events that can be attributed to the enactment of the first Bilingual Education Act was the introduction in the Congress of S-428 in January 1967 by Senator Yarborough of Texas. The purpose of the new bill was to amend the Elementary and Secondary Education Act (ESEA) of 1965 by adding Title VII. ESEA, if amended, would provide assistance to local educational agencies in establishing bilingual education programs. P.L. 90-247 of 1968 also purposed to
<table>
<thead>
<tr>
<th>Title VII: The Bilingual Education Act</th>
<th>Signed Into Law</th>
<th>President</th>
<th>Political Party</th>
<th>House of Representatives</th>
<th>Senate</th>
<th>House of Representatives</th>
<th>Senate</th>
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D - Democratic
R - Republican
increase English language skills, to maintain and perhaps increase mother tongue skills and to support the cultural heritage of the students. Since its enactment Title VII took into consideration the need to learn English and the importance of a person's native language and cultural heritage by setting these purposes.

Acknowledging these purposes, August and Hakuta (1997) reported that the primary aim of the Bilingual Education Act, from its inception, has been to provide:

...meaningful and equitable access for English language learners to the curriculum, rather than serving as an instrument of language policy for the nation, through the development of their native languages.

(p.16)

In the chapter Review of the Session, in the Elementary and Secondary Education (1968) the "Congress cleared the largest school aid bill in the nation's history, the Administration's Elementary and Secondary Education Amendments of 1967 (HR 7819). The bill authorized appropriation of $9,249,860,644 in fiscal 1969-70 and added $132,884,000 to existing fiscal 1968 authorization" (p.77). Furthermore, the report continues:

The House passed the legislation May 24, after Administration forces had narrowly defeated a concerted Republican attempt to change the existing programs of grants to local school districts for specific projects to a program of "block grant" to state departments of education to be distributed at the departments' discretion. However, led by Rep. Edith Green (D. Ore.), the House did accept amendments
which transferred certain programs under the bill to the block grant approach.

In addition, the House accepted a provision – known as the Fountain Amendment – prohibiting the Federal Government from cutting off funds to a local school district because of civil rights violation unless there were a finding on the record that the district had violated the law. The House bill authorized $24.5 million for fiscal 1968 (in addition to the nearly $4 billion already authorized) and $4.1 billion for fiscal 1969. The funds were to aid local school systems, primarily in establishing compensatory education programs for poor children, and to assist districts with federal installation. (p. 77)

According to the Congressional Record of December 15, 1967, in the House

Mr. Ryan expressed to the speaker Mr. Holifield:

I wish to commend the conferees for incorporating a strong bilingual education program in the conference report of the Elementary and Secondary Education Act Amendments of 1967, H.R. 7819. Title VII of the conference report contains a 3-year authorization totaling $85 million providing grants for special programs for “children of limited English-speaking ability. (p. 37174)

Among the factors that can be attributed to the enactment of the act was the large population whose first language was not English. Mr. Ryan continued:

... In areas such as New York with large populations whose first language is not English, programs of compensatory education are essential to overcome the handicaps which persons of limited English-speaking ability will face in
a society which operates largely in English.

The bilingual education amendments stress not only improved techniques for the teaching of English, but also programs “designed to impart to students a knowledge of the history and culture associated with their language.” It is vital that Americans with other cultural heritages not be divorced from their heritage by the need to assimilate rapidly, but rather have full opportunities to learn and appreciate the culture associated with their mother tongue. (p. 37174)

Another factor was the need of children who came from low-income families and whose first language was not English. Title VII built on the Civil Rights Act of 1964 and came about as part of the war on poverty legislation since the act’s purpose was to serve as a demonstration program to meet the educational needs of low-income children whose first language was not English (Wiese & Garcia, 1998). According to Cassanova (1991) Title VII was a political strategy to issue poverty funds to the Mexican Americans who were the second largest minority group in the Southwest.

The Civil Rights Acts of 1964 was a significant factor since it provided that no person on the basis of race or national origin shall be excluded from, or discriminated against, in any program receiving Federal financial assistance. However, concerning the field of education, “the federal authorities had confined their attention to race discrimination against Southern blacks. Nevertheless, de facto and de jure segregation of Mexican American children remained prevalent in schools throughout the Southwest.” (Crawford, 1999, p.43)

Another major event was the memorandum sent on May 25, 1970, by the director of the federal Office for Civil Rights (OCR), J. Stanley, another key actor in the
political arena. This memorandum was sent to school districts that included more than five percent national-origin-minority group children. It advised the districts of their obligations under Title VI of the Civil Rights Act, which outlaws discrimination in programs that were supported by the federal government. School districts were to rectify the language deficiency of the students in order to open its instructional program to this population. Even though the memorandum did not charge school officials to establish bilingual education programs, it required that they offer some kind of special language instruction for children with a limited command of English language skills. It also prohibited the classification of students as handicaps on the basis of criteria which mainly evaluates English language skills. Schools could no any longer send students along vocational tracks toward an “educational dead end” instead of teaching them English. Furthermore, administrators had to communicate with parents in a language they could understand (Crawford 1991).

The 1974 Reauthorization

The events of 1974 “not only set new standards for the delivery of educational services to language minorities in the nation’s schools, but they were to have a far-reaching impact upon the future of bilingual education” (Castellanos, 1983, p.125).

Lau v. Nichols was the most significant event of 1974. The school district of San Francisco California faced a law suit in 1970 by Chinese parents who alleged that the schools were not making any type of effort to instruct their non-English-speaking children in a way that they could understand the content being taught. The parents, acting upon the The Civil Rights Act of 1964, which bans discrimination on the basis of race, color, or national origin in any program receiving funds from the Federal government,
asserted that the school authorities had denied their children an equal opportunity in their education. Lau v. Nichols (1974a) had a significant impact in defining legal responsibilities of schools serving limited-English-proficient students. Lau v. Nichols did not deny, at any time, the importance of acquiring the English language, but the Supreme Court justices agreed with the plaintiffs stating in its Lau Decision that according to the Civil Rights Act the failure by a school district to provide instruction in a language students can understand is unlawful discrimination violating the student's civil rights. A pivotal influence on behalf of language minority students was Justice William O. Douglas (Lau v. Nichols, 1974a), the Court's spokesman, who added:

There is no quality of treatment merely by providing students with the same facilities, textbooks, teachers, and curriculum; for students who do not understand English are effectively foreclosed from any meaningful education.

Basic English skills are at the very core of what these public schools teach. Imposition of a requirement that, before a child can effectively participate in the education program, he must already have acquired those basic skills is to make a mockery of public education. We know that those who do not understand English are certain to find their classroom experiences wholly incomprehensible and in no way meaningful. (p. 563)

The Court made no specification about the remedy to provide "equality of treatment" for "students who do not understand English." The Court did not mandate bilingual education, however, advocates and supporters of Title VII grasped the case as
legitimization for its expansion. "Lau raised the nation's consciousness of the need for bilingual education..." (Teitelbaum & Hiller, 1977, p.139). The United States Office of Education convened a group of experts who had the task of developing guidelines for districts receiving federal funds to comply with the Lau decision. Congress passed the Equal Educational Opportunities Act in August 1974, which supported the Lau decision extending it to all public school districts, and not only to those receiving federal funds. In 1975, the United States Office for Civil Rights issued the Lau Remedies which gave additional pressure to school districts to implement meaningful instruction for limited English proficient students (Ovando & Collier, 1998).

When the Bilingual Education Act was to be reauthorized in 1973-1974 it had acquired influential allies on Capitol Hill. Title VII was sponsoring 211 school projects in 26 languages, yet, only about 6 percent of eligible children were being served. The Senate Labor and Public Welfare Committee was concerned about the lack of comprehensible goals, direction, and policies for Title VII by the Office of Education. Another concern of the committee was the fact that almost no Title VII funds had been spent to train teachers and professional development (Crawford, 1999).

The 1974 reauthorization was an enormous contribution to equal opportunity for all children. However, due to the fact that only a small percentage of the population of the needy children were being served, Senators Kennedy and Mondale moved toward the expansion of the act. The purpose of the new reauthorization was "To amend and extend the Elementary and Secondary Education Act of 1965 including extension of compensatory education programs and consolidation of several categorical grant programs" (Congressional Quarterly Almanac, 1974, p. 2). Title VII, for the first time,
incorporated instruction in the native language and culture to bilingual education. Thus, bilingual education was defined as “instruction given in, and study of, English, and, to the extent necessary to allow a child to progress effectively through the educational system, the native language” (Sec.703[a][4][A][i]). Furthermore, the act stated: “The Congress declares it the policy of the United States to establish equal educational opportunity for all children (a) to encourage the establishment and operation...of education programs using bilingual education practices, techniques, and methods” (ESEA, 1974, Sec.702[a]).

Among other changes, the act dropped the poverty criteria as a requirement to participate in bilingual education programs. This had prevented many youngsters, who had needed bilingual education, from participating in such programs. Other changes included the mention, as an eligible population, of the Native American children. In addition, another significant change in the 1974 reauthorization was a provision for English speaking children to enroll in bilingual education programs in order to “acquire an understanding of the cultural heritage of the children of limited English-speaking ability” (Sec.703[a][4][B]).

Other new programs were funded under this act. Among them was a graduate fellowship program for study in the field of training teachers for bilingual education programs, a program for planning and providing technical assistance for the development and implementation of programs, and a program to develop and disseminate instructional materials in non-English languages.

Funds were also made available upon submission of a yearly state plan to help state departments of education to plan and provide technical assistance for the development of programs in their states.
According to the Congressional Record of 1974, member of the House, Mr. Don H. Clausen expressed that H. R. 69 was “a comprehensive modernization of the original Elementary and Secondary Education Act. Some significant changes have been made but the basic thrust of the initial enactment has not been substantially altered.” Referring specifically to bilingual education, Mr. Clausen, as a political key actor, demonstrated his support by stating:

The bilingual education assistance effort is expanded by H.R. 69 and this provision will have my full support, Bilingual education is becoming more commonly recognized as an essential element of any curriculum which serves children of limited English-speaking ability.

The committee hearing and its report on this bill clearly demonstrated the relationship between English-speaking deficiencies and a high drop-out rate. Bilingual education must not become a crutch for those whose first language is not English, it must become a vehicle for full participation in our society.

We have had some success with bilingual programs but an enormous, unmet need remains. Growing recognition of the need both within and outside the academic community will contribute to greater appreciation of the necessity for this effort. ... H.R. 69 is a step in the right direction. Let us take that step. (p. 8535).

The vote was taken in the House and there were 380 yeas, and 26 nays. The bill also passed the Senate by 81 yeas, and 5 nays. It was ordered without any objection that
H.R. 69 be: "An act to extend and amend the Elementary and Secondary Education Act of 1965... Be enacted by the Senate and House of Representatives of the United States of America assembled, That this Act, ... may be cited as the "Educational Amendment of 1974" (ESEA, 1974, p. 15444).

The 1978 Reauthorization

Among the events that influenced the 1978 reauthorization was the public objection to the use of funds to continue ethnic languages (Epstein, 1977). There was fear that bilingual education might cause separatism in the nation since it supported minority languages and cultures. "...the average American felt that bilingualism would be detrimental to the national cohesiveness that only a single common language could maintain" (Castellanos, 1983, p.156). In response to those concerns, Congress voted to limit the Bilingual Education funding in 1978 to transitional bilingual programs. The native language of the students was to be used only "to the extent necessary to allow a child to achieve competence in the English language" (ESEA, 1978, P.L. 95-561).

The education amendment of 1978 placed increasing emphasis, as the primary purpose of the bill, on the importance of mastering skills in the English language. This amendment changed the language of the 1974 definition of bilingual education by stating that bilingual education is defined as a program for students whose English language skills are limited and in which instruction in English should "allow a child to achieve competence in the English language" (ESEA, 1978, Sec. 703 [a][4][A][i]). Furthermore, the bill indicated the proportion of English speakers, up to 40%, to participate in bilingual programs. The law specified that "the objective of the program shall be to assist children of limited English proficiency to improve their English language skills" (Sec.
703[a][4][B]). According to Castellanos (1983): "It was felt that the presence of these children would provide peer models to help LEP children in practicing their English and in interacting with U.S. culture, lifestyles, and values" (p.180). The primary intent of the law was to avoid the segregation of students, according to the Civil Rights Act of 1964, on the basis of national origin (Lyons, 1990, p.70). Bilingual education programs would be transitional and no funds would be provided for language maintenance approaches. A major contribution of the 1978 amendment was the expanding of eligibility to participate in transitional programs. Students, who needed assistance with reading and writing skills in English even though their verbal abilities in English were not so limited, were eligible for these programs. The 1974 amendment defined the children as limited-English-speaking, whereas this amendment expanded the definition to include all the language skills (see discussion under subsidiary question # 2).

President Carter, in his message to Congress, February 28, 1978, being aware of the fact that many students were graduating from the public education system unprepared and lacking the basic skills needed to function in society, requested a large increase in education funding to cope with this problem.

On August 23, 1978, prior to the signing H.R. 15 P. L. 95-561 into law by President Carter, the Senate discussed S. 1753, legislation to revise and extend the Elementary and Secondary Education Act. One of the most conspicuous key actor during the revision was Mr. Proxmire (D) who referred to the act ironically as "a sacred cow." He made remarks and asked questions such as:

No single piece of legislation enjoys such immunity from criticism and after all, who can vote against education for our youth? ... Who can
oppose legislation that brings Federal dollars to all our states, all 435 congressional districts, and nearly every city and town we represent?

Well, Mr. President, I rise today to tell the Senate that this bill, as presently written, is bad legislation. It is bad national policy. And it is fiscally irresponsible. ...I am no babe in the woods. I fully expect the proponents of these programs to attempt to put as much pressure on the Appropriation Committee as they can muster to get their pet programs the highest appropriation possible. That is to be expected. For the next 5 fiscal years, 1979 through 1983, this legislation proposes a total authorization level of over $55 billion. You heard it right-$55 billion! And that figure does not include the numerous programs with indefinite authorization, which could push that total higher. President Carter requested approximately $5 billion in his budget. Enough is enough. It is time to cut this sacred cow down to size and reduce these authorization levels drastically during debate. Whatever happened to the concept of Government responsible to the taxpayers? (ESEA, 1978, p. 27307).

Mr. Proxmire’s attitude towards the reauthorization of the Elementary and Secondary Education Act is nothing but a perfect representation of the many negative encounters that the act has experienced when public funds are to be appropriated. He came to the rescue of the taxpayer but at no time during his vociferous claim did he mention the educational need of the nation’s students. According to the ESEA (1978), “Both House and Senate bills passed easily. The House passed HR 15 by a 350-2 vote July 13. The Senate passed its version (S 1753) by an 86-7 vote on Aug. 24” (p.557).
The 1984 Reauthorization

According to Shuster (1982) the election of Ronald Reagan to the presidency in 1980 was a new direction concerning the role that the Federal government would play in education. San Miguel (1988) noted that within a sixteen month period after assuming the presidential office, the "Reagan administration withdrew the existing guidelines for complying with the Supreme court mandate for ensuring equal educational opportunity for language minority children" (p.100). President Reagan withdrew the Lau Remedies that were issued by the Office for Civil Rights in response to the 1974 Lau v. Nichols. The most dramatic event of 1974, Lau v. Nichols, was a Supreme court decision which gave local education agencies the responsibility to comply with Title VI of the Civil Rights Act of 1964 (Lau v. Nichols, 1974a). Lau v. Nichols prohibited any type of discrimination by the federally founded agency. The Lau Remedies required rectification of the language deficiencies of limited English proficient children in an effort to incorporate them to the education provided to all the students in the school system. The Lau Remedies stated that the most appropriate means for rectifying school discrimination at the elementary level was bilingual education. English as a second language alone was not an appropriate method of instruction for the non-English speaker elementary school students.

During the 98th Congress the 1984 reauthorization was approved as a part of an omnibus bill on October 4, 1984. President Ronald Reagan signed it into law on October 19, 1984 as P.L. 98-511. (ESEA, 1984).

The 1984 reauthorization marked a change from mandating only bilingual education programs to the acceptance of English-only programs. The Act introduced
several new grant programs. According to the ESEA (1984) "A major overhaul of federal aid to bilingual education was approved by Congress as part of an omnibus bill (S 2496 - Pl 98-511) to extend 10 expiring programs, including the education of adults, Indians, women, and immigrants" (p.19). Prior to the 1984 reauthorization, most of the funding was used for transitional bilingual education that consisted of a short-term (two-to three-year) bilingual program. Transitional bilingual programs included the providing of providing "structured English language instruction, and to the extent necessary to allow a child to achieve competence in the English language, instruction in the child's native language" (Sec.703[a][4][A]). Therefore, the sole purpose of the native language instruction was to support transition to English instruction. Seventy five percent of the funding for the establishment of programs in local education agencies were allocated to transitional bilingual education.

The new categories of funding included developmental bilingual education in an effort to support native-language maintenance. Developmental bilingual education programs as a category of funding:

...represented another breakthrough in moving away from compensatory, remedial perspectives to viewing bilingual education as an additive, enrichment school program. ...subsequent appropriations bills provided little funding for this category relative to the larger amounts provided for the long-standing Title VII transitional bilingual programs. English-only proponents supported more funding for special alternative instructional programs (Collier & Ovando, 1998, p.42).
Developmental bilingual education programs' definition consists of "structured English-language instruction and instruction in a second language. Such programs shall be designated to help children achieve competence in English and a second language, while mastering subject matter skill" (ESEA, 1984, Sec. 703[a][5][A]). Therefore, the goal of these types of programs included native language and English language competence. However, no allocation of funds was specified.

The third type of program included special alternative instructional programs (SAIPs). This program did not require the use of native language. According to the act, SAIPs were created acknowledging "that in some school districts establishment of bilingual education programs may be administratively impractical" (ESEA, 1984, Sec. 702(a)(7). Four percent of Title VII funds was appropriated to SAIP during the reauthorization of 1984. Later on in 1988 funding for this type of program was increased to 25%.

The other new categories included new funding for family English literacy (to include parents and out-of-school youths in services provided), special populations (to provide services for preschool, gifted and special education students), and academic excellence (to replicate exemplary models), and special alternative instructional programs (to provide program alternatives for low-incidence language groups).

According to the ESEA of July 26, 1984, Mr. Fauntroy, in the House of Representative became an important key political actor when he stood and expressed to the Chairman of the 98th Congress:

"Mr. Chairman I rise in support of H.R. 11 the Education Amendments of 1984. The bill reauthorizes 11 education programs
that are vital to the Nation's commitment to promoting equity and improving quality in education. H.R. 11 extends 10 programs, including bilingual education, import aid, immigrant education, women's educational equity, asbestos school hazard detection and control, and Indian education.

...I would also like to express particular support for the bilingual education program. H.R. 11 authorizes such sums as may be necessary for the bilingual education program for fiscal years 1985 through 1989 and permits Federal funds to be used to support methods that do not involve instruction in the child's native tongue. (p. 21270)

Mr. Fauntroy highlights the fact that Title VII funds support both types of methods, native language instruction as well as programs that use English language instruction only (SAIPs). He further presents the strengths of the program when he shared the comments of one of his colleagues from the Congressional Caucus: "Bilingual education is integral to the national priority to provide equal access to education for all. Based on research," he continues ... "a 1982 study conducted by the National Opinion Research Center, bilingual education programs reduced school dropout rates by fifty percent ...

The proven effectiveness of bilingual education in improving retention and competition rates for Hispanic students is a good illustration of the program's capacity to ensure equal access to education" (ESEA, 1984, p. 21270).

Following the Carter administration, the next 12 years were dominated by Republican Presidents Ronald Reagan and George Bush. According to former Democratic Representative Braden, no other administrations in the nation's history has been more hostile than the Reagan administration. This administration reduced many
federal education programs such as Chapter 1 and students aid (The Encyclopedia of the Democratic Party, 1997).

Through its history, the Republican Party has alternated between outright opposition to federal involvement in education and limited support for education programs. Yet the party in its early years backed federal educational assistance, in fact, Republicans were among the first U.S. politicians to propose significant federal aid for education. By the twentieth century, however, the party had shifted its position to a general skepticism that at times gave way to limited support. There have been occasional periods of strong Republican support for federal educational assistance, particularly during the 1960’s often in response to social crises or threats to national security.

In the party’s early years, many Republicans not only backed education but also proposed laws to assist education. A Republican representative, Justin Morrill of Vermont, was among the early to attempt to render such aid, The Morrill Act, introduced in 1857, sought to donate land to states and territories for colleges. Morrill’s measure was vetoed in 1857 by Democratic President James Buchanan, who maintained that the act unconstitutionally interfered with states’ rights, an objection that would later be adopted by the Republican Party and used against proposals offered by the Democrats. A resubmitted Morrill Act was passed in 1862 and signed into law by President Abraham Lincoln, himself a Republican.

The 1988 Reauthorization

After President Reagan’s first secretary of education, Terrel Bell resigned, Reagan appointed as secretary of education conservative William J. Bennett in 1985 (General Accounting Office, 1987). Bennett declared that he would use the post as a “bully pulpit”
to implement conservative policies and values. Bennett argued against multicultural education (The Encyclopedia of the Republican Party, 1997). “Bennett became a leading national spokesperson for the campaign to “rescue” as the sole national language from the forces of bilingualism and multiculturalism, and remained active in this campaign long after he left public office” (Schmidt, 2000, p.16).

The House passed HR 5 on May 21, 1987 by 401-1. The almost unanimous vote was do to an earlier compromise that authorized more funds (from 4% to 5%) for English-only programs to instruct limited English proficient children. Formerly, the Congress had placed the major portion of its bilingual-education money into programs that used the students’ native language for instruction. The Senate ... was spurred on by the House action and by the emphasis placed on education early in the presidential campaign” (p.17) passed its version of HR 5 on December 1, 1987 by 97 – 1. President Reagan signed it into law on April 28, 1988, as P.L. 100-297 (ESEA, 1988).

In recognizing the whole child, the legislation stated “that the instructional use and development of a child’s non-English native language promotes student self-esteem, subject matter achievement, and English language acquisition” (ESEA, 1988, P.L. 100-297 Sec. 7002 [a][6] ). Allocation for programs such as transitional and developmental bilingual program remained the same as the 1984 authorization. In addition, the legislation limited the participation in federal founded programs to three years (Sec. 7021 [D][3][A]). By increasing funds for English only language programs in bilingual education the bill indicated a change in the policy founded on instruction in two languages, to one based on instruction in one language (San Miguel, 1988). Furthermore, the 1988 law made provision for the designing of programs to teach English to limited
English proficient adults so they could progress effectively through the adult education program or to prepare them to enter the regular program of adult education as quickly as possible. The programs could provide instruction in the native language, if necessary, or in English. The programs were to be carried in coordination with programs assisted under the Bilingual Education Act and with bilingual vocational education programs under the Carl D. Perkins Vocational Education Act (ESEA, 1988).

When Lauro Cavazos, replaced Secretary Bennett in 1988, the department of education became more positive oriented toward bilingual programs. Besides, Rita Esquivel, appointed by Cavazos as director of the Office of Bilingual Education and Minority Languages Affairs, claimed that President Bush supported maintenance of bilingual education (Schmidt, 2000). Cavazos agreed with moving children as quickly as possible to English but he also felt they should be allowed to retain their native language and their culture. After all, the United States is born out of the diversity of many cultures (Crawford, 1999).

The 1994 Reauthorization

The reauthorization in 1994 of the federal legislation, Improving America’s Schools Act (IASA) formerly Elementary and Secondary Education Act (ESEA) and Goals 2000: Educate America Act provided a framework for state reform, expected to impact the education of language minority students. IASA supports K – 12 education programs for limited English proficient students, and professional development initiatives for teachers. Goal 2000 promotes school reform by encouraging challenging academic and occupational standards for all students. It also supports states and local communities to help students reach those standards. Professional development of teachers is also
emphasized seeking to prepare them to help students meet the new standards. Both acts consider setting high performance standards essential for stimulating school reform (Holm, & Holm, 1995).

In the 1994 reauthorization, preference was given to programs that promoted bilingualism. The purpose of the new law was “to educate limited English proficient children and youth to meet the same rigorous standards for academic performance expected of all children and youth... developing bilingual skills and multicultural understanding; developing the English of such children and youth and, to the extent possible, the native language skills of such children and youth...” (ESEA, 1994, Sec. 7102[e][2][3]).

The new law authorized $215 million in the fiscal year of 1995 for bilingual education programs including students with limited proficiency in English, American Indians, and native Alaskan. Teacher training programs in schools that serve limited English proficient students continued under the 1994 law. Among the provisions included were: Education grants that authorized schools to establish bilingual educational programs. Funds were also continued for family education, training programs in order to help the parents to become more involved in their children’s education. The law provided funds for the continuation of a national clearinghouse for bilingual education with the purpose of analyzing the nation’s bilingual programs. In addition, there was a provision of funds for professional development that included bilingual education teachers, school administrators and school workers to acquire training at colleges and universities. The Department of Education also could award bilingual education fellowship for graduate and postgraduate studies in areas of teacher training, research and administration. The
law authorized $35 million for state grants in the fiscal year 1995 for the improvement of foreign language instruction (ESEA, 1994).

Academic Excellence awards were given to local education agencies, State education agencies, and institutions of higher education to implement exemplary educational programs. Comprehensive school grants were provided to support school wide reform. Foreign language assistance programs grants were offered to help the local education agencies and the state education agencies to establish and improve foreign language instruction in elementary and secondary school. In order to assist the local education agencies in designing and implementing new bilingual education, ESL or special instructional programs, Program Development and Implementation Grants were provided (NCBE, 2000).

Title VII made provisions for professional development. Grants were authorized for the developing and expansion of pre-service and in-service programs to train bilingual education teachers and educational personnel. The purpose of these grants was to encourage the incorporation of curricula specific to meet the needs of LEP students in professional development programs. These grants were authorized to institutions of higher education in collaboration with states and local education agencies for up to five years.

The 1994 act established National Professional Development Institutes to assist schools or the departments of education in institutions of higher education in improving the quality of professional development programs for those serving or preparing themselves to serve the limited English proficient students. This type of grant was awarded to institutions of higher education for five years. Another type of program
established as the result of the 1994 reauthorization was the Bilingual Education Career Ladder Program. This program intended to upgrade the qualifications and skills of non-certified staff that work in bilingual programs. Grants under this category were awarded for up to five years to institutions of higher education that worked in collaboration with states and local education agencies.

The 1994 act provided Graduate Fellowships in bilingual education programs that provided fellowships for master’s, doctoral, and post-doctoral studies in programs related to serve limited English proficient students. The areas in which these fellowships were provided were teacher training, program administration, curriculum development, and research and evaluation. Foreign Language Assistance Programs were offered with the idea that the study of foreign language can increase the children’s capacity for critical and creative thinking skills. The states education agencies were awarded grants to promote systematic approaches that improve foreign language learning in the state.

President William J. Clinton, who had been the first Democrat in the White House since Carter, took action to support education. Upon taking office, he signed the Goals 2000: Educate America Act, which passed Congress with strong bipartisan support. Clinton signed into law the Improving America’s Schools Act of 1994, extending for five years the authorizations of appropriations for the programs under the Elementary and Secondary Education Act of 1965. Clinton also contended with the threat of vetoes in order to keep a Republican-controlled Congress from decreasing funds for various education programs. Furthermore the Clinton administration chose education as the arena in its budget discrepancies with Congress. (The Encyclopedia of the Democratic Party, 1997).
In May 1999, President William J. Clinton and Secretary of Education Richard W. Riley unveiled The Educational Excellence for All Children Act of 1999. The legislation was submitted to the Congress, through Representative William Clay who introduced it in the House of Representatives and Senator Edward Kennedy in the Senate. The proposed legislation when passed by Congress and signed into law reauthorized Title VII of the federal Elementary and Secondary Education Act of 1994 (Lorea, 1999).

The Education Excellence for all Children Act of 1999 aims to improve foreign language instruction “by setting a national goal that 25 percent of all public elementary schools offer high-quality, standards-based foreign language programs by the year 2005, rising to 50 percent by 2010.” (p. 4). Language diversity was considered a resource and not an instrument of separatism. Recognition was given to the fact that to be proficient in more than one language may benefit every individual as well as the nation.

Senator Edward Kennedy called attention to the significance of the new law in the following words during the Congressional action:

“This legislation represents another main part of our efforts in this Congress to improve American education. ...And we have enacted Goals 2000, to help schools set and meet high standards for teaching and learning. ... Disadvantaged students will be held to the same academic expectations as every other student in a school” (ESEA, 1994, p. 18970).

Subsidiary Question 2

The second subsidiary question focused on the educational impact of Title VII, on the education of non-English speakers and on the nation.
From its inception in 1968, the purposes of the Bilingual Education Act have been to address equal educational opportunity for language minority students, to increase English language skills, to maintain the native language, and to respect the cultural heritage of the students.

In spite of its name, the original Bilingual Education Act did not require schools to use a language other than English to receive funding. The law’s focus was explicitly compensatory aimed at children who were both poor and educationally disadvantaged because of their inability to speak English and yet, a key question of goals, whether the act was to speed the transition to English or to promote bilingualism, was left unresolved (Crawford, 1999).

Hispanics provided a strong constituency for an enrichment rather than a compensatory model, for programs that promoted fluency in two languages rather than just one (Crawford, 1991). The act impacted individuals such as Puerto Rico’s Congressional delegate, Santiago Polanco-Abreu, who had articulated this ideal to urge the passing of the Bilingual Education Act of 1968 during the 1967 House Hearing deliberations:

...we must produce fluency in the English language. I wish to stress that I realize the importance of learning English by Puerto Ricans and other minority groups living in the States. I concur fully in Senator Yarborough’s statement that “it is essential in a pluralistic land such as ours that we have a common language and means of communication in order to live and work together.” But I do not feel that our educational abilities are so limited and our educational vision
so shortsighted that we must teach one language at the expense of
another, that we must sacrifice the academic potential of thousands of youngsters
in order to promote the learning of English,
that we must jettison and reject ways of life that are not our own.

... I propose the establishment of programs which (a) will
utilize two languages, English and the non-English mother tongue,
in the teaching of the various school subjects, (b) will concentrate on
teaching both English and the non-English mother tongue, and (c) will endeavor
to preserve and enrich the culture and heritage of the
non-English-speaking student. (pp. 44, 45)

According to Crawford (1991) the 1974 amendment failed to resolve the tension
between the goals of transition to English and maintenance of the native language. Three
years after the signing of the 1974 reauthorization, Frank Carlucci, Secretary of the
Department of Health, Education, and Welfare (HEW) expressed that the goal of Title
VII was not to require cultural pluralism but, to assist children of limited- or non-English
speaking ability to become competent in English so that they may have access to equal
educational opportunity.

Politically, the language maintenance issue would become a contentious issue in
bilingual education. In 1972 Congress passed the Ethnic Heritage Studies Act, prompted
by a resurgence of ethnic pride among both whites and racial minorities. The act
authorized federal aid to establish research centers and develop curriculum materials.
Among the impacts that Title VII caused on the public opinion by the mid-1970s was
reaction against subsidies to preserve minority languages and culture. Critics argued
against using federal dollars from the urgency of teaching English and assimilating children into the mainstream (Crawford, 1999).

In 1977-78 the American Institutes for Research (AIR), added to the discontent by releasing the first large-scale, comparative evaluation of bilingual education in the United States. According to its conclusion, AIR could find no evidence for the overall effectiveness of bilingual approaches, as compared with sink-or-swim instruction. The study’s methodology, however, was sharply criticized by other researchers in the field, who insisted that bilingual education was a new approach that deferred in program quality, methods of instruction, socioeconomic status of students, and other factors that AIR had failed to consider.

AIR reported that federally funded bilingual programs were against the will of Congress. According to AIR when they had asked Title VII directors about the duration of bilingual instruction, 86 percent responded that Spanish-speaking children were retained even after they had learned enough English to participate in mainstream classrooms. AIR alleged that most programs tried to maintain non-English speaker’s native languages rather than to speed the transition to English (Castellanos, 1983; Crawford, 1999).

Gray and Arias (1978) criticized the AIR study for relaying on teachers’ input to measure students’ language ability since according to AIR’s own conclusion only half of the teachers were found to be proficient in English and the native language of the students. However, critics held on the first results to advocate that schools were violating the law by providing bilingual instruction when it was no longer necessary for English proficiency (Castellanos, 1983; Crawford, 1999).
Epstein (1977) referred to language maintenance programs as affirmative ethnicity in an effort to establish a connection with affirmative action, a concept that was under attack at that time. Seemingly, he was implying both concepts were misguided attempts to compensate for prior discrimination. Epstein accepted cultural pluralism in the schools that promoted greater tolerance and respect across ethnic and racial groups. His adversity was with programs financed by the government to foster children's allegiance to minority languages and cultures. He felt that instilling ethnic identity was the responsibility of the families, ethnic organizations, religious groups, and others.

Crawford (1999) noted Jose Cardenas, school superintendent, who stated that multicultural instruction was neither a subsidy for "affirmative ethnicity," nor an attempt to emphasize cultural differences, but an overdue recognition of the role of minorities in American culture.

The 1978 amendment to the Bilingual Education Act required that Title VII programs would be exclusively transitional; no funds would be available for language maintenance. Student eligibility for assistance was expanded to all children of limited English proficiency, including those who needed help with reading and writing skills in English, even if their speaking skills seemed adequate. The 1978 bill allowed participation of English-speaking children in bilingual programs that were funded by Title VII as long as the number did not exceed 40% (ESEA, 1978, Sec.703(4)(B)).

The provision of funding for integrated bilingual classes enhanced foreign-language education for majority students. For the first time policy makers saw native-language maintenance for language minority students as a national resource. The change intended
to prevent segregation of students because of national origin in order to adhere to legal requirements (Collier & Ovando, 1998).

The 1978 reauthorization added language to the 1974 definition of bilingual education which specified that instruction in English should "allow a child to achieve competence in the English language" (ESEA, 1978, Sec.703[a][4][A][i]). Furthermore, it explained that when enrolling English-speaking children "the objective of the program should be to assist children of limited English proficiency to improve the English language skills" (Sec.703[a][4][B]).

The 1974 amendments expanded the definition of those included to children of "limited English speaking ability" and the 1978 amendments changed the law to direct it at individuals with "limited English proficiency" (ESEA, 1978, as amended, 703[a][1]). The change was also made to eliminate the somewhat disparaging connotation of the previous law and to maintain the focus on English learning while allowing administrative flexibility (Leibowitz, 1980).

Among the changes in this legislation was the opportunity given to the parents to become involved in program planning and operation. Personnel involved in bilingual programs were required to be proficient in the language of instruction and in English. Grant recipients were to demonstrate how the program would continue once federal funds were withdrawn (ESEA, 1978).

The 1978 bill impacted all children in the United States since it provided opportunities for the English-speaking students to participate in bilingual programs funded by Title VII. This bill indeed impacted the nation. The inclusion of English speakers was a small beginning toward addressing the conflict in federal language policy.
By providing funding for integrated bilingual classes, foreign-language education for majority students was enhanced. It also impacted the nation’s policymakers who now seemed to view native-language maintenance for language minority students as a national resource for the first time. The main intent of the 1978 change, however, was to prevent the segregation of students on the basis of national origin, to comply with legal requirements. The law admonished that “the objective of the program shall be to assist children of limited English proficiency to improve their English language skills, and the participation of other children in the program must be for the principal purpose of contributing to the achievement of the objective” (Lyons, 1990, p.70)

The new definition no longer required children to be removed from bilingual programs prematurely. Children might have gained the ability to speak English, yet, their overall English proficiency may still have been limited. However, students would not continue receiving bilingual instruction after they had developed English proficiency. The 1978 definition was definitely in contrast with the suggestions made by the National Council of La Raza which sought to add a bicultural element to the bilingual description and to broaden the scope and objective of the act beyond a mere improvement of English language abilities by extending it to encompass overall cognitive and affective development. The council recommended changing the statutory direction from 1974’s “children of limited English-speaking ability” to “children with linguistically different skills” and changing the goal from “to achieve competence in the English language” to providing “opportunities to expand their conceptual and linguistic abilities and potentials in a successful and positive manner, and enhance cultural and ethnic pride and understanding.” (House of Representatives Hearing, 1977a, pp. 306 – 308).
Furthermore, the National Association for Bilingual Education recommended broadening the legislation from an emphasis on improvement and development of English skill to a more comprehensive educational process, which "facilitates the mastery of two or more languages being English one of them." The association recommended changing from "limited English-speaking children" to children with "linguistically different skills" and providing eligibility for all children rather than limiting eligibility to children of limited English proficiency (House of Representatives Hearing, 1977b, pp. 332-333).

Hence, the term "limited English proficiency" refers to individuals (1) that are not born in the United States; (2) whose native language is other than English; (3) who come from environments where languages other than English are dominant; and (4) "who are American Indian and Alaskan Native students and who come from environments where a language other than English has had a significant impact on their level of English language proficiency" and, "by reason thereof, have sufficient difficulty speaking, reading, writing, or understanding the English language to deny such individuals the opportunity to learn successfully in classrooms where the language of instruction is English." (ESEA, 1978, P.L. 95-561).

The 1978 bill admonished that the main objectives of bilingual programs were to assist children, whose native language was other than English, to improve their English skills, and to give an opportunity to other children to participate in such programs (Lyons, 1990).

Several new grant programs were introduced by the new 1984 reauthorization as presented under subsidiary question # 1. Initially, most of the funding had been used for
transitional bilingual education which is a short-term (two-to-three-year) bilingual program. The bill made a great contribution to equal educational opportunity to non-English speakers by also including developmental bilingual education (to support native-language maintenance). The academic goals of Title VII of 1984 were stated more precisely as “allowing a child to meet grade-promotion and graduation standards” (Crawford, 1995, p.55).

Attention to academic learning and native language maintenance come directly out of second language acquisition research, reflecting the language diversity as a resource orientation. However, the direction language policy and programs followed by the late 1980s reveal that language diversity took on a problem orientation which minimized second language acquisition theory in policy making decisions (Cutri & Ferrin, 1998).

Collier and Ovando (1998) stated that “The introduction of Developmental Bilingual Education (DBE) as a category of funding in the 1984 reauthorization represented another breakthrough in moving away from compensatory, remedial perspectives to viewing bilingual education as an additive, and an enrichment school approach program” (p.42). Nevertheless, subsequent appropriations bills provided little funding for this category relative to the larger amounts provided for the long-standing Title VII transitional bilingual programs. However in 2000, under the Clinton Administration, funding for developmental bilingual education, in support of native language was authorized.

Proponents of the English-Only movement supported more funding for special alternative instructional programs, and the 1988 law authorized up to 25% of the funding to be spent in this category. Through FY 1997, Title VII funding remains largely for
programs that provide instructional support both in the native language and in English. The 1984 reauthorization marked a shift from mandating only bilingual programs to the acceptance of English-Only programs. Birman and Ginsburg (1983) explained:

The ultimate goals of bilingual education are that the students learn English and keep up with English-speaking peers in subject matter. Although bilingualism is a laudable and a worthwhile outcome, we judge benefit in terms of English-language acquisition and subject-matter learning. (xx)

This was not a contribution to the educational opportunity of the limited English Proficient students. The Bilingual Education Act negatively impacted several individuals and groups. The Official English movement also known as the English-Only movement. The “English-Only movement began on a national level on April 27, 1981, when Senator S. I. Hayakawa (R-California) introduced into the Senate a proposed amendment to the Constitution that would have designated English as the sole official language of the United States” (Schmidt, 2000, p. 28). Official English proponents believed that the goal of the bilingual education program was to maintain the native language and cultures at the expense of the English language. In 1984 the Senate convened hearings on Official English and the House the house did the same, however, the English Language Amendment has never come to a Congressional vote (Lewelling, 1997).

United States English was initiated in 1983. Its founder was also Senator S. I. Hayakawa, the first sponsor of the English Language Amendment, and Dr. John Tanton of Michigan, an environmentalist opthalmologist, and population-control activist. Senator Hayakawa criticized the United States language policy by saying that immigrants
to the United States are receiving confusing signals since they are required to learn English in order to become citizens while allowing them to vote in their native language and attend school where the native language is used as well. According to Hayakawa (1982) though well-intentioned, these programs “have often inhibited their command of English and retarded their full citizenship. If the amendment for English as the official language were enacted, it would outlaw the use of any language other than English. This gave birth to the English Only Movement. It attracted $400.00 dues-paying members within the first five years of its foundation (Crawford, 1992). There are twenty-two Official English States. These are Nebraska, Illinois, Virginia, Indiana, Kentucky, Tennessee, California, Georgia, Arkansas, Mississippi, North Carolina, North Dakota, and South Carolina, Colorado, Florida, Alabama, Montana, New Hampshire, South Dakota, Wyoming, Alaska and Missouri (Crawford 1999). There are thirteen more states which have bills pending. These states are: Connecticut, Iowa, Kansas, Massachusetts, Michigan, Missouri, New Jersey, New York, Ohio, Oklahoma, Utah, Washington, and Wisconsin. Hawaii passed an amendment recognizing both English and Native Hawaiian as official languages (Lewelling, 1997).

In 1998 Arizona’s Preposition 106 declared English as the only language of the state and all political subdivisions of the state required that local employees would speak in English only while performing their duties. In the schools, the teachers could not speak to non-English speaking parents in their native language. This proposition has been ruled unconstitutional. English only has not been a contribution to the educational opportunity of the LEP students. Krashen (1992) indicated that successful bilingual education programs yield faster acquisition of English as a second language. Content area taught in
the student native language might be transferred to the target language. However, when confronted in the regular classroom with concepts and a new language as the media for instruction that is not comprehensible to the students, limited English speakers learn neither the concept within the content nor the language.

In opposition to the English Only movement, the League of United Latin American Citizens and the Spanish American League Against Discrimination initiated a campaign known as English Plus in 1985. The intent of the two organizations was to help non-English speakers to become proficient in English. At the same time, they felt that one language was not enough. A monolingual society was not what they were advocating, but to preserve the diversity of languages from which the country was founded. According to these advocates the national interest will be better served by mastery of English plus other tongues. They have encouraged states and municipalities to become officially multilingual and multicultural. Three states have adopted these measures, New Mexico, Oregon, and Washington, and municipalities such as Atlanta, Tucson, Cleveland, and Washington D.C. have as well (Crawford, 1999). In an effort to advance policies that will support linguistic pluralism, opponents to English Only measures have rallied around a policy known as English Plus. Its advocates alleged that “the national interest can best be served when all members of our society have full access to effective opportunities to acquire strong English language proficiency plus mastery of a second or multiple languages”. English Plus advocates recognize bilingualism as a resource which “contributes to our nation’s productivity, worldwide competitiveness, and successful international diplomacy, and national security” (English Plus Information Clearinghouse, 1992, p.151-153).
Official English advocates struck back in 1991, taking a different approach which instituted a statutory form of Official English. The legislation, which applied only to the federal government, would require a majority vote in Congress and the President’s signature. The Language of Government bill has come up in several versions, including H.R. 123, which passed the House of Representatives in 1996, but it never came to a vote in the Senate. The bill died in the 104th Congress (Crawford 1997b). Another bill, similar to this one was pending in the 105th Congress. The bill was also designated H.R. 123 and if it were enacted, it would mark English as the official language of the United States government. In this event the use of any other languages in federal government programs, proceedings, publications, and services would be outlawed (Crawford, 1997a).

The 1988 reauthorization completely disregarded second language acquisition research by enforcing a three-year limit participation in Title VII programs. According to Cummins (1984) many misconceptions about student abilities and capabilities are related to the way in which language proficiency has been defined. Students’ conversational fluency in English has been mistaken as a reflection of their overall proficiency in English. Furthermore, Cummins defines two levels of language proficiency: Basic Interpersonal Communication Skills (BICS), and Cognitive Academic Language Proficiency (CALP). BICS involves using language for everyday or social situations. It is very contextualized and provides abundant clues to comprehension. CALP involves language skills and functions of an academic or cognitive nature. This is the type of language needed for academic achievement. There are fewer clues within the context, and meaning is drawn from the language itself. CALP takes about five to seven years to acquire.
The 1988 act took support away from native language maintenance programs to expand the support of the English only programs. Funds allocated for SAIP were increased to 25% under this reauthorization. Moreover, the act placed limitations on participation in transitional bilingual programs or SAIP by stating: “No student may be enrolled in a bilingual program ... for a period of more than 3 years” (ESBA, 1988, Sec. 7021 [d][3][A]). In conclusion, the 1988 act limited funding for any applicant to three years, after which the students be placed in the mainstream classroom.

According to August, Hakuta, Olguin, and Pompa (1995) The Stanford Working Group’s effort contributed to the 1994 reauthorization which emphasized professional development, native language maintenance, foreign language development and the improvement of research and evaluation of bilingual education programs. All these reflect a language as a resource orientation. Four years later, second language acquisition theory was neglected, and a language diversity as a resource orientation was overturned in favor of a language diversity as a problem orientation. In the late 1990s, bilingual policy remained entrenched in language diversity as a problem orientation, disregarding findings from second language acquisition research. California Preposition 227 of 1998 limited bilingual educational programs, mandated that language minority students be mainstreamed into English-only classroom after one year, and eliminated requirements for teacher training.

The outlawing of bilingual education programs has impacted the nation causing the emergence of acts such as the Native American Language Act (NALA) and the Individuals with Education Disabilities Act (IDEA) (Curti & Ferrin, 1998). Simply outlawing programs such as bilingual education or other related language measures
designed to aid language minority students, goes against traditional principles of
democracy and egalitarian principles which are, or should be deeply rooted in America
core culture. The Native American Language Act is another significant statute that
conflicts with laws and programs outlawing bilingual education in America. This act also
highlights how a simplistic one-size-fit all law such as Proposition 227, fails to take into
consideration the complexity of the American culture and existing goals and statutes.
Proposition 227 was sponsored by Ron Unz a businessman from Palo Alto, and Gloria
Matt A Tuchman, a first grade teacher from Santa Ana, both in California. Their initiative
consisted of a statewide ballot requiring that “all children in California public schools
shall be taught English by being taught in English. In particular, this shall require that all
children be placed in English language classrooms” (Curti & Ferrin, 1998, California
Proposition 227, Article 2, Sec. 305). The proposition which passed in June 1998
virtually replaced all of the state’s bilingual education programs with one-year English-
immersion classrooms. The Individuals with Education Disabilities Act (IDEA) and the
Native American Languages Act (NALA) have set goals of equitable education for all
students. They stand as precedents against Proposition 227 or any related federal
proposals that require LEP students to obtain waivers to receive appropriate education
programs and learn in their native language (Curti & Ferrin, 1998).

Contrary to the 1988 law which limited enrollment in a bilingual program to a
period of three years, the 1994 reauthorization discourages this view of program models
by encouraging schools to support the reform movement that entails the whole school and
the whole school system. The 1994 reauthorization underwent many changes at federal,
state, and local levels. Among those changes, the reauthorization of the federal legislation
for education, Improving America’s Schools Act (IASA) and Goals 2000: Educate America Act, were expected to have an impact on shaping the education for language minority students. In 1992-93 a report from an advocacy group called the Stanford Working Group contributed to the 1994 reauthorization and reconfiguration of Title VII. The report emphasized native language maintenance, professional development, and foreign language development (Hakuta et al. 1995). The goal of the Working Group: “is to ensure that LEP students’ unique needs and bilingual potential are addressed within the context of raising education achievement for all…” (Stanford Working Group, 1993, pp. 1-2). Some of the influential principles from the Stanford Working Group report have moved Title VII from remedial, compensatory model to enrichment and innovation models (Ovando & Collier, 1998). The designing of Title VII of 1994 include such principles as “Proficiency in two or more languages should be promoted for all students. Bilingualism enhances cognitive and social growth and develops the nation’s human resources potential in ways that improve our competitiveness in the global market (United States Department of Education, 1995, p.16). Table 3 provides a summary of the impact of events that lead to each reauthorization of Title VII.
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Subsidiary Question 3

Subsidiary question three investigates how funding bilingual education has evolved since 1968.

The United States Congress makes the following declaration of policy:

In recognition of the special educational needs of the large numbers of children of limited English-speaking ability in the United States, Congress hereby declares it to be the policy of the United States to provide financial assistance to local educational agencies to develop and carry out new and imaginative elementary and secondary school programs designed to meet these special educational needs (P.L. 90-247, 1968).

The 1968 reauthorization appropriated $15,000,000 for the fiscal year ending June 30, 1968, $30,000,000 for the fiscal year ending June 30, 1969, and $40,000,000 for the fiscal year ending June 30, 1970. Highest priority was given under the title to those states and areas that had the greatest need for programs. The number of children of limited English-speaking ability (LESA) between three and eighteen years of age in each state was to be taken into consideration as priority (ESEA, 1968, Sec. 703[a][b]). The grants were to be used upon approval of applications for the developing of programs designed to meet educational needs of LESA students that came from families with incomes below $3000 per year.
Although Congress authorized, for example, $30,000,000 for the fiscal year 1969, the actual amount of money spent was $7,537,966 (see Table 5). This same pattern of congressional reauthorization of funds and expenditure continued until the present time (see Table 5).

The title provided for pre-service training that was designed to prepare personnel including teachers, teachers-aides, and counselors to participate in bilingual education programs. Provision was also made for in-service training and development programs designed for those individuals who wanted to continue upgrading their qualifications while participating in the programs. Funds were allocated for material and equipment to meet the needs of LESA students. The funds available under the 1974 reauthorization provided for adult education, especially for parents of children in bilingual programs, for planning and providing technical assistance. Children no longer needed to belong to a low income family, a requirement that had previously prevented a large number of children from participating in bilingual programs. Title VII funding had increased in 1975 to $85 million, and the following year increased to $98 million.

In 1978 President Carter propose a 15% increase for elementary and secondary education, a total of $6.9 billion. This was the largest increase since the Elementary and Secondary Education Act was enacted. After signing HR 15, P.L. 95-561 into law, the massive Elementary and Secondary Education Act programs of assistance to school were extended for five years, through fiscal 1983. Most of the many Elementary and Secondary Act of 1978 programs were extended with minimal changes. The act kept “the concept of categorical grants for specific educational efforts, such as for libraries,
bilingual instruction and adult education, instead of single block grants to states or localities. ” (ESEA, 1978, pp. 556, 557). (see Table 2)

In the 1978 reauthorization, research and evaluation in the field of bilingual education and the preschool level education for children of limited English proficiency was included. The appropriation under this law was $200,000,000 for fiscal year 1979; $250,000,000 for fiscal year 1980; $3000,000,000 for fiscal year 1981; $350,000,000 for fiscal year 1982; and $400,000,000 for the fiscal year 1988. In addition, $12,000,000 for the fiscal year 1979; $14,000,000 for fiscal year 1980; $16,000,000 for fiscal year 1981; “and such sums as may be necessary for each of the two succeeding fiscal years” (ESEA, 1978, Sec. 702[b][1][2]. The 1984 appropriation read; “the Secretary shall pay from the amounts appropriated …to Section 702(b)(2) for each fiscal year to each State educational agency which has a State program submitted and approved…” The amount to be paid was not supposed to be “less than $50,000 …” (ESEA, 1984, Sec. 732[d].

Like many domestic programs in the Reagan years, bilingual education has been a vulnerable target for budget cutters. Its funding declined from $167 million in 1980 to $133 million in 1986, a one-third reduction after adjustment for inflation; in 1987 the budget rebounded to $146 million. The 1988 law was authorized for the purpose of carrying out its provision, “$200,000,000 for the fiscal year 1989 and such sum as may be necessary for the fiscal year 1990 and for each succeeding fiscal year ending prior to October 1, 1998” (ESEA, 1988, Sec. 7002[b]). For the fiscal year of 1995, it was “authorized to be appropriated $215,000,000 and such sums as may be necessary for each of the four succeeding fiscal years.” (ESEA, 1994, Sec. 7103[a]). Reservation of 25% was to be made of such funds for professional development. The purpose of this
allocation was to assist in the preparation of educators in order to support professional
development programs to improve the “educational services for limited English proficient
children and youth” (ESEA, 1994, Sec. 7141, Subpart 3)

The 1994 reauthorization was a great contribution aiming to “to ensure equal
educational opportunity for all children and youth and to promote educational
excellence... for children and youth of limited English proficiency” (ESEA, 1993,
Section 7102[c]). In particular, this reauthorization introduced new grant categories, gave
preference to programs that promoted bilingualism, introduced language enhancement of
indigenous language, and stood as part of a larger systemic reform effort.

A focus of this study is on the provision for programs that specifically deal with the
appropriation of funds to three areas: Instructional Services, Support Services, and
Professional Development. For each appropriation Congress stipulated an amount. The
amounts allocated for each reauthorization are provided in Table 5.

Over all the funds in the areas of instructional and support services have increased
each year with some exceptions. In 1982, the area of instructional and support services
decreased drastically from $86,743,473 and continued decreasing until 1988 where it
reached an amount of $101,309,287, similar to 1979. Funds continued; increasing very
slowly reaching the amount of $151,679,321 in 1994 and dropping to $132,393,579 in
1995. The funds dropped drastically in 1996 to $53,000,000. There were deep cuts in the
nation in 1995 and 1996 in education, health, job training and in several vital federal
programs. Funds increased again in 1997 to $151,000,000, close to what it was in 1994.
In 1998, funding for instructional and support services increased to $174,000,000 and
remained the same through 1999. They increased again in 2000 to $176,5000,000.
In the area of professional development no funds were allocated until 1974 starting with $2,061,564 and increasingly steadily until 1981 when it started to fluctuate minimally until 1988 reaching $26,442,575. Again the funding fluctuated increasing and decreasing until 1995 when it increased to $25,152,165. In 1996 no funds were allocated for staff development due to the deep cut in the nation in that period of time. In 1997 $5,000,000 was allocated. It has increased steadily reaching up to $25,000,000 in 1998, $50,000,000 in 1999, and $71,500,000 in 2000.

Although the funding for bilingual education has continually increased, with the exception of the Reagan years, it has not increased in proportion to the number of LEP students in the nation. For example, if the total funds allocated for LEP students, $248 million, for the Fiscal year 2000 are equally distributed amongst the projected number of LEP students, the amount per student is $59.77. The Federal budget funds for education for the Fiscal year 2000 for K-12 is $44 billion (Hoffman, 2001). After deducting $248 million for the LEP population, $43,752,000,000 remains. When distributed among the projected number of English speaking students, this amount allows $1,041.96 per student (see Table 5). Obviously there is a vast inequality between the two populations. Funds are provided through the Department of Education. Congressional support for bilingual education would be greatly enhanced through additional funding.

Subsidiary Question 4

The fourth subsidiary question asked how bilingual federal policy has impacted teacher-training programs in institutions of higher education.

The 1968 reauthorization of Title VII of the Elementary and Secondary Education Act made provision for resources to support educational programs, and to train bilingual
<table>
<thead>
<tr>
<th>Year</th>
<th>Funding for Local Education Programs – Instructional Services and Support Services</th>
<th>Funding for Training</th>
</tr>
</thead>
<tbody>
<tr>
<td>1969</td>
<td>$7,537,966</td>
<td>$0</td>
</tr>
<tr>
<td>1970</td>
<td>$21,111,444</td>
<td>$0</td>
</tr>
<tr>
<td>1971</td>
<td>$24,791,455</td>
<td>$0</td>
</tr>
<tr>
<td>1972</td>
<td>$32,712,258</td>
<td>$0</td>
</tr>
<tr>
<td>1973</td>
<td>$33,879,203</td>
<td>$0</td>
</tr>
<tr>
<td>1974</td>
<td>$64,696,304</td>
<td>$2,061,564</td>
</tr>
<tr>
<td>1975</td>
<td>$64,112,320</td>
<td>$3,800,822</td>
</tr>
<tr>
<td>1976</td>
<td>$71,104,421</td>
<td>$12,831,689</td>
</tr>
<tr>
<td>1977</td>
<td>$87,013,342</td>
<td>$12,799,812</td>
</tr>
<tr>
<td>1978</td>
<td>$95,780,997</td>
<td>$15,509,331</td>
</tr>
<tr>
<td>1979</td>
<td>$103,228,307</td>
<td>$20,513,305</td>
</tr>
<tr>
<td>1980</td>
<td>$115,124,767</td>
<td>$23,966,864</td>
</tr>
<tr>
<td>1981</td>
<td>$106,724,363</td>
<td>$22,623,831</td>
</tr>
<tr>
<td>1982</td>
<td>$86,743,473</td>
<td>$20,150,325</td>
</tr>
<tr>
<td>1983</td>
<td>$86,500,987</td>
<td>$20,607,942</td>
</tr>
<tr>
<td>1984</td>
<td>$87,650,061</td>
<td>$22,830,445</td>
</tr>
<tr>
<td>1985</td>
<td>$92,067,920</td>
<td>$22,826,823</td>
</tr>
<tr>
<td>1986</td>
<td>$89,622,450</td>
<td>$23,620,088</td>
</tr>
<tr>
<td>1987</td>
<td>$97,315,712</td>
<td>$22,627,011</td>
</tr>
<tr>
<td>1988</td>
<td>$101,309,287</td>
<td>$26,442,575</td>
</tr>
<tr>
<td>1989</td>
<td>$110,494,223</td>
<td>$20,192,580</td>
</tr>
<tr>
<td>1990</td>
<td>$115,361,130</td>
<td>$21,416,272</td>
</tr>
<tr>
<td>1991</td>
<td>$120,132,215</td>
<td>$25,156,276</td>
</tr>
<tr>
<td>1992</td>
<td>$146,805,573</td>
<td>$24,831,304</td>
</tr>
<tr>
<td>1993</td>
<td>$149,257,014</td>
<td>$24,609,602</td>
</tr>
<tr>
<td>1994</td>
<td>$151,679,321</td>
<td>$24,732,786</td>
</tr>
<tr>
<td>1995</td>
<td>$132,393,579</td>
<td>$25,152,165</td>
</tr>
<tr>
<td>1996</td>
<td>$53,000,000</td>
<td>$0</td>
</tr>
<tr>
<td>1997</td>
<td>$151,700,000</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>1998</td>
<td>$174,000,000</td>
<td>$25,000,000</td>
</tr>
<tr>
<td>1999</td>
<td>$174,000,000</td>
<td>$50,000,000</td>
</tr>
<tr>
<td>2000</td>
<td>$176,000,000</td>
<td>$75,000,000</td>
</tr>
</tbody>
</table>

Table 5

Federal On-Budget Funds for Education Generated by Federal Legislation

<table>
<thead>
<tr>
<th>Year</th>
<th>Funds Allocated</th>
<th>Number of Students Other Than Bilingual</th>
<th>Funds Per Student</th>
</tr>
</thead>
<tbody>
<tr>
<td>2000</td>
<td>$43,982,500,000</td>
<td>41,990,067</td>
<td>$1,047.45</td>
</tr>
</tbody>
</table>

Number of LEP Students

<table>
<thead>
<tr>
<th>Year</th>
<th>Funds Allocated</th>
<th>Number of LEP Students</th>
<th>Funds Per Student</th>
</tr>
</thead>
<tbody>
<tr>
<td>2000</td>
<td>$248,000,000</td>
<td>4,148,997</td>
<td>$59.77</td>
</tr>
</tbody>
</table>

personnel, such as teachers and teacher-aids. This provision was available through grants, contracts, and fellowships to local educational agencies, state educational agencies, and institutions of higher education.

These provisions made available grants to be awarded to local educational agencies or institutions of higher education that would work in collaboration with local education agencies in:

... (a) planning for and taking other steps leading to the development
of programs designed to meet the special educational needs of children
of limited English-speaking ability... (b) providing pre-service
training designed to prepare persons to participate in bilingual
education programs as teachers, teacher-aides, or other ancillary
education personnel such as counselors, and in-service training
and development programs designed to enable such persons to
continue to improve their qualifications while participating in such programs
... (ESEA, 1968, Sec. 704(a)(b))

Under the Elementary and Secondary Education Act of 1968, amendments were
made to Title V of the Higher Education Act of 1965. In Sec. 704(a) (ESEA, 1968) “The
third sentence of section 521 of the Education Professions Development Act (title V of the Higher Education Act of 1965) was to be amended by inserting the following ‘a career of teaching in elementary or secondary schools’ a new phrase as follows: ‘a career of teaching children of limited English-speaking ability’, and (2) effective with respect to subsequent fiscal years, by inserting ‘, and including teaching children of limited English-speaking ability’…”

Concerning funds, the act was amended by changing ‘‘ten thousand fellowships for the fiscal year ending June 30, 1968 and inserting in lieu thereof ‘eleven thousand fellowships for the fiscal year ending June 30, 1968’’ (704 [b]).

Another change in the act was the insertion immediately after clause (7) of a new clause referring specifically to the purpose of the new programs or project: ‘‘(8) programs or project to train or retrain persons engaging in special educational programs for children of limited English-speaking ability,’’ (ESEA, 1968, Sec. 704[d]).

New programs were funded as a result of the 1974 reauthorization. These included a graduate fellowship program for study in the field of training teachers for bilingual education programs, a program for planning and providing technical assistance to the development of programs, and a program to develop and disseminate instructional materials. In 1977, the National Clearinghouse for Bilingual Education (NCBE) was established to collect, analyze, synthesize, and disseminate information related to linguistically and culturally diverse students in the United States. This is the central information center for the field of bilingual/ESL education in the country. NCBE operates a site on the World Wide Web that includes an online library with bibliographic databases,
technical assistance network information, and numerous NCBE publications that provide research syntheses on current issues in the field.

The 1974 reauthorization made provision for obtaining grants upon application "by one or more local educational agencies or by an institution of higher education, including a junior or community college, applying jointly with one or more local educational agencies ..." Applications were to be submitted to the Commissioner containing the specific information the Commissioner estimated necessary and "(A) include a description of the activities set forth... (B) provide evidence that the activities so described will make substantial progress toward making programs of bilingual education available to the children having need thereof in the area served by the applicant." (ESEA, 1974, Sec. 721[b][1][A][B].

Furthermore, the Commissioner needed to provide, through grants and contracts with eligible applicants, for training specially designed to foster "reform, innovation, and improvement in applicable education curricula in graduate education curricula, in the structure of the academic profession, and in recruitment and retention of higher education and graduate school facilities, as related to bilingual education" (BEA, 1974 Sec. 723[a][1][A].

The Congressional Quarterly Almanac (ESEA, 1974) in the section entitled Major Congressional Action reported:

Conferees agree to an expanded bilingual education program, extending Bilingual Education Act through fiscal 1978 with a total authorization of $585-million. Conferees stipulated that $16-million of the first $70-million appropriated each year could be used for
teacher language training. One-third of all appropriations over $70-million could also be reserved for that purpose. (p. 32)

The Bilingual Education Act of 1968 and 1974 that provided for training of bilingual personnel through grants and fellowships to educational agencies and institutions of higher education, was expanded in 1978. The new legislation suggested that "the Commissioner shall undertake an ongoing longitudinal study of the impact of recipients of such fellowships in the field of bilingual education and shall disseminate research undertaken by recipients of such fellowships."

A requirement was added to the new legislation for anyone receiving assistance to repay for such assistance to work for the period of time equivalent to the assistance received "and such work shall be in an activity related to the training of teachers and related personnel of bilingual education." Private nonprofit organizations were added to the list of eligible applicants which had included institutions of higher education, junior colleges and community colleges jointly with, one or more local educational agencies as it was stated in 1974. (ESEA, 1978, Sec. 723[a][5][6]; Sec. 723[b][1].

As in the previous authorizations, the 1984 Title VII amendment provided for teacher training authorizing resources to support educational programs to train teachers and aides. The law made provision for in-service and technical assistance to parents and educational personnel participating in, or preparing to participate in, bilingual education programs or special alternative instructional programs (SAIP) for limited English proficient students. However, it was added that in making a grant or contract for training, preference should be given "to programs which contain coursework in (1) teaching
English as a second language; (2) use of non-English language for instructional purposes;
(3) linguistics; and (4) evaluation and assessment;” (ESEA, 1984, Sec. 741[d]).

Concerning the application requirements for training programs, the 1988 law added
that in order to apply for pre-service or in-service training activities, such application will
need the consultation in developing it of “an advisory council composed of
representatives of State and local educational agencies within the applicant’s service area
or geographic region which operate programs of bilingual education or special alternative
instruction for limited English proficient student” (ESEA, 1988, Sec. 704[c]. The new
law contains: “A pre-service or in-service training program which… shall assist
educational personnel in meeting State and local certification requirements, and,
whenever possible should award college or university credit” (ESEA, 1988, Sec. 704[d]).

In 1994, bilingualism was considered a priority. The authorization of grants was to
be for the purpose of assisting language minority children to “develop proficiency in
English, and to the extent possible, their native language” (ESEA, 1994, Sec.
7111[2][A]). In regard to the area of training, priority was given to “applications which
provide for the development of bilingual proficiency both in English and another
language for all participating students” (ESEA, 1994, Sec.7116[i][1]). Under the
priorities the Secretary was to give consideration in approving applications “to the degree
to which the program for which assistance is sought involves the collaborative efforts of
institutions of higher education, community-based organizations …” (ESEA, 1994, Sec.
7116[i][5]). Furthermore, regarding the role of higher education, the secretary was to
consider application for programs that would train “personnel participating in or
preparing to participate in the program which will assist such personnel in meeting State
and local certification requirements and that, to the extent possible, describe how college
or university credit will be awarded for such training” (ESEA, 1994, 7116[i][5].

Title VII teacher-training and graduate fellowship programs have offered support to
institutions of higher education in their fundamental role of preparing bilingual and
English as a second language personnel. At the time of the Title VII inception there were
very few qualified administrators, curriculum developers, resource specialists, or
classroom teachers, and consequently the act has placed great importance on the area of
professional development. Since 1974, the act has supported study at the graduate level
that has produced the nation’s leaders in the bilingual education arena (Crawford, 1997).

According to Cox (1993) institutions of higher education could show more
initiative in attracting minority teacher candidates, who may not have the resources for
higher education. There have been some prominent exceptions. Leighton, Hightower, and
Wrigley (1995) sited common characteristics found in commendable higher education
programs for training teachers of limited English proficiency students. Among those
characteristics were financial support and collaboration between institutions of higher
education and school districts.

Historically, training teachers in the United States has been the responsibility of
colleges and universities. However, according to Padilla (1998) “The ambivalence of the
colleges and universities rests on their willingness to accept federal grants for bilingual
teacher training and for other related training programs” (p.vi). Effective bilingual
education programs are not possible without the preparation of “well trained and
competent bilingual teachers” (vi). Today, institutions of higher education cannot
produce the quantity of quality bilingual teachers that are so imminently needed in the
United States' schools. Padilla posed two questions to institutions of higher education, "What do you know that is of importance and consequence for our children? And how can it be applied to improve the education which they receive in school?" (p.vi). Title VII professional development programs have attempted to address these questions by developing programs that prepare educational personnel to address the needs of our bilingual students in ways that allow them to achieve academically through innovative instructional approaches. Higher education institutions play an important role not only in the future of our youth but in the future of the entire nation.

Title VII provided funding for three areas. These are: Instructional service, support services, and professional development. Table 6 presents an overview of the act under each reauthorization and the evolution of each component in the three areas (see copies of the acts in the Appendix section).
Table 6

Evolution of Title VII Grant Programs

<table>
<thead>
<tr>
<th>Year</th>
<th>Definition/Goal</th>
<th>Instructional Service</th>
<th>Support Services</th>
<th>Professional Development</th>
</tr>
</thead>
<tbody>
<tr>
<td>1968</td>
<td>- Bilingual programs for: students who do not speak English and who were economically poor.</td>
<td>- Encouraged innovative programs designed to teach the students English.</td>
<td>- Development and dissemination of materials.</td>
<td>- Training for teachers and aides serving LEA students</td>
</tr>
<tr>
<td>1974</td>
<td>- Bilingual programs in English and in the native language of the student to allow student to progress effectively through the educational system; to participate in the regular classroom as quickly as possible</td>
<td>- Established Transitional Bilingual Education programs (TBE). - Allowed programs that maintained native language. - Capacity building effort stipulated.</td>
<td>- Regional service centers: - Fifteen training resource centers for providing training and technical assistance to school districts - Five materials development centers for development of non-English language and English as a second language (ESL) instructional material - Three dissemination and assessment centers - Established the National Clearinghouse for Bilingual Education (NCBE)</td>
<td>- Training for pre-service and in-service teachers, teacher-aides and the auxiliary personnel in bilingual programs</td>
</tr>
</tbody>
</table>

(table continues)
<table>
<thead>
<tr>
<th>Year</th>
<th>Definition/Goal</th>
<th>Instructional Service</th>
<th>Support Services</th>
<th>Professional Development</th>
</tr>
</thead>
</table>
| 1978 | • Expanded the eligibility for bilingual programs from limited English speaking ability (LESA) to those who were of limited English proficiency (LEP) and those who were historically undeserved | • Established strictly Transitional Bilingual Education  
• Funding limited to three years  
• Capacity building | • Regional Service Centers:  
- Training (see above, 1974)  
- Materials development (see above in 1974)  
- Evaluation-Assessment, and Dissemination (EDAC) added responsibility to assist school districts in evaluating their bilingual program  
• NCBE (continued)  
• Research agenda: evaluation of effectiveness of LEP students programs | • Teacher training programs for pre-service and in-services teachers. Created fellowship programs for graduate students at master’s and doctoral level for studies related to the education of LEP students  
• Programs of reform, innovation and improvement of education curriculum in graduate education, structure of the academic profession and recruitment and retention of faculty.  
• Short-term training institute to improve skills of educational personnel  
• In-service training and technical assistance to parents and pre-service and in-service education personnel  
• Preference given to training programs which include courses in:  
1. Teaching ESL  
2. Use of Non-English language for instructional purposes  
3. Linguistics  
4. Evaluation and assessment |
<table>
<thead>
<tr>
<th>Year</th>
<th>Definition/Goal</th>
<th>Instructional Service</th>
<th>Support Services</th>
<th>Professional Development</th>
</tr>
</thead>
</table>
| 1984 | Ultimate goal is that LEP students learn English and keep up with English speaking peers in subject matter; bilingualism is favorable but stresses on English language acquisition is placed | - Several types of programs including:  
- TBE with an allowance of 40% of non-LEP students participation  
- Developmental bilingual programs (DBE); full time English and second language to achieve competence in both English and a Second Language.  
- Special Alternative Instructional Program (SAIP); Native Language not need to be use.  
- Family Literacy Program  
   - Parents and out-of-school youth services such as learning English.  
- Academic Excellence: to serve as models of special programs for dissemination  
- Special Population: service for preschool, gifted and special education | - Regional Centers:  
- Training resources centers changed to Multifunctional centers  
- Materials development centers eliminated  
- Only 2 EDACs continued  
- NCBE (continued)  
- Research agenda | - Prepare educational personnel to participate in or personnel participate in bilingual education programs.  
- Programs of reform, innovation and improvement of education in curricula in graduate education, structure of the academic profession and recruitment and retention of higher education faculty.  
- Short-term training institution to improve skills of educational personnel.  
- In-service training and technical assistance to parents and pre-service and in-service education personnel.  
- Fellowship programs continued  
- Preference given to training programs which include coursework as in 1978 above |
<table>
<thead>
<tr>
<th>Year</th>
<th>Definition/Goal</th>
<th>Instructional Service</th>
<th>Support Services</th>
<th>Professional Development</th>
</tr>
</thead>
</table>
| 1988 | - Emphasis on the diversity of LEP students and approaches for their education. | - Same type as specified above in 1984  
- SAIPS programs, (25%) increased funding  
- Limited enrollment of students to 5 years in program | - Multifunctional resources centers and EDACs continued  
- NCBE continued  
- Research and development | - Fellowship programs continued  
- Continued same programs and coursework specification as in 1984 |
| 1994 | - Support programs to educate LEP students to meet same rigorous standards for academic performance expected for all students  
- Preference given to programs that promote bilingualism | - Academic Excellence Award to implement exemplary educational programs.  
- Comprehensive school grants  
- Foreign language assistance program grants  
- Program Development and implementation grants | - NCBE  
- Research and Development | - Professional Development Grants:  
- Training for all Teachers - 5 years to encourage incorporation of curriculum specific to the needs or LEP into professional development for teachers and other educational personnel (including IHE faculty and curriculum)  
- Bilingual education teachers and Personnel grants - 5 years IHE to develop and expand pre-service and in-service professional development programs to train bilingual education teachers and other personnel serving or preparing to serve LEP students |
<table>
<thead>
<tr>
<th>Year</th>
<th>Definition/Goal</th>
<th>Instructional Service</th>
<th>Support Services</th>
<th>Professional Development</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>- Bilingual education career ladder programs – IHE in collaboration with LEA for 5 years to upgrade qualifications and skills of non-certified staff specially paraprofessional</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>- Graduate Fellowships in BE – expanded to include post doctoral studies in programs related to the education of LEP students in areas such as teacher training, program administration, research and evaluation, and curriculum development</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>- Foreign language assistance program</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>- Study of foreign language and creative thinking skills – SEAs to promote systemic approaches that improve foreign language learning in state</td>
</tr>
</tbody>
</table>
Chapter V
Discussion, Conclusions, and Recommendations
for Policy Making and Further Research

Discussion

Ideologies concerning bilingual education have influenced the process of policy making throughout the evolution of Title VII. Opposing movement and the lack of knowledge about bilingualism have caused limitations of services to LEP students. Funding for the bilingual Education Act has been limited in comparison to the amount of funding for the English speaking population.

The study has contributed to the body of knowledge through a historical account of thirty-two years of federal policy related to bilingual education in the United States. The overall policy which has entailed much decision making during the thirty years of the evolution of Title VII has been the expansion in all areas of the program in each reauthorization (see Table 6). This expansion has been evident in the definition of authorized programs and their funding. How has the expansion of the programs contributed to the equal educational opportunity of LEP students? The programs went from a very limited view of language acquisition which was seen as the ability to speak a language, Limited English Speaking Ability (LESA) to a more encompassing view, Limited English Proficiency (LEP), which includes the four facets of language. These facets are reading, writing, speaking, and listening. Later on they were extended to a higher level consisting of
being able to progress in subject matter as well as having proficiency in English. It has remained like this until the present. The programs authorized include instructional services, support services, and professional development (see Table 6). In the area of instructional services the major program has been Transitional Bilingual Education which went from no limitation to a limit of three years of program participation. With the exception of the Special Alternative Instructional Programs (SAIP) all programs included the use of native language as the medium of instruction. The findings show that support services were increased to include training, material development, and assessment and dissemination with the development of the National Clearinghouse for Bilingual Education (NCBE). Research agenda was included. Professional development provided training at all levels including teachers, teacher-aids, administrators, and other educational personnel who are serving or preparing to serve LEP students. Training at the higher education level includes the degrees of BA, MA, Doctorate, and certification.

Having studied the thirty-two years of the history and the evolution of Title VII, the study aimed to shed some light on the field of bilingualism in the United States that will help in future reauthorizations. Findings such as the inequality in the allocation of funds, and the years it takes for the LEP students to acquire English a second language, can offer an understanding to policy makers, reactionary groups, and the public in general that may influence the process of policy making in the nation.

The purpose of the study was to analyze the evolution of Title VII, The Bilingual Education Act and its contribution to the equality of educational opportunity for limited English proficient students. In order to address this purpose four subsidiary
questions were developed. The following discussion presents the conclusions of the findings in response to each question.

**Subsidiary question 1 and 2.**

The analysis of federal policy was conducted to explore Subsidiary Question 1 and 2: What were the major events and factors that can be attributable to the enactment of the first act and subsequent reauthorizations of Title VII? What was the impact, as an educational approach, of Title VII, The Bilingual Education Act on the education of non-English speakers and on the nation?

The events and factors that led to the enactment of Title VII were the Civil Rights Act of 1965 and the War on Poverty Act. In order to address the needs of students with limited English skills, Congress amended the Elementary and Secondary Act of 1965 adding Title VII, The Bilingual Education Act, which became law in 1968. As a consequence of the amendment, federal funds were provided to local educational agencies to support bilingual education. In addition, through the act the federal government provided funds to support educational programs, to train personnel to work in such programs and to develop instructional materials. One missing component in the law, however, was a requirement to use the native language for instruction.

The law was amended five times, in 1974, 1978, 1984, 1988, and 1994. These amendments included teaching in the student’s native language and through Transitional Bilingual Education. However, these programs were limited to three years. An event that was extremely influential in the 1974 reauthorization was the Office of Civil Rights Memorandum of May 25 in 1970. The Office of Civil Rights
sent guidelines in its 1970 memorandum to school districts exhorting them to use some type of approach for non-English speakers that would rectify education programs for this population.

Another significant event was the United States Supreme Court Decision, in Lau v. Nichols (1974a). This decision found the San Francisco Unified school district in unlawful discrimination violating the Civil Rights Act of 1964 by teaching limited English-speaking ability (LESA) Chinese students using a language they did not understand as the median of instruction. The Office of Civil Rights developed a set of guidelines to better serve the LESA known as Lau Remedies. The guidelines required districts to rectify the language deficiency in order to meet the needs of all students. The 1974 reauthorization, funds were expanded for programs that limited its participation to three years. The findings indicated that several states showed sensitivity to the needs of Limited English Speaking Abilities (LESA) students. The evidence was clear when thirteen more states adopted bilingual education (see table 3). But the struggle continued. Another significant finding was the impact of The American Institute for Research study during 1976 and 1977 which gave a negative connotation to bilingual education that affected the 1978 reauthorization. The impact of the study brought about the Special Alternatives Instructional Programs (SAIP) which did not require the use of a native language for instruction. Counteracting the SAIP, Cummins (1981) established awareness of language acquisition through his research stating that language takes longer to develop for academic purposes than for social purposes and that the native language plays an important role in the acquisition of a second language.
The 1978 act was a major contribution to bilingual education allowing native English speakers to participate in bilingual programs. The purpose of this decision was to broaden the understanding of children about languages and cultural heritages other than their own. Furthermore, with this provision the law was allowing for language maintenance of the non-English speakers since instruction would take place in both languages. This is the first time that the language of non-English speakers is seen by policy makers as a resource that can be beneficial not only to LEP students, but to all the students who desire to participate in bilingual programs.

A major event was the change in demographics in the United States. The number of LEP students continued to increase with the most dramatic being between 1989 and 1999 when it doubled. In spite of this growth in population, the act of 1988 limited the participation in bilingual programs such as TBE to three years. What was more ironic was the fact that funding was increased for programs that did not require the use of the student's native language for instruction. This emphasis on English was due to the rise in conservatism propelled by the Reagan administration.

The Elementary and Secondary Education Act of 1994 was reauthorized under the name of Improving America’s School Act (IASA). The study found the Stanford Working Group Report, which preceded the 1994 reauthorization, to be a very significant event. The report recommended that language minority students should be provided with the same equal opportunity to learn challenging content and high-level skills that is provided for all children by the reform movement. The Stanford Group made a tremendous contribution to 1994 Title VII reauthorization
by addressing the needs of language minority students. Furthermore, the report recommended that two or more languages should be promoted for all American students. Another major event was Goals 2000: Educate America Act which established national standards that promote equality and quality of education for all students. This act demands that the opportunity to achieve the standards be given to all students, minority language students included. These two factors were influential in the 1994 reauthorization. Evidential of this is the fact that the new reauthorization recognized the importance of native language maintenance and development of foreign languages.

At the same time movements such as California Proposition 227, and Arizona Propositions 106, 203 attempted to limit bilingual education at a time when the number of LEP students is dramatically increasing. This is a perfect example depicting that the struggle has not ceased, but through all the adversity second language acquisition is gaining more recognition which is evident in the most recent acts and regulations.

In addition, The Educational Excellence Act for all Children of 1999 builds on the 1994 reauthorization which established that disadvantaged children should achieve the same challenging academic standards as their more successful peers by requesting that states, schools, and teachers use these standards to guide classroom instruction and assessment for all students.

**Subsidiary question 3.**

How has funding for bilingual education evolved since 1968?
The use of public funds for first language instruction has caused enormous opposition to policy making, as is evident throughout the different reauthorizations. Opposition such as English Only, Proposition 227 and others have been a thorn in the flesh for bilingual education. However, this opposition was always counteracted by movements such as English Plus, groups such as La Raza, and studies such as Cummins's (1981), Collier and Thomas (1989) which specify that second language acquisition for cognitive academic purposes takes from 5 to 7 years. If we think that one or two years of language teaching will be enough to acquire a second language we are mistaken for it takes longer than that to really acquire a second language. If the process is interrupted, precious time will be lost. Why do people who have taken two to four years of a language in college say: "I took several years of a language such as Spanish but I cannot sustain a conversation." Are these people ready to deal in the global market? The answer is: "No, they are not". Through World Languages, children are learning a second language at the elementary school level. High school students also receive language classes. Why not then maintain what already exists instead of abolishing a native language through limited bilingual programs, only to try and instill a language other than English again later on in their lives. It is of utmost importance to consider the surge of these ideas since the federal government can greatly affect bilingual education by providing or denying support for programs.

Funding has been available since 1969. There have been fluctuations in the amounts allocated to the areas of instructional and support services as well as in the area of professional development. The most significant change was 1982 through 1988 (see Table 4) especially in the instructional and support services area.
The major decrease in the professional development area was during 1996 when no money was allocated at all. Nevertheless, funds for professional development increased the following year, 1997, and have continued increasing until the year 2000 when the funds allocated were $71,500,000.

Funding for bilingual education has continually increased every year with some exceptions (see Table 4). However, it has not increased in proportion to the number of LEP students in the nation. There is a great inequality in funding between English speakers and non-English speakers.

**Subsidiary question 4.**

How has bilingual education federal policy impacted teacher-training programs in institutions of higher learning?

Bilingual education and higher education cannot be separated, for who will train the teachers who in turn will teach second language learners? Who will prepare the youth to deal in the future with an ever-expanding global market? Title VII provided grants, contracts, and fellowships to institutions of higher education and to local educational agencies and state educational agencies who work in conjunction with colleges and universities for the training of teachers. The study found very significant the amendment of Title V of the Higher Education Act of 1965 to include careers of teaching children of limited English-speaking ability. Title VII has greatly contributed to the rights of educational opportunity for limited English proficiency students by providing these services through institutions of higher education. This contribution has made it possible for higher education to prepare teachers to work with non-English speakers. The 1978 act recognized that
the LEP students have educational “needs that can be met by the use of bilingual educational methods and techniques.” (ESEA, 1978, P.L. 95-561). Furthermore, the 1978 act also expanded teacher training through the creation of training resource centers that provided technical assistance and curriculum development.

Some common characteristics present in commendable higher education programs for training bilingual and ESL personnel are financial support and collaboration between colleges and universities, school districts and state education agencies. However, there is still a great deal of work that needs to be done on the part of institutions of higher education. As Padilla (1998) has expressed “The ambivalence of the colleges and universities rest on their willingness to accept federal grants for bilingual teacher training and for other related training programs” (p.vi).

The role of higher education is paramount in the endeavor to train bilingual and ESL personnel. These will carry the enormous responsibility of training other educational personnel and the youngsters that will be the future diplomats, ambassadors, and ministers of domestic and international affairs.

Conclusion

United States demographics have changed. The change has impacted education from elementary school to higher education. Diversity permeates campuses in general embracing the ideal of equality, respect for diverse languages, culture, and religion in an increasingly pluralistic society. The education of culturally and linguistically diverse populations involves an understanding of and
sensitivity to the way this population learns content areas and acquires a new language.

Since 1968 the federal government has appropriated funds, through the Bilingual Education Act, for the education of students whose native language is not English. The evolution of Title VII, The Bilingual Education Act has not been a smooth, straight trajectory. What at times was considered important in the education of non-English speakers at the time of authorization may or may not have seem to be as important at the time of the next reauthorization.

The impact of the events, especially between 1980-1994 is that while conservatism rises and tries to abolish bilingual education, the research indicates that native language maintenance was valued by policymakers as seen when they allowed the native English speakers to participate with the LEP students in the bilingual classrooms.

The research found that even though the early 1990s allowed for maintenance of non-English speakers native language and foreign language development, during the late 1990s bilingual education was placed in jeopardy due to opposing forces such as California Proposition 227 in 1998. Evidence shows that the administration of Ronald Regan was detrimental to bilingual education. As presented in table 2, the 1984 reauthorization was the only one in which the majority in Congress was the Republican Party. The spirit of conservatism pervaded the political arena and as a result, the Lau Remedies were removed. This implied that the native language was no longer seen as necessary in the instruction of bilingual students. Instead of viewing bilingualism as enrichment, it was considered a tool of separation in
American society. Movements against instruction in a language other than English such as English Only, Official English and California Proposition 227 rose in the nation. Counteracting these ideologies, English Plus advocates asserted that native language development has a positive influence on second language proficiency. Academic development in the student's native language is extremely important in second language schooling. Academic skills, content area knowledge, concept formation, and learning techniques can be transferred to the new language (Krashen, 1992). Therefore, lack of first language development may inhibit the level of second language proficiency and cognitive academic development (Hakuta, 1990).

The study showed that policymakers, in spite of the many controversies, have been sensitive to equal education opportunities for the nation's children. Through the evolution of Title VII an interest to meet the non-English speakers needs is tangible. Not only have bilingual education programs benefited non-English speakers but English speakers as well. As a result of sound policy and decision making, English speakers can participate in bilingual programs and also acquire a second language. Therefore, we can say that the debates and the struggles have been worthwhile since they have yielded results that, even though they might not be seen at this present moment, will be seen in the future. However, the problem has not yet been solved. More financial support from the Federal government is definitely needed in order to reach all the LEP students in the nation as previously stated (see discussion of Subsidiary Question 3 above). Another component that is extremely important is the extension of bilingual services to all English speaking students who
want to acquire a second language. Besides, opportunity should be given to those that want to acquire a third or more languages. The nation’s youngsters are not only acquiring another language, but by being in classrooms with students of different cultural backgrounds, they are learning as Rowley et al. (1997) stated, to converse in the languages and cultures of the market place. Even though Title VII has been controversial and parties opposing bilingual education have tried to abolish the ideals of those who advocate for it, the advocates have always been able to stand firm in their beliefs. They have been able to continue with the vision of educating those who have a great need in our society, as do the second language learners in the nation. Furthermore, the evidence shows that non-English languages are valued. The Educational Excellence Act for all Children strongly emphasizes the importance of acquiring more than one language. This act which is still awaiting Congressional approval, would reauthorize the Bilingual Education Act of 1994.

The study found it eminent that educators as well as policymakers continue to viewing diversity and languages other than English as a resource and not as a hindrance in our society. Viewing bilingualism as a resource will make us aware of the skills, knowledge, and values found in different cultures. These are critical elements which will facilitate our movement into a more global market and society. Bilingual education will stand the test of opposition and those who oppose it today one day will appreciate it.

The findings in the study suggest that it is imperative to remove the three years limitations of participation in bilingual programs. Evidence showed that it takes five to seven years for a student to acquire language skills of an academic or cognitive nature.
This is the language needed to accomplish academic tasks. The issue of inequality in allocation of funds also needs to be addressed, but most outstanding, the findings from the study indicate the importance of educating the public concerning bilingual education as a means of reducing ignorance in this field. "To really achieve equal opportunity ... public policy with focus on financial affordability is essential, but not the entire solution" (Hu & St. John, 2001, p. 282). Intervention that focuses on educating policy makers and the public in general on how people learn a second, third, or more languages would help level off the inequality in educational opportunity for LEP students. Minimizing the amount of ignorance, which has clouded the benefits, and the potentials of bilingual education will enhance the process of policy making.

Recommendations for Policy Making and Further Research

There are many opportunities for further research on the topic of policy analysis and policy making in the field of bilingual education. The following presents recommendations in two areas: policy making and for further research.

Recommendations related to policy making.

1. Research findings related to language acquisition and education of LEP students should be presented to policy makers so that they can make sound decisions during the policy making process. Policy makers must be well versed on how to design high quality policies that will meet the LEP students' language and academic needs. This will avoid setting limitations on the number of years LEP students may be in a bilingual program disregarded in the developmental nature of language acquisition (Cummins, 1984).
2. Why the "ambivalence of the colleges and universities... to accept federal grants for bilingual teacher training and for other related training programs?" (Padilla, 1998, p. vi) Policy to create outreach programs to recruit prospective bilingual teachers is needed. This type of program can be attained through continued collaboration between local educational agencies and institutions of higher education. It is advisable that we promote a sense of dignity and pride about the culture and language of the different ethnic groups so they might not vanish from our communities. It is important to preserve the culture and the language of everyone in the community.

3. Policy to avoid the inequality among the students in the nation is needed. The Federal budget for the Fiscal year 2000 for K-12 was $44 billion. Out of these funds, $248 million were allocated to the non-English speaking students that, when equally distributed, only $59.77 was designated to each LEP student. The remaining funds, $43,752,000,000, were distributed amongst the English speaking students, designating $1,041.96 to each one when equally divided. There is definitely an inequality in this distribution.

4. Policy clarifying the misconceptions about student abilities and capabilities by defining language proficiency is necessary. Conversational fluency in English has been mistaken as a reflection of their overall proficiency in English. Cognitive Academic Language Proficiency involves language skills and functions of an academic or cognitive nature and it takes longer to acquire than social language. Policy makers need to reconsider the three-year limitation in Transitional Bilingual Education programs. Not all students learn at the same
pace. LEP students should exit the bilingual program only when they are ready to function in an all English setting after they have developed academic language.

5. Policy which makes mandatory the use of two languages for instruction in any bilingual program is fundamental; otherwise, how can a classroom where all instruction is conducted in one language be called bilingual? Programs such as Special Alternative Instructional Programs (SAIP) should not be a part of bilingual education. SAIP uses one language for instruction, the target language, thus excluding the student’s native language.

Recommendations for further research.

1. It is necessary to implement research-based studies on how much information policy makers receive from research-based studies versus information from reactionary groups. Policy needs to be research-based. Policy makers in their tremendous responsibility to make decision always need to be aware of the latest findings concerning the field of bilingualism and second language acquisition. Such research will guide them in the process of policy making. Awareness of how people acquire more than one language is a life-long endeavor. The United States of America has always been a place of refuge for all individuals seeking a better life. Educators involved in the bilingual and language acquisition field need to express their opinions. These opinions need to be based on research and their own experiences in working with English language learners in order to inform policy makers.

2. It is essential to investigate the sources of the reactionary groups such as
English Only and US English for their input against bilingual and language acquisition education. Are they based on resources that can justify their opposition? Is it merely a sense of conservatism, prejudice, or ignorance?

3. It is indispensable to investigate which colleges and universities have programs of teacher training in the area of bilingual and English as a second language education. It is of utmost importance to ascertain characteristics of successful programs and incorporate these factors in recruiting more candidates for bilingual and ESL education. Information can be used as recommendations to enhance existing programs or to encourage the implementation of programs in this field. Without “well trained and competent bilingual teachers” (Padilla, 1998, vi) bilingual education programs cannot exist.

4. It is necessary to research the best practices in providing training for pre and in-service teachers in the area of addressing the need of the increasing non-English language population in the nation’s schools, colleges, and universities. Information for this type of research can be very useful in designing curriculum.

5. Studies that research the importance for the non-English speakers to retain and expand their native language and culture are needed. The United States has been constituted with many languages and different cultures. This diversity is what has made this nation like no other, where each ethnic group has freedom of speech and religion, and freedom to choose what is best for their lives. It is a place where each culture can share its art, music, values, food, sports and more.
6. It is important to conduct research on the perceptions of English speakers towards bilingual and language acquisition education in order to have an understanding of the type of information needed to be available to educate the public on such an important field. To learn about, to respect other cultures and to be able to speak another culture’s language is a great advantage in today’s global market. Failing to recognize the complexity of the American culture is a great mistake that we may regret in the future of our nation. Bilingual programs in which native English speakers can participate together with non-English speakers not only benefit all students, but the entire nation. The students of today will be the dignitaries and diplomats of tomorrow. They will become our global leaders; but today is when they need to start developing the skills needed to deal with issues of economic development, peacekeeping, and international laws. In general, they need to learn how to address diverse social, economic, and cultural challenges.

7. Future areas of exploration might be the investigation of availability of funds from private sectors. Are there other sources besides the federal government’s funding through Title VII for bilingual education?

8. Studies of the effectiveness and efficiency on bilingual education programs should be conducted on an on-going basis.

9. To implement studies on innovative curriculum development, to train students for a global view, and to become leaders committed to the achievement of an increasingly global society is absolutely essential. The curriculum needs to reflect theoretical and practical experiences in a
multicultural environment that reflects the demographic changes.
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Appendix A

Elementary and Secondary Education Act, P.L. 90-247 (1967)
ELEMENTARY AND SECONDARY EDUCATION
AMENDMENTS OF 1967
For Legislative History of Act, see p. 2750
PUBLIC LAW 90-247; 81 STAT. 783
DEC. 5, 1967
An Act to strengthen, improve, and extend programs of assistance for elementary and secondary education, and for other purposes.
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that:
This Act may be cited as the "Elementary and Secondary Education Amendments of 1967."
his recommendations (including any legislative recommendations) relating thereto.

(b) In the case of any such program, the report submitted in the (1) In the case of any such program, the report submitted in the
penultimate fiscal year for which appropriations are then authorized to be made for such program shall include a comprehensive and
detailed review and evaluation of such program (as up to date as the
due date permits) for its entire past life, based to the maximum extent
practicable on objective measurements, together with the Secretary's recommendations as to proposed legislative action.

AVAILABILITY OF APPROPRIATIONS ON ACADEMIC OR SCHOOL
TRAVEL BASIS

Sec. 406. Appropriations for any fiscal year for grants, contracts,
or other payments to educational agencies or institutions under any
Act referred to in section 401 may, in accordance with regulations of
the Secretary, be made available for expenditure by the agency or
institutions concerned on the basis of an academic or school year
differing from such fiscal year.

TITLE V—EXTENSION OF ADULT EDUCATION
PROGRAM

REVISION OF ALLOCATIONS

Sec. 501. The first sentence of section 305(a) of the Adult Educa-
tion Act of 1956 (Title III of Public Law 84-760) is amended to read
as follows: "From the same available for purposes of section 304(b)
for any fiscal year, the Commissioner shall allot: (1) not more than
2 per centum thereof among different States, (2) $100,000 to
such State."

INCLUDING PRIVATE NONPROFIT AGENCIES

Sec. 502. (a) Section 304(b) of the Adult Education Act of 1956 is amended by striking out the period at the end thereof and inserting
in lieu thereof the following: "and private nonprofit agencies."

(b) Section 306(a) (7) of such Act is amended by inserting immedi-
ately after "local educational agencies" the following: "and pri-
ivate nonprofit agencies."

FEDERAL SHARE

Sec. 503. The second sentence of section 307(a) of the Adult Ed-
ucation Act of 1956 is amended to read as follows: "For the fiscal
year ending June 30, 1967, and succeeding fiscal years, the Federal
share for each State shall be 80 per centum, except that with respect
to the Trust Territory of the Pacific Islands such Federal share shall
be 100 per centum."

AUTHORIZATION EXTENDED

Sec. 604. Section 324 of the Adult Education Act of 1956 is
amended by striking out "and" before "$50,000,000" and by inserting
the following after "June 30, 1968": "$66,000,000 for the fiscal year
ending June 30, 1969, and $80,000,000 for the fiscal year ending June
30, 1970."

TITLE VI—STUDY FOR SCHOOLBUS SAFETY
STUDY FOR SCHOOLBUS SAFETY

Sec. 601. (a) The Secretary of Health, Education, and Welfare, in
cooperation with the Secretary of Transportation, is authorized to
make a study and investigation in order to recommend action to pro-
mote schoolbus safety (including safety of operation), and such
study may include such research and testing activities as the Secre-
tary deems necessary to carry out the provisions of this title.

(b) The Secretary of Health, Education, and Welfare shall report the
results of such study, together with his recommendations, to the
Congress not later than January 31, 1969.

APPROPRIATIONS AUTHORIZED

Sec. 602. There is hereby authorized to be appropriated $150,000
to carry out the provisions of this title.

TITLE VII—BILINGUAL EDUCATION PROGRAMS
BILINGUAL EDUCATION PROGRAMS

SEC. 701. The Congress hereby finds that one of the most acute
educational problems in the United States is that which involves
millions of children of limited English-speaking ability because they
come from environments where the dominant language is other than
English; that additional efforts should be made to supplement present
attempts to find adequate and constructive solutions to this
unique and perplexing educational situation; and that the urgent
need is for comprehensive and cooperative action now on the local
level, and Federal levels to develop forward-looking approaches to
meet the serious learning difficulties faced by this substantial seg-
ment of the Nation's school-age population.

AMENDMENT TO ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

Sec. 702. The Elementary and Secondary Education Act of 1965 is amended by redesignating title VII as title VIII, by redesignating
sections 701 through 707 and references thereto as sections 801
through 807, respectively, and by inserting after title VII the following
new title:

"TITLE VII—BILINGUAL EDUCATION PROGRAMS
SHORT TITLE

"Sec. 701. This title may be cited as the 'Bilingual Education
Act'.

Sec. 702. This title may be cited as the 'Bilingual Education
Act'.

Sec. 703. This title may be cited as the 'Bilingual Education
Act'.

Sec. 704. This title may be cited as the 'Bilingual Education
Act'.

Sec. 705. This title may be cited as the 'Bilingual Education
Act'.

Sec. 706. This title may be cited as the 'Bilingual Education
Act'.
"DECLARATION OF POLICY"

"Sec. 702. In recognition of the special educational needs of the large numbers of children of limited English-speaking ability in the United States, Congress hereby declares it to be policy of the United States to provide financial assistance to local educational agencies to develop and carry out new and imaginative elementary and secondary school programs designed to meet these special educational needs. For the purposes of this title, 'children of limited English-speaking ability' means children who come from environments where the dominant language is other than English.

"AUTHORIZATION AND DISTRIBUTION OF FUNDS"

"Sec. 703. (a) For the purpose of making grants under this title, there is authorized to be appropriated the sum of $15,000,000 for the fiscal year ending June 30, 1968; $30,000,000 for the fiscal year ending June 30, 1969; and $40,000,000 for the fiscal year ending June 30, 1970.

"(b) In determining distribution of funds under this title, the Commissioner shall give highest priority to States and areas within States having the greatest need for programs pursuant to this title. Such priorities shall take into consideration the number of children of limited English-speaking ability between the ages of three and eighteen in each State.

"USES OF FEDERAL FUNDS"

"Sec. 704. Grants under this title may be used, in accordance with applications approved under section 705, for—

"(a) planning for and taking other steps leading to the development of programs designed to meet the special educational needs of children of limited English-speaking ability in schools having a high concentration of such children from families (A) with incomes below $3,000 per year, or (B) receiving payments under a program of aid to families with dependent children under a State plan approved under title IV of the Social Security Act, through activities such as—

(1) bilingual education programs;

(2) programs designed to impart to students a knowledge of the history and culture associated with their language;

(3) efforts to establish closer cooperation between the school and the home;

(4) early childhood educational programs related to the purposes of this title and designed to improve the potential for profitable learning abilities of children;

(5) adult education programs related to the purposes of this title, particularly for parents of children participating in bilingual programs;

(6) programs designed for dropouts or potential dropouts having need of bilingual programs;

(7) programs conducted by accredited trade, vocational, or technical schools; and

(8) other activities which meet the purposes of this title.

"APPLICATIONS FOR GRANTS AND CONDITIONS FOR APPROVAL"

"Sec. 705. (a) A grant under this title may be made to a local educational agency or agencies, or to an institution of higher education applying jointly with a local educational agency, upon application to the Commissioner at such time or times, in such manner and containing or accompanied by such information as the Commissioner deems necessary. Such application shall—

(1) provide that the activities and services for which assistance under this title is sought will be administered by or under the supervision of the applicant;

(2) set forth a program for carrying out the purpose set forth in section 704 and provide for such methods of administration as are necessary for the proper and efficient operation of the program;

(3) set forth a program of such size, scope, and design as will make a substantial step toward achieving the purpose of this title;

(4) set forth policies and procedures which assure that Federal funds made available under this title for any fiscal year will be so used as to supplement, and, to the extent practicable, increase the level of funds (including funds made available under title I of this Act) that would, in the absence of such Federal
funds, be made available by the applicant for the purposes described in section 704, and in no case shall any such funds:

"(6) provide for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this title;"

"(7) provide for making an annual report and such other reports, in such form and containing such information, as the Commissioner may reasonably require to carry out his functions under this title and to determine the extent to which funds provided under this title have been effective in improving the educational opportunities of persons in the area served, and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports;"

"(8) provide that the applicant will utilize in programs assisted pursuant to this title the assistance of persons with expertise in the educational problems of children of limited English-speaking ability and make optimum use in such programs of the cultural and educational resources of the area in a served; and for the purposes of this paragraph, the term 'cultural and educational resources' includes State educational agencies, institutions of higher education, nonprofit private schools, public and nonprofit private agencies such as libraries, museums, musical and artistic organizations, educational radio and television, and other cultural and educational resources.

"(b) Applications for grants under this title may be approved by the Commissioner only if:

"(1) the application meets the requirements set forth in subsection (a);"

"(2) the program set forth in the application is consistent with criteria established by the Commissioner (where feasible, in cooperation with the State educational agency) for the purpose of achieving an equitable distribution of assistance under this title within each State, which criteria shall be developed by him on the basis of a consideration of (A) the geographic distribution of children of limited English-speaking ability, (B) the relative need of persons in different geographic areas within the State for the kinds of services and activities described in paragraph (c) of section 704, and (C) the relative ability of particular local educational agencies within the State to provide such services and activities:

"(3) the Commissioner determines that the program will utilize the best available talents and resources and will substantially increase the educational opportunities for children of limited English-speaking ability in the area to be served by the applicant, and (B) that, to the extent consistent with the number

of children enrolled in nonprofit private schools in the area to be served whose educational needs are of the type which this program is intended to meet, provision has been made for participation of such children; and

"(4) the State educational agency has been notified of the application and been given the opportunity to offer recommendations.

"(c) Amendments of applications shall, except as the Commissioner may otherwise provide by or pursuant to regulations, be subject to approval in the same manner as original applications.

"PAYMENTS"

"Sec. 706. (a) The Commissioner shall pay to each applicant which has an application approved under this title an amount equal to the total sums expended by the applicant under the application for the purposes set forth therein.

"(b) Payments under this title may be made in installments and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

"ADVISORY COMMITTEE"

"Sec. 707. (a) The Commissioner shall establish in the Office of Education an Advisory Committee on the Education of Bilingual Children, consisting of nine members appointed, without regard to the civil service laws, by the Commissioner with the approval of the Secretary. The Commissioner shall appoint one such member as Chairman. At least four of the members of the Advisory Committee shall be educators experienced in dealing with the educational problems of children whose native tongue is a language other than English.

"(b) The Advisory Committee shall advise the Commissioner in the preparation of general regulations and with respect to policy matters arising in the administration of this title, including the development of criteria for approval of applications hereunder. The Commissioner may appoint such special advisory and technical experts and consultants as may be useful and necessary in carrying out the functions of the Advisory Committee.

"(c) Members of the Advisory Committee shall, while serving on the business of the Advisory Committee, be entitled to receive compensation at rates fixed by the Secretary, but not exceeding $100 per day, including traveltime; and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 8703 of title 5 of the United States Code for persons in the Government service employed intermittently.

"LABOR STANDARDS"

"Sec. 708. All laborers and mechanics employed by contractors or subcontractors on all minor remodeling projects assisted under this title shall be paid wages at rates not less than those prevailing on
similar minor remodeling in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5). The Secretary of Labor shall have, with respect to the labor standards specified in this section, the authority and functions set forth in Reorganization Plan Numbered 14 of 1960 and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c)."

CONFORMING AMENDMENTS
Sec. 703. (a) That part of section 801 (as so redesignated by section 702 of this Act) of the Elementary and Secondary Education Act of 1965 which precedes clause (a) is amended by striking out "and VII" and inserting in lieu thereof "VI, and VII".
(b) Clause (J) of such section 801 as amended by this Act is further amended by striking out "and VI" and inserting in lieu thereof "VI, and VII".

AMENDMENTS TO TITLE V OF THE HIGHER EDUCATION ACT OF 1968
Sec. 704. (a) The third sentence of section 523 of the Education Professions Development Act (Title V of the Higher Education Act of 1968) is amended (1) effective for the fiscal year ending June 30, 1968 only, by inserting after "a career of teaching in elementary or secondary schools" a new phrase as follows: "a career of teaching children of limited English-speaking ability", and (2) effective with respect to subsequent fiscal years, by inserting "the preceding fiscal year, by inserting "a career of teaching children of limited English-speaking ability after the preceding fiscal year, by inserting "a career of teaching children of limited English-speaking ability and including teaching children of limited English-speaking ability after the preceding fiscal year, by inserting "including teaching in preschool and adult and vocational education programs".

(b) Effective for the fiscal year ending June 30, 1968, only, section 522(a) of such Act is amended by striking out "ten thousand fellowships for the fiscal year ending June 30, 1968" and inserting in lieu thereof "eleven thousand fellowships for the fiscal year ending June 30, 1968".

(c) (1) Section 525 of such Act is amended, effective with respect to fiscal years ending after June 30, 1967, by striking out "$250,000,000 and inserting in lieu thereof "$265,000,000", striking out "$190,000,000 and inserting in lieu thereof "$205,000,000", striking out "$240,000,000 and inserting in lieu thereof "$250,000,000", and striking out "July 1, 1968" and inserting in lieu thereof "July 1, 1970".
(2) The amendments made by this subsection shall, notwithstanding section 9(a) of Public Law 80-36, be effective with regard to fiscal years beginning after June 30, 1967.

(d) Section 501(b) of such Act is amended by redesignating clause (b) and (d) thereof as clauses (b) and (d), respectively, and by inserting immediately after clause (c) the following new clause: "(b) programs or projects to train or retrain persons entering in special educational programs for children of limited English-speaking ability.".

Jan. 2

SOCIAL SECURITY

P.L. 90-248

AMENDMENTS TO TITLE X OF THE NATIONAL DEFENSE EDUCATION ACT OF 1958
Sec. 705. (a) Section 1101 of the National Defense Education Act of 1958 is amended by striking out "and for each of the two succeeding fiscal years" and inserting in lieu thereof "and for the succeeding fiscal year and $81,000,000 for the fiscal year ending June 30, 1968".
(b) Such section is further amended by striking out the period at the end of clause (3) and inserting in lieu thereof a comma and the word "or", and by inserting after such clause a new clause as follows:
"(4) who are engaged in or preparing to engage in special educational programs for children of limited English-speaking ability."

AMENDMENTS TO COOPERATIVE RESEARCH ACT
Sec. 706. Subsections (a) and (b) of section 2 of the Cooperative Research Act are each amended by inserting "and title VII" after "section 503(a) (4)".

Approved January 2, 1968.
Appendix B

EDUCATION AMENDMENTS OF 1974

For Legislative History of Act, see p. 4093

PUBLIC LAW 93-380; 88 STAT. 484

Aug. 21

[99, p. 41]

An Act to extend and amend the Elementary and Secondary Education Act of 1965, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That:

This Act may be cited as the "Education Amendments of 1974".

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Sec. 2. General provisions.

TITLE I—AMENDMENTS TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

Sec. 101. Amendments to title I of the Elementary and Secondary Education Act of 1965—special educational programs and projects for educationally deprived children.

(a) (1) Extension of the program.

(b) Amendments relating to allocation of funds grants.

(c) Amendment relating to incentive grants.

(d) Amendments relating to special grants.

(e) Amendments relating to applications.

(f) Amendments relating to participation of children enrolled in private schools.

(g) Amendments relating to adjustments where necessitated by appropriations.

(h) Amendments relating to allocation of funds within the school district of a local educational agency and program evaluation.

(i) Technical amendments.

(j) Provisions with respect to additional authorizations for certain local educational agencies.

(b) Effective date.

Sec. 102. School library resources, textbooks, and other instructional materials.

Sec. 103. Supplementary educational centers and services; guidance, counseling, and testing.

Sec. 104. Strengthening State and local educational agencies.

Sec. 105. Bilingual educational programs.

Sec. 106. Status and limitations.

Sec. 107. Dropout prevention projects.

Sec. 108. School nutrition and health services.

Sec. 109. Correction education services.

Sec. 110. Open meetings of educational agencies.

Sec. 111. Bilingual heritage studies centers.
(d) Section 307 of such Act is amended by adding at the end thereof the following new subsection:

"(g) (1) The Commissioner shall not take any final action under subsection (f) until he has afforded the State educational agency and the local educational agency affected by such action at least sixty days notice of his proposed action and an opportunity for a hearing with respect thereto on the record.

(2) If a State or local educational agency is dissatisfied with the Commissioner’s final action after a hearing under paragraph (1) of this subsection, it may within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code.

(3) The findings of fact by the Commissioner, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(4) Upon the filing of such petition, the court shall have jurisdiction to confirm the action of the Commissioner or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

(e) The amendments made by subsections (a), (b), and (c) of this section shall be effective on and after July 1, 1973, and the amendment made by subsection (d) shall be effective on the date of enactment of this Act.

WATERED DOWN STATE AND LOCAL EDUCATIONAL AGENCIES

Sec. 104. (a) Section 201(b) of the Elementary and Secondary Education Act of 1965 is amended by inserting before the period at the end thereof the following: "and each of the five succeeding fiscal years, except that no funds are appropriated for obligation by the Commissioner during any year for which funds are available for obligation by the Commissioner for carrying out part C of title IV".

(b) Section 301(b) of such Act is amended by inserting before the period at the end thereof the following: ", and each of the five succeeding fiscal years, except that no funds are authorized to be appropriated for obligation by the Commissioner during any year for which funds are available for obligation by the Commissioner for carrying out part C of title IV".

The amendements made by such section shall be effective on and after July 1, 1973.
“(b) (1) Except as is otherwise provided in this title, for the purpose of carrying out the provisions of this title, there are authorized to be appropriated $1,356,000,000 for the fiscal year ending June 30, 1974; $1,355,000,000 for the fiscal year ending June 30, 1975; $1,450,000,000 for the fiscal year ending June 30, 1976; $1,550,000,000 for the fiscal year ending June 30, 1977; and $1,650,000,000 for the fiscal year ending June 30, 1978.

“(2) There are further authorized to be appropriated to carry out the provisions of section 721(b)(3) $6,750,000 for the fiscal year ending June 30, 1974; $7,750,000 for the fiscal year ending June 30, 1975; $7,760,000 for the fiscal year ending June 30, 1976; $8,750,000 for the fiscal year ending June 30, 1977; and $8,760,000 for the fiscal year ending June 30, 1978.

“(3) From the sums appropriated under paragraph (1) for any fiscal year—

“(A) the Commissioner shall reserve $10,000,000 of that part thereof which does not exceed $50,000,000 for training activities carried out under clause (3) of subsection (a) of section 721, and shall reserve for such activities $150,000 per centum of that part thereof which is in excess of $50,000,000; and

“(B) the Commissioner shall reserve from the amount not reserved pursuant to clause (A) of this paragraph such amounts as may be necessary, but not in excess of 0.1 per centum thereof, for the purposes of section 722.

“DEFINITIONS: REGULATIONS

“Sec. 703. (a) The following definitions shall apply to the terms used in this title:

“(1) The term ‘limited English-speaking ability’, when used with reference to an individual, means—

“(A) individuals who were not born in the United States or whose native language is a language other than English, and

“(B) individuals who come from environments where a language other than English is dominant, as further defined by the Commissioner by regulations; and, by reason thereof, have difficulty speaking and understanding instruction in the English language.

“(2) The term ‘native language’, when used with reference to an individual of limited English-speaking ability, means the language normally used by such individuals, or in the case of a child, the language normally used by the parents of the child.

“(3) The term ‘low-income’ when used with respect to a family means an annual income for such a family which does not exceed the low-income level determined pursuant to section 105 of title I of the Elementary and Secondary Education Act of 1965.

“(4) (A) The term ‘program of bilingual education’ means a program of instruction, designed for children of limited English-speaking ability in elementary or secondary schools, in which, with respect to the years of study to which such program is applicable—


“(1) there is instruction given in, and study of, English and, to the extent necessary to allow a child to progress effectively through the educational system, the native language of the children, and such instruction is given with appreciation for the cultural heritage of such children, and, with respect to federal and school instruction, such instruction shall, to the extent necessary, be in all courses or subjects of study which will allow a child to progress effectively through the educational system; and

“(4) the requirements in subparagraphs (B) through (E) of this paragraph and established pursuant to subsection (b) of this section are met.

“(B) A program of bilingual education may make provision for the voluntary enrollment of limited English-speaking ability, on a regular basis, of children whose language is English, in order that they may acquire an understanding of the cultural heritage of the children of limited English-speaking ability for whom the particular program of bilingual education is designed. In determining eligibility to participate in such programs, priority shall be given to the children whose language is other than English. In no event shall the program be designed for the purpose of teaching a foreign language to English-speaking children.

“(C) In such course or subjects of study as art, music, and physical education, a program of bilingual education shall make provision for the participation of children of limited English-speaking ability in regular classes.

“(D) Children enrolled in a program of bilingual education shall, if graded classes are used, be placed, to the extent practicable, in classes with children of approximately the same age and level of educational attainment. If children of significantly varying ages or levels of educational attainment are placed in the same class, the program of bilingual education shall seek to insure that each child is provided with instruction which is appropriate for his or her level of educational attainment.

“(E) An application for a program of bilingual education shall be developed in consultation with parents of children of limited English-speaking ability, teachers, and, where applicable, secondary school students, in the area to be served, and assurance shall be given in the application that, after the application has been approved under this title, the applicant will provide for participation by a committee composed of, and selected by, such parents, and, in the case of secondary schools, representatives of secondary school students to be served.

“(3) The term ‘Office’ means the Office of Bilingual Education.

“(4) The term ‘Director’ means the Director of the Office of Bilingual Education.

“(7) The term ‘Council’ means the National Advisory Council on Bilingual Education.

“(b) The Commissioner, after receiving recommendations from State and local educational agencies and groups and organizations...
Involved in bilingual education, shall establish, publish, and distribute, with respect to programs of bilingual education, suggested models with respect to pupil-teacher ratios, teacher qualifications, and other factors affecting the quality of instruction offered in such programs.

(3) In prescribing regulations under this section, the Commissioner shall consult with State and local educational agencies, appropriate organizations representing parents and children of limited English-speaking ability, and appropriate groups and organizations representing teachers and educators involved in bilingual education.

"PART A—FINANCIAL ASSISTANCE FOR BILINGUAL EDUCATION PROGRAMS"

"BILINGUAL EDUCATION PROGRAMS"

"Sec. 721. (a) Funds available for grants under this part shall be used for—

"(1) the establishment, operation, and improvement of programs of bilingual education;

"(2) auxiliary and supplementary community and educational activities designed to facilitate and expand the implementation of programs described in clause (1), including such activities as (A) adult education programs related to the purposes of this title, particularly for parents of children participating in programs of bilingual education, and carried out, where appropriate, in coordination with programs assisted under the Adult Education Act, and (B) preschool programs preparatory and supplementary to bilingual education programs;

"(3) (A) the establishment, operation, and improvement of training programs for personnel preparing to participate in, or personnel participating in, the conduct of programs of bilingual education and (B) auxiliary and supplementary training programs, which shall be included in each program of bilingual education, for personnel preparing to participate in, or personnel participating in, the conduct of such programs; and

"(4) planning, and providing technical assistance for, and taking other steps leading to the development of, such programs.

(b) A grant may be made under this section only upon application therefor by one or more local educational agencies or by an institution of higher education, including a junior or community college, applying jointly with one or more local educational agencies, or, in the case of a training activity described in clause (3)(A) of subsection (a) of this section, by eligible applicants as defined in section 723.

(c) Each such application shall be made to the Commissioner at such time, in such manner, and containing such information as the Commissioner deems necessary, and

"(A) include a description of the activities set forth in one or more of the clauses of subsection (a) which the applicant desires to carry out; and

"(B) provide evidence that the activities so described will make substantial progress toward making programs of bilingual education available to the children having need thereof in the area served by the applicant.

(2) An application for a grant under this part may be approved only if—

"(A) the provision of assistance proposed in the application is consistent with criteria established by the Commissioner, after consultation with the State educational agency, for the purpose of achieving an equitable distribution of assistance under this part within the State in which the applicant is located, which criteria shall be developed by the Commissioner by taking into consideration (i) the geographic distribution of children of limited English-speaking ability, (ii) the relative need of persons in different geographic areas within the State for the kinds of services and activities described in subsection (a), (iii) with respect to grants to carry out programs described in clauses (1) and (3) of subsection (a) of section 721, the relative ability of particular local educational agencies within the State to provide such services and activities, and (iv) with respect to such grants, the relative needs of persons from low-income families so served by such programs;

"(B) in the case of applications from local educational agencies to carry out programs of bilingual education under clause (1) of subsection (a) of section 721, the Commissioner determines that not less than 15 percent of the amount paid to the applicant for the purpose of such programs shall be expended for auxiliary and supplementary training programs in accordance with the provisions of clause (3)(B) of such subsection and section 723;

"(C) the Commissioner determines (i) that the program will use the most qualified available personnel and the best resources and will substantially increase the educational opportunities for children of limited English-speaking ability in the area to be served by the applicant, and (ii) that, to the extent consistent with the number of children enrolled in nonprofit, nonpublic schools in the area to be served whose educational needs are of the type which the program is intended to meet, provision has been made for participation of such children; and

"(D) the State educational agency has been notified of the application and has been given the opportunity to offer recommendations thereon to the applicant and to the Commissioner.

"(3)(A) Upon an application from a State educational agency, the Commissioner shall make provision for the submission and approval of a State program for the coordination by such State agency of technical assistance to programs of bilingual education in such State assisted under this title. Such State program shall contain such provisions, agreements, and assurances as the Commissioner shall, by regulation, determine necessary and proper to achieve the purposes of this title, including assurances that funds made avail-
able under this section for any fiscal year shall be so used as to supplement, and to the extent practical, increase the level of funds that would, in the absence of such funds, be made available by the State for the purposes described in this section, and in no case to supplant such funds.

"(B) Except as is provided in the second sentence of this subparagraph, the Commissioner shall pay from the amounts authorized for these purposes pursuant to section 702 for each fiscal year to each State educational agency which has a State program submitted and approved under subparagraph (A) such sums as may be necessary for the proper and efficient conduct of such State program. The amount paid by the Commissioner to any State educational agency under the preceding sentence for any fiscal year shall not exceed 8 per centum of the aggregate of the amounts paid under this part to local educational agencies in the State of such State educational agency in the fiscal year preceding the fiscal year in which this limitation applies.

"(c) In determining the distribution of funds under this title, the Commissioner shall give priority to areas having the greatest need for programs assisted under this title.

"INDIAN CHILDREN IN SCHOOLS

"Sec. 722. (a) For the purpose of carrying out programs under this part for individuals served by elementary and secondary schools operated predominantly by Indian children, a nonprofit institution or organization of the Indian tribe concerned which operates any such school and which is approved by the Commissioner for the purposes of this section may be considered to be a local educational agency as such term is used in this title.

"(b) From the sums appropriated pursuant to section 702(b), the Commissioner is authorized to make payments to the Secretary of the Interior to carry out programs of bilingual education for children on reservations served by elementary and secondary schools for Indian children operated or funded by the Department of the Interior. The terms upon which payments for such purpose may be made to the Secretary of the Interior shall be determined pursuant to such criteria as the Commissioner determines will best carry out the policy of section 702(a).

"(c) The Secretary of the Interior shall prepare and, not later than November 1 of each year, submit to the Congress and the President an annual report detailing a review and evaluation of the use, during the preceding fiscal year, of all funds paid to him by the Commissioner under subsection (b) of this section, including complete fiscal reports, a description of the personnel and information paid for in whole or in part with such funds, the allocation of such funds, and the status of all programs funded from such payments. Nothing in this subsection shall be construed to relieve the Director of any authority or obligation under this part.

"(d) The Secretary of the Interior shall, together with the information required in the preceding subsection, submit to the Congress and the President an assessment of the needs of Indian children with respect to the purposes of this title in schools operated or funded by the Department of the Interior, including those State educational agencies and local educational agencies receiving assistance under the Johnson-O'Malley Act (25 U.S.C. 482 et seq.), and an assessment of the extent to which such needs are being met by funds provided to such schools for educational purposes through the Secretary of the Interior.

"TRAINING

"Sec. 723. (a) In carrying out the provisions of clauses (1) and (3) of subsection (a) of section 721, with respect to training, the Commissioner shall, through grants to, and contracts with, eligible applicants, as defined in subsection (b), provide for—

"(1) training, carried out in coordination with any other programs training auxiliary educational personnel, designed to prepare personnel to participate in, or for personnel participating in, the conduct of programs of bilingual education, including programs emphasizing opportunities for career development, advancement, and lateral mobility, (2) to train teachers, administrators, paraprofessionals, teacher aides, and parents, and (ii) to train persons to teach and counsel such persons, and (iii) special training programs designed to meet individual needs, and (ii) to encourage recruitment, improvement, and retention of higher education and graduate school facilities, as related to bilingual education; and

"(b) the operation of short-term training institutes designed to improve the skills of participants in programs of bilingual education in order to facilitate their effectiveness in carrying out responsibilities in connection with such programs.

"(c) In addition the Commissioner is authorized to award fellowships for study in the field of training teachers for bilingual education. For the fiscal year ending June 30, 1975, not less than 180 fellowships leading to a graduate degree shall be awarded under the preceding sentence for preparing individuals to train teachers for programs of bilingual education. Such fellowships shall be awarded in proportion to the need for teachers of various groups of individuals with limited English-speaking ability. For each fiscal year after June 30, 1976, and prior to July 1, 1978, the Commissioner shall report to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Public Welfare of the Senate on the number of fellowships in the field of training teachers for bilingual education which he recommends will be necessary for that fiscal year.

"(d) The Commissioner shall include in the terms of any arrangement described in paragraphs (1) and (3) of subsection (a) of this section provisions for the payment, to persons participating in training programs so described, of such stipends (including allowances..."
for subsistence and other expenses for such persons and their dependents; he may determine to be consistent with prevailing practices under comparable federally supported programs.

"(4) In making grants or contracts under this section, the Commissioner shall give priority to eligible applicants with demonstrated competence and experience in the field of bilingual education. Funds provided under grants or contracts for training activities described in this section to or with a State educational agency, separately or jointly, shall in no event exceed the aggregate for any fiscal year 15 per centum of the total amount of funds obligated for training activities pursuant to subsections (1) and (3) of section 723 in such year.

"(5) An application for a grant or contract for preservice or inservice training activities described in clause (A)(i)(1) and clause (A)(ii)(1) and in subsection (a)(1)(E) of this section shall be considered an application for a program of bilingual education for the purposes of subsections (a)(4)(E) of section 708.

"(b) For the purposes of this section, the term 'eligible applicants' means—

"(1) institutions of higher education (including junior colleges and community colleges) which apply, after consultation with, or jointly with, one or more local educational agencies; "(2) local educational agencies; and "(3) State educational agencies.

"PART B—ADMINISTRATION

"OFFICE OF BILINGUAL EDUCATION

"Sec. 731. (a) There shall be, in the Office of Education, an Office of Bilingual Education (hereinafter in this section referred to as the 'Office') through which the Commissioner shall carry out his functions relating to bilingual education.

"(b) (1) The Office shall be headed by a Director of Bilingual Education, appointed by the Commissioner, to whom the Commissioner shall delegate all of his delegable functions relating to bilingual education.

"(2) The Office shall be organized as the Director determines to be appropriate in order to enable him to carry out his functions and responsibilities effectively.

"(c) The Commissioner, in consultation with the Council, shall prepare and, not later than November 1 of 1976, and of 1977, shall submit to the Congress and the President a report on the condition of bilingual education in the Nation and the administration and operation of this section and of other programs for persons of limited English-speaking ability. Such report shall include—

"(1) a national assessment of the educational needs of children and other persons with limited English-speaking ability and of the extent to which such needs are being met from Federal, State, and local efforts, including (A) not later than July 1, 1977, the results of a survey of the number of such children

...
"(b) The Council shall meet at the call of the Chairman, but, notwithstanding the provisions of section 466(a) of the General Education Provisions Act, not less often than four times in each year.

"(c) The Council shall advise the Commissioner in the preparation of general regulations and with respect to policy matters arising in the administration and operation of this title, including the development of criteria for approval of applications, and plans under this title, and the administration and operation of other programs for persons of limited English-speaking ability. The Council shall prepare and, not later than November 1 of each year, submit a report to the Congress and the President on the condition of bilingual education in the Nation and on the administration and operation of this title, including those items specified in section 732(c), and the administration and operation of other programs for persons of limited English-speaking ability.

"(d) The Commissioner shall procure temporary and intermittent services of such personnel as are necessary for the conduct of the functions of the Council, in accordance with section 466 of the General Education Provisions Act, and shall make available to the Council such staff, information, and other assistance as it may require to carry out its activities effectively.

"PART C—SUPPORTIVE SERVICES AND ACTIVITIES

"ADMINISTRATION

"Sec. 741. (a) The provisions of this part shall be administered by the Assistant Secretary, in consultation with—

"(1) the Commissioner, through the Office of Bilingual Education; and

"(2) the Director of the National Institute of Education, notwithstanding the second sentence of section 466(b)(1) of the General Education Provisions Act, in accordance with regulations.

"(b) The Assistant Secretary shall, in accordance with clauses (1) and (2) of subsection (a), develop and promulgate regulations for this part and then delegate his functions under this part, as may be appropriate under the terms of section 742.

"RESEARCH AND DEMONSTRATION PROJECTS

"Sec. 742. (a) The National Institute of Education shall, in accordance with the provisions of section 466 of the General Education Provisions Act, carry out a program of research in the field of bilingual education in order to enhance the effectiveness of bilingual education programs carried out under this title and other programs for persons of limited English-speaking ability.

"(b) In order to test the effectiveness of research findings by the National Institute of Education and to demonstrate new or innovative practices, techniques, and methods for use in such bilingual education programs, the Director and the Commissioner are authorized to make competitive contracts with public and private educational agencies, institutions, and organizations for such purposes.

"(c) In carrying out their responsibilities under this section, the Commissioner and the Director shall, through competitive contracts with appropriate public and private agencies, institutions, and organizations—

"(1) undertake studies to determine the basic educational needs and language acquisition characteristics of, and the most effective conditions for, educating children of limited English-speaking ability;

"(2) develop and disseminate instructional materials and equipment suitable for use in bilingual education programs; and

"(3) establish and operate a national clearinghouse of information for bilingual education, which shall collect, analyze, and disseminate information about bilingual education and such bilingual education and related programs.

"(d) In carrying out their responsibilities under this section, the Commissioner and the Director shall provide for periodic consultation with representatives of State and local educational agencies and appropriate groups and organizations involved in bilingual education.

"(e) There is authorized to be appropriated for each fiscal year prior to July 1, 1978, $8,000,000 to carry out the provisions of this section.

"(B) The amendment made by this subsection shall be effective upon the date of enactment of this Act, except that the provisions of part A of title VII of the Elementary and Secondary Education Act of 1965 (as amended by subsection (a) of this section) shall become effective on July 1, 1975, and the provisions of title VII of the Elementary and Secondary Education Act of 1965 in effect immediately prior to the date of enactment of this Act shall remain in effect through June 30, 1975, to the extent not inconsistent with the amendment made by this section.

"(B) The National Advisory Council on Bilingual Education, for which provision is made in section 732 of such Act, shall be appointed within ninety days after the enactment of this Act.

"(b) Section 708(a) of title VII of such Act is amended by adding at the end thereof the following:

"(B) The term "other programs for persons of limited English-speaking ability" when used in sections 710 and 732 means the program authorized by section 122(c)(4) of the Elementary and Secondary Education Act and the programs carried out in coordination with the provisions of this title pursuant to section 122(c)(4)(C) and part J of the Vocational Education Act of 1963, and section 308(a)(11) of the Adult Education Act, and programs and projects serving areas with high concentrations of persons of limited English-speaking ability pursuant to section 672(b)(4) of the Library Services and Construction Act."
STATUTE OF LIMITATIONS

Sec. 106. Title VIII of the Elementary and Secondary Education Act of 1965 42 is amended by inserting after section 805 the following new section:

“(c) For the purpose of carrying out this section, there is authorized to be appropriated $600,000 for the fiscal year ending June 30, 1974, and for the succeeding fiscal year.”

The amendments made by this section shall be effective on and after July 1, 1974.

EDUCATION AMENDMENTS OF 1974

OPEN MEETINGS OF EDUCATIONAL AGENCIES

Sec. 110. Title VIII of the Elementary and Secondary Education Act of 1965 42 is amended by adding at the end thereof the following new section:

“(c) For the purpose of carrying out this section, there is authorized to be appropriated $600,000 for the fiscal year ending June 30, 1974, and for the succeeding fiscal year.”

The amendments made by this section shall be effective on and after July 1, 1974.

SCHOOL NUTRITION AND HEALTH SERVICES

Sec. 108. (a) Section 807(d) of the Elementary and Secondary Education Act of 1965 42 is amended by inserting before the period at the end thereof the following: “, and at the end of the five succeeding fiscal years, except that no funds are authorized to be appropriated for obligations during any year for which funds are necessary for obligations for carrying out part C of title IV.”

(b) The amendments made by this section shall be effective on and after July 1, 1978.

CORRECTION EDUCATION SERVICES

Sec. 109. (a) Section 808 of the Elementary and Secondary Education Act of 1965 42 is amended by adding at the end thereof the following new subsection:

“’(c) For the purpose of carrying out this section, there is authorized to be appropriated $600,000 for the fiscal year ending June 30, 1974, and for the succeeding fiscal year.”

The amendments made by this section shall be effective on and after July 1, 1974.

42. 3 U.S.C.A. § 451, et seq.
43. 3 U.S.C.A. § 1319.
44. 3 U.S.C.A. § 317(r).
Appendix C

PUBLIC LAW 95-561 [H.R. 15]; Nov. 1, 1978

EDUCATION AMENDMENTS OF 1978

For Legislative History of Act, see p. 4971

As enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Education Amendments of 1978".

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"(4) (A) The term 'program of bilingual education' means a program of instruction, designed for children of limited English proficiency in elementary or secondary schools, in which, with respect to the years of study in which such program is applicable:

"(i) there is instruction given in, and study of, English and, to the extent necessary, a second language, other than English, in order to allow a child to achieve competence in the English language, and the second language, of the children of limited English proficiency, and such instruction is given with appropriate provision for cultural and linguistic heritage of such children, and of other children in American society, and, with respect to elementary and secondary school instruction, such instruction shall, to the extent necessary, be in all courses or subjects of study which will allow a child to progress effectively through the educational system; and

"(ii) the requirements in subparagraphs (B) through (F) of this paragraph and established pursuant to subsection (b) of this section are met.

"(B) In order to prevent the segregation of children on the basis of national origin in programs under this title, and in order to broaden the understanding of children about languages and cultural heritage other than their own, a program of bilingual instruction may include the participation of children whose language is English, but in no event shall the percentage of such children exceed 40 percent. The objective of the program shall be to assist children of limited English proficiency to improve their English language skills, and the participation of other children in the program must be for the principal purpose of contributing to the achievement of that objective. The program may provide for certification of teacher training and curriculum development, but it shall serve all children in the schools which they normally attend.

"(C) In such courses or subjects of study in art, music, and physical education, a program of bilingual education shall make provision for the participation of children of limited English proficiency in regular classes.

"(D) Children enrolled in a program of bilingual education shall:

"(i) if enrolled in grades used, placed, to the extent practicable, in classes with children of approximately the same age and level of educational attainment. If children of significantly varying ages or levels of educational attainment are placed in the same class, the program of bilingual education shall seek to ensure that each child is provided with instruction which is appropriate for his level of educational attainment.

"(E) An application for a program of bilingual education shall:

"(i) be developed in consultation with an advisory council, of which a majority shall be parents and other representatives of children of limited English proficiency, in accordance with criteria prescribed by the Commission;

"(ii) be accompanied by documentation of such consultation, and by the comments which the Council makes on the application; and

"(iii) contain assurances that, after the application has been approved, the applicant will provide for the continuing consultation with, and participation by, the committee of parents, teachers, and other interested individuals (of which a majority shall be parents of children of limited English proficiency) which shall be selected by and predominantly composed of parents of children participating in the program, and in the case of programs carried out in secondary schools, representatives of the secondary students to be served.

"(F) Parents of children participating in a program of bilingual education shall be informed of the instructional goals of the program and the progress of their children in such program.

"(G) The term 'Office' means the Office of Bilingual Education.

"(H) The term 'Director' means the Director of the Office of Bilingual Education.

"The term 'Council' means the National Advisory Council on Bilingual Education.

"(B) The term 'other programs for persons of limited English proficiency' when used in sections 721 and 722 means any programs within the Office of Education directly involving bilingual education activities serving persons of limited English proficiency, such as the program authorized by section 105(c) of the Emergency School Aid Act, as in effect for fiscal year 1979, section 608(a) (4) of this Act for subsequent fiscal years, and the programs carried out in coordination with the provisions of this title pursuant to section 122(a) (4) (C) and part F of the Vocational Education Act of 1963, and section 208(a) (11) of the Adult Education Act, and programs and projects using areas with high concentrations of persons of limited English proficiency pursuant to sections 66(b) (4) of the Library Services and Construction Act.

"(b) The Commission, after receiving recommendations from the State and local educational agencies and organizations involved in bilingual education shall establish, publish, and distribute, with respect to programs of bilingual education, suggested models with respect to pupil-teacher ratios, teacher qualifications, and other factors affecting the quality of instruction offered in such programs.

"(c) In preparing regulations under this section, the Commission shall consult with States and local educational agencies and organizations representing parents and children of limited English proficiency, and appropriate groups and organizations representing teachers and educators involved in bilingual education.

"PART A—FINANCIAL ASSISTANCE FOR BILINGUAL EDUCATION PROGRAMS

"BILINGUAL EDUCATION PROGRAMS

"Sec. 721. (a) Funds available for grants under this part shall be used for:

"(1) The establishment, operation, and improvement of programs of bilingual education;

"(B) Auxiliary and supplementary community and educational services designed to expand the implementation of programs described in clause (1), including such activities as:

"(A) Adult education programs related to the purposes of this title, particularly for persons of limited English proficiency;

"(B) School systems preparatory and supplementary to bilingual education programs;

"(C) The establishment, operation, and improvement of training programs for personnel preparing to participate in, or
TITLE VII—AMENDMENT TO TITLE VII OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

AMENDMENT

Sec. 701. Title VII of the Elementary and Secondary Education Act of 1965 is amended to read as follows:

"TITLE VII—BILINGUAL EDUCATION PROGRAMS"

"SHORT TITLE"

"Sec. 701. This title may be cited as the 'Bilingual Education Act.'"

"POLICY; APPROPRIATIONS"

"Sec. 702. (a) Recognizing—"

"(1) that there are large numbers of children of limited English proficiency;"
"(2) that many of such children have a cultural heritage which differs from that of English-speaking persons;"
"(3) that a primary means by which a child learns is through the use of such child's language and cultural heritage;"
"(4) that, therefore, large numbers of children of limited English proficiency have educational needs which can be met by the use of bilingual educational methods and techniques;"
"(5) that, in addition, children of limited English proficiency and children whose primary language is English benefit through the fullest utilization of multiple languages and cultural resources;"
"(6) children of limited English proficiency have a high dropout rate and low median years of education; and"
"(7) research and evaluation capabilities in the field of bilingual education need to be strengthened;"

the Congress declares it to be the policy of the United States, in order to establish equal educational opportunity for all children (A) to encourage the establishment and operation, where appropriate, of educational programs using bilingual educational practices, techniques, and methods, and (B) for that purpose, to provide financial assistance to local educational agencies and to State educational agencies for certain purposes, in order to enable such local educational agencies to develop and carry out such programs in elementary and secondary schools, including activities at the preschool level, which are designed to meet the educational needs of such children with particular attention to children having the greatest need for such programs; and to demonstrate effective ways and means, for children of limited English proficiency, instruction designed to enable them, while using their native language, to achieve competence in the English language.

Appropriations.

The sums authorized to be appropriated shall be:

for fiscal year 1979: $13,000,000; for fiscal year 1980: $11,000,000; for fiscal year 1981: $8,000,000; for fiscal year 1982: $6,000,000; and $4,000,000 for the fiscal year 1983.

"(8) There are further authorized to be appropriated to carry out the provisions of section 721 (b) (4) $25,000,000 for fiscal year 1979; $30,000,000 for fiscal year 1980; $35,000,000 for fiscal year 1981; $40,000,000 for fiscal year 1982; and $45,000,000 for the fiscal year 1983.

"(9) From the sums appropriated under paragraph (1) for any fiscal year the Commissioner shall retain $6,000,000 of that part thereof that does not exceed $4,000,000 for training activities carried out under section 721 (a) (9), and shall reserve for those activities not less than 20 per centum of that part thereof which is in excess of $4,000,000.

"(10) The Commissioner shall reserve from the amount not reserved pursuant to paragraph (2) of this subsection such amount as may be necessary, but not in excess of 1 per centum thereof, for the purposes of section 720.

"DEFINITIONS; REGULATIONS"

"Sec. 703. (a) The following definitions shall apply to the terms 20 USC 2222, used in this title:

"(1) The term 'limited English proficiency' when used with reference to an individual of limited English proficiency means the language normally used by such individual the opportunity to learn successfully in classrooms where the language instruction is English.

"(2) The term 'native language' when used with reference to an individual of limited English proficiency means the language normally used by such individual, or in the case of a child, the language normally used by the parents of the child.

"(3) The term 'low-income' when used with respect to a family means an annual income for such a family which does not exceed the poverty level determined pursuant to section 111(e) (2) of title I of the Elementary and Secondary Education Act of 1965.
personnel participating in, the conduct of programs of bilingual education and (b) auxiliary and supplementary training programs, which shall be included in each program of bilingual education, for personal preparing to participate in, or personnel participating in, the conduct of such programs, (c) planning, providing technical assistance for, and taking other steps leading to the development of, such programs.

"(b) (1) A grant may be made under this section only upon application therefor by one or more local educational agencies or by an institution of higher education, including a junior or community college, applying jointly with one or more local educational agencies (or, in the case of a training activity described in clause (b) of subsection (a) of this section, by eligible applicants as defined in section 726). Each such application shall be made to the Commissioner at such time, in such manner, and containing such information as the Commissioner deems necessary.

"(A) Include a description of the activities set forth in one or more of the clauses of subsection (a) which the applicant desires to carry out; and

"(B) provide evidence that the applicant is qualified to make programs of bilingual education available to the children of limited English proficiency in the area served by the applicant.

"(2) (A) No order to submit an application in preparation for termination of assistance shall be issued to any local educational agency which shows adequate progress in meeting the goals of the title and which demonstrates a clear fiscal inability to carry on a program without such assistance.

"(B) In the case of applications from local educational agencies to carry out programs of bilingual education under subsection (a) (1), the Commissioner determines that the applicant shall expend adequate funds for purposes of such programs for auxiliary and supplementary training programs in accordance with the provisions of subsection (a) (2) and section 726:

"(C) The Commissioner shall annually review conditions in any school or group of schools for which an order has been issued under subparagraph (B) if, after such order has been issued, one or more of the conditions described in subparagraph (A) ceases, and shall permit the local educational agency involved to revise its application in the light of such conditions.

"(D) Any order issued pursuant to subparagraph (B) shall be subject to review by the Commissioner if such review is sought within 60 days of the issuance of such order.

"(E) An application for a grant under this part may be approved only if...

"(A) the provision of assistance proposed in the application is consistent with criteria established by the Commissioner, after consultation with the State educational agency for the purpose of achieving an equitable distribution of assistance under this part within the State in which the applicant is located, which criteria shall be developed by the Commissioner taking into consideration (i) the geographic distribution of children of limited English proficiency, (ii) the relative need of persons in different geographic areas within the State for the kinds of services and activities described in subsection (a), (iii) with respect to grants to carry out programs described in clauses (1) and (2) of subsection (a) of section 726, the relative ability of different local educational agencies within the State to serve the needs of children, the relative numbers of persons in low-income families sought to be benefited by such programs, and (iv) respect to such grants, the relative numbers of persons in low-income families sought to be benefited by such programs;...

"(B) in the case of applications from local educational agencies to carry out programs of bilingual education under subsection (a) (1), the Commissioner determines that the applicant shall expend adequate funds for purposes of such programs for auxiliary and supplementary training programs in accordance with the provisions of subsection (a) (2) and section 726:

"(C) the Commissioner determines—

"(i) that the program will use the most qualified available personnel, including only those personnel who are proficient in the language of instruction and in English, to the extent possible, and the best resources, and will substantially increase the educational opportunities for children of limited English proficiency in the area to be served by the applicant;

"(ii) that in designing the program for which application is made, the number of children in nonpublic, private elementary and secondary schools shall have been taken into account through consultation with appropriate private school officials; and consistent with the number of such children enrolled in such schools in the area to be served whose educational needs are of the type and whose language and grade levels are of the similar type which the program is intended to address;

"(iii) that the program includes a plan for evaluation consistent with guidelines prescribed by the Commissioner;
(D) the State educational agency has been notified of the application and has been given the opportunity to offer recommendations thereto the applicant and to the Commissioner;

(E) the Commissioner determines that the assistance provided under the application will contribute to the establishment of a bilingual education in such State, and of the applicant to provide a program of bilingual education on a basis which will be of sufficient size, scope, and quality to promote significant improvement in the proficiency of limited English proficiency, and that the applicant will have the resources and commitment to continue the program when assistance under this title is no longer available;

(F) the program of bilingual education for which assistance is sought will (i) serve those children most in need of assistance under this title, (ii) provide measurable goals for determining when those children no longer need such assistance, and (iii) provide, from State and other sources, for necessary follow-up services to maintain the achievement of the children after they have left the program, except that if any child is enrolled in a bilingual program assisted under this title for two years, that child shall have an individual evaluation establishing the need for continued services;

(G) Federal funds made available for the project or activity will be used to supplement the local and State and local funds that in the absence of those Federal funds, would have been expended for special programs for children of limited English proficiency and in no case to supplant such State and local funds, except that nothing in this clause shall (i) preclude a local education agency from using funds under this title for activities carried out under an order of a court of the United States or of any State or local education agency under the reasonable requirements of such court or (ii) waive the need for the services of limited English proficiency in Spanish;

(H) the applicant demonstrates that, to the extent possible, personnel recruited and employed to carry out projects and activities under this title are bilingual;

(I) in determining the distribution of Federal funds under this title, the Commissioner shall give priority to applications from local educational agencies which are located in the geographical region of the Nation which has the highest percentage of children of limited English proficiency who have historically been underserved by programs of bilingual education, taking into consideration the relative numbers of such children in the schools of such local educational agencies and the relative need for such programs. In approving such applications, the Commissioner shall, to the extent feasible, allocate funds appropriated in proportion to the geographical distribution of children of limited English proficiency throughout the Nation, with due regard for the relative ability of particular local educational agencies to carry out such programs and the relative numbers of persons from low-income families to be benefited by such programs.

(2) (A) Upon an application from a State educational agency, the Commissioner shall make provision for the submission and approval of a State program for the coordination by such State agency of technical assistance to the extent practicable, to improve the level of funds that would be available under this title, including assurances that funds made available under this title for any fiscal year shall be used to supplement, and to the extent practicable, increase the level of funds that would, in the absence of such funds, be made available by the State for the purposes described in this section, and in no case to supplant such funds.

(B) Except as provided in the second sentence of this subparagraph, the Commissioner shall pay from the amounts authorized for these purposes pursuant to section 708 for each fiscal year to each State educational agency which has a State program approved under subparagraph (A) such sum as may be necessary for the proper and efficient conduct of such State program. The amount paid by the Commissioner to any State educational agency under the preceding sentence for any fiscal year shall not exceed $ per cent of the aggregate of the amounts paid to such State educational agencies in the State of such State educational agency in the fiscal year preceding the fiscal year in which this limitation applies.

(C) In determining the distribution of funds under this title, the Commissioner shall give priority to areas having the greatest need for programs assisted under this title.

(D) Programs of bilingual education under this title in the Commonwealth of Puerto Rico may not include any provision other than those provided for in this title, including programs of instruction, teacher training, curriculum development, and evaluation and testing designed to improve the proficiency of children, and may not include programs for serving the needs of limited English proficiency.

(E) (1) An application for a local educational agency for assistance under this title may cover a period of from one to three years. A new application shall be required for any assistance under this title for years subsequent to the first year. The Commissioner shall base the duration of time for which an application will be approved on

(A) the severity of the problems addressed by the program for which assistance is being sought;

(B) the nature of the activities proposed in the application;

(C) the extent to which the problems addressed by the application; and

(D) such other criteria, established by the Commissioner, as will assure the most effective use of the available funds in achieving the purposes of this title.

(F) If the Commissioner approves an application for a local educational agency under this title for a period covering more than one fiscal year, no subsequent application shall be required from such agency in any fiscal year during that period unless the agency proposes to carry out in any such fiscal year activities not included in the approved application. Payment to any such agency for any fiscal year subsequent to the first fiscal year for which the application has been approved shall be made on the
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"(A) sufficient appropriation are available for making payments in each such subsequent fiscal year;

"(B) the Commissioner determines that the agency is not ineligible for assistance under this title in each such subsequent fiscal year; and

"(C) the agency demonstrates, by such means as the Commissioner may prescribe, that an adequate program is being made toward achieving the objectives of the programs for which assistance has been made available under this title, including objectives of section 708(a)(5)(E)(iii) and section 708(a)(6)(F).

"If the Commissioner determines that an applicant for assistance under this title is unable or unwilling to provide the participation of the program for which assistance is sought of children of limited English proficiency enrolled in nonpublic, nonpublic schools, as required by paragraph (3)(C)(ii) of subsection (b), the Commissioner shall—

"(1) withhold approval of such application until the applicant demonstrates that it is in compliance with these requirements; or

"(2) reduce the amount of the grant to such applicant by the amount which is required for the Commissioner to arrange (such as through a contract with a nonprofit, nonsectarian agency, organization, or institution) to assess the needs of the children in the area to be served, for a program of bilingual instruction and to carry out such a program for the children.

Indian Children in Schools

20 USC 3332.

"Sec. 726. (a) For the purpose of carrying out programs under this part, funds for individuals served by elementary and secondary schools operated primarily for Indian children, a nonprofit institution or organization of the Indian tribe concerned which operates any such school, or an agency approved by the Commissioner for the purpose of this section may be considered to be a local educational agency for such term is used in this title.

"(b) From the sums appropriated pursuant to section 708(b), the Commissioner is authorized to make payments to the applicants to carry out programs of bilingual education for Indian children on reservations served by elementary and secondary schools operated or funded by the Bureau of Indian Affairs.

The Assistant Secretary of the Interior for the Bureau of Indian Affairs shall submit to the Congress, the President, and the Commissioner, by September 30, 1969, an assessment of the needs of Indian children with respect to the purpose of this title in schools operated or funded by the Department of the Interior, including those tribes and local educational agencies receiving assistance under the Johnson-O'Malley Act (25 U.S.C. 455 et seq.) and an assessment of the extent to which such needs are being met by funds provided to such schools for educational purposes through the Secretary of the Interior.

Teaching

20 USC 3333.

"Sec. 725. (a)(1) In carrying out the provisions of clauses (1) and (3) of subsection (a) of section 712, with respect to the training, the Commissioner shall select grants to be made with eligible applicants, as defined in subsection (b), provided for—

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"(A) (i) training, carried out in coordination with any other programs training elementary education personnel, designed (I) to prepare personnel to participate in, or for personnel participating in, the conduct of programs of bilingual education, including programs emphasizing opportunities for career development, advancement, and lateral mobility, (II) to train teachers, administrators, counselors, paraprofessionals, teacher aides, and parents, and (III) to train paraprofessionals to teach and counsel such persons; and

(ii) special training programs designed to meet individual needs, and (1) to encourage reform, innovation, and improvement in applicable education curricula in graduate education, in the structure of the academic profession, and in recruitment and retention of higher education and graduate school faculties, as related to bilingual education; and

"(B) the operation of short-term training institutes designed to improve the skills of participants in programs of bilingual education in order to facilitate their effectiveness in carrying out their responsibilities in connection with such programs.

"(3) In addition, the Commissioner is authorized to award fellowships for study in the field of teaching teachers for bilingual education. For the fiscal year ending June 30, 1979, not less than 70 fellowships leading to a graduate degree shall be awarded under the provisions of this section for preparing individuals to teach teachers for programs of bilingual education. Such fellowships shall be awarded in proportion to the need for teachers of various groups of individuals with limited English proficiency. For each fiscal year after June 30, 1979, and prior to October 1, 1983, the Commissioner shall report to the Committee on Education and Labor of the House of Representatives and the Committee on Human Resources of the Senate on the number of fellowships in the field of teaching teachers for bilingual education which he recommends will be necessary for that fiscal year.

"(B) The Commissioner shall include in the terms of any arrangement described in paragraphs (1) and (3) of subsection (a) of this section provisions for the payment, to persons participating in training programs so described, of such allowances (including allowances for subsistence and other expenses for such persons and their dependents) as he may determine to be consistent with prevailing practices under comparable federally supported programs.

"(4) In making grants or contracts under this section, the Commissioner shall give priority to individuals with demonstrated qualifications and experience in the field of bilingual education. Funds provided under grants or contracts for training activities described in this section to or with a State educational agency, authority or joint board shall not exceed the amount in any fiscal year 15 percent of the total amount of funds obligated for training activities pursuant to clauses (1) and (3) of subsection (a) of section 712 in such year.

"(6) The Commissioner shall undertake during the academic year an ongoing longitudinal study of the impact of recipients of such fellowships on the field of bilingual education, and shall disseminate research undertaken by recipients of such fellowships.

"(6) Any person receiving assistance under this subsection shall agree either to serve such assistance or to work for a period equivalent to the period of time during which such person received assistance, and such work shall be in an activity related to the training of such person.
and related personnel of bilingual education, as further determined by
the Commissioner through regulations. The Commissioner may waive
this requirement in extraordinary circumstances.

(1) The Commissioner shall issue regulations specifying such activi-
ties as shall constitute training under this section and section 721
(a) (B) (B).

(2) An application for a grant or contract for preserves or inservice
training activities described in clause (A) (I) (I) and clause (A)
(II) in subsection (a) (I) (B) of this section shall be con-
sidered an application for a program of bilingual education for the
purposes of subsection (a) (4) (B) of section 726.

"Part B—Administration"

Sec. 701. Establishment

"Sec. 721. (a) There shall be in the Office of Education, an Office
of Bilingual Education (hereinafter in this act referred to as the
‘Office’) through which the Commissioner shall carry out his func-
tions relating to bilingual education.

(b) The Office shall be headed by a Director of Bilingual Edu-
cation, appointed by the Commissioner, to whom the Commissioner
shall delegate all of his delegable functions relating to bilingual edu-
cation. The Director shall also be assigned responsibility for coordi-
nating the bilingual education aspects of other programs administered
by the Commissioner.

(c) The Office shall be organized as the Director determines to be
appropriate in order to enable him to carry out his functions and
responsibilities effectively.

(d) The Commissioner, in consultation with the Council, shall pre-
pare and, not later than January 1, 1980, 1982, and 1984, shall submit
to the Congress and the President a report on the condition of bilingual
education in the Nation and the administration and operation of this
Title and of other programs for persons of limited English proficiency.

Such report shall include:

(1) a report on and an evaluation of the activities carried out
under this Title during the preceding fiscal year and the extent to
which each of such activities achieved the policy set forth in
section 702(a);

(2) a statement of the activities intended to be carried out
during the succeeding period, including an estimate of the cost of
such activities;

(3) a statement of the number of teachers and other edu-
cational personnel needed to carry out programs of bilingual
education under this Title and those carried out under other programs
for persons of limited English proficiency.

"(4) a statement describing the activities carried out thereunder designed to prepare

(3) a statement of the number of teachers and other educational personnel needed to carry out
programs of bilingual education in the States and a statement
describing the activities carried out under this Title designed to
prepare teachers and other educational personnel for such programs;

(5) a description of the personnel, the functions of each person,
and the number of positions in the Federal Register.

"(6) an estimate of the number of enrollments for bilingual education programs which will be necessary
for the two succeeding years;"

The Commissioner shall conduct a study of the extent of need for
bilingual education in the Commonwealth of Puerto Rico, and shall report
the result of said study, together with recommendations, to the President
and Congress not later than eighteen months after the enactment of
the Education Amendments of 1978.

(2) The Commissioner shall, within six months after the date
of the enactment of the Education Amendments of 1978, develop and
publish in the Federal Register (1) mode for programs of bilingual
education which may include suggested teacher-pupil ratios, teacher
qualifications, and other factors affecting the quality of instruction
offered, and which shall represent a variety of types of such programs;
and (2) modes for the evaluation of such programs as to the progress
made by participants therein attaining English language skills.

(3) (a) The Secretary, in consultation with the Council, shall pre-
pare and, not later than September 30, 1980, submit to the Congress
and the President a report approximating the approximate number of
children of limited English proficiency in the Nation, by language
and State.

"(b) By September 30, 1980, the Secretary shall develop methods
for identifying children of limited English proficiency who are in need
of bilingual education programs."
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and, not later than March 31 of each year, submit a report to the Congress and the President on the condition of bilingual education in the Nation and on the administration and operation of this title, including those items specified in section 751(c), and the administration and operation of other programs for persons of limited English proficiency.

"(d) The Commissioner shall procure temporary and intermittent services such personnel as are necessary for the conduct of the functions of the Council, in accordance with section 645, of the General Education Provisions Act, and shall make available to the Council such staff, information, and other assistance as it may require to carry out its activities effectively.

Part C—Supportive Services and Activities

"ADMINISTRATION"

"Sec. 741. (a) The provisions of this part shall be administered by the Assistant Secretary, in consultation with—

"(1) the Commissioner, through the Office of Bilingual Education; and

"(2) the Director of the National Institute of Education, notwithstanding the second sentence of section 408(b)(1) of the General Education Provisions Act; in accordance with regulations.

"(b) The Commissioner shall, in accordance with the provisions of clause (1) and (2) of subsection (a), develop and promulgate the regulations for this part and then delegate his functions under this part, as may be appropriate under the terms of section 748.

"BILINGUAL EDUCATION RESEARCH AND DEVELOPMENT"

"Sec. 742. (a) (1) The Commissioner shall, through competitive contracts under this section, provide financial assistance for research and development programs submitted by institutions of higher education, private and non-profit organizations, State educational agencies, and individuals.

"(2) The National Institute of Education, after consultation with the Office of Bilingual Education, shall carry out a program of research in the field of bilingual education in order to enhance the effectiveness of bilingual education carried out under this title and other programs for persons who have language proficiencies other than English.

"(3) The Assistant Secretary shall coordinate research activities of the National Institute of Education, with the Office of Bilingual Education, the National Center for Education Statistics, and other appropriate agencies, in order to develop a national research program for bilingual education.

"(4) Research activities authorized to be assisted under this section shall include—

"(1) studies to determine and evaluate effective models for bilingual-bicultural programs;

"(2) studies to determine (A) language acquisition characteristics, and (B) the most effective methods of teaching English within the context of a bilingual-bicultural program to students who have language proficiencies other than English;

"(3) studies to determine the effects of bilingual education programs on the development of the English language skills of students...

"(4) studies to determine the effects of bilingual education programs on the development of the English language skills of students..."
"(5) a five-year longitudinal study in order to measure the impact of this title on the education of students who have language proficiency other than English;

"(6) studies to determine the most effective methods of identifying students who are entitled to services under this title;

"(7) the development of a clearinghouse on information for bilingual education, which shall collect, analyze, and disseminate information about bilingual education and related programs;

"(8) studies to determine the most effective methods of teaching reading to children and adults who have language proficiency other than English;

"(9) studies to determine the effectiveness of teacher training programs and inservice programs funded under this title;

"(10) studies to determine the critical cultural characteristics of selected groups of individuals served under this title for purposes of teaching about culture in the program.

"(a) In carrying out their responsibilities under this section, the Commissioner and the Director of the National Institute of Education shall provide for periodic consultation with representatives of State and local educational agencies and appropriate groups and organizations involved in bilingual education.

"(b) The Assistant Secretary shall publish and disseminate all requests for proposals and proposals received under this title.

"(c) The Commissioner and the Director of the National Institute of Education shall, through competitive contracts with appropriate public agencies and private institutions and organizations, develop and disseminate instructional materials and equipment suitable for use in bilingual education programs. The quality of instructional materials developed pursuant to this subsection shall be comparable to the materials used in classrooms for English dominant children.

"(d) The development of instructional materials for the purpose of this subsection, availability of instructional materials in existence from private and public sources shall be taken into account, and special attention shall be given to language groups for whose private organizations are unlikely to develop such materials.

"(b) There is authorized to be appropriated for the fiscal year 1978, and for each succeeding fiscal year ending prior to October 1, 1983, $10,000,000 to carry out the provisions of this section.

"PART D—CONTINUOUS BILINGUAL EDUCATION ASSISTANCE

 Assistance to Local Educational Agencies Served Under the Emergency School Aid Act and the

 Grant or

"Sub. 701 (A)(1) The Commissioner, from funds appropriated under subsection (a), shall carry out a program to meet the needs of minority group children (as such term is defined for purposes of title VI) who are from an environment in which a dominant language is other than English and who, because of language barriers and cultural differences, do not have equal educational opportunity. The Commissioner shall award to each local educational agency an amount which bears the same ratio to such funds as the amount such agency received under section 708(c) of the Emergency School Aid Act for fiscal year 1978, bears to the total amount of funds available under such Act. From such amount, the Commissioner is authorized to make grants to and contracts with:

"(A) private nonprofit agencies, institutions, and organizations to develop curriculum projects for minority group children, subject to subparagraph (B) of this paragraph, in which a dominant language is other than English, and in which the educational needs of such children are for the development of reading, writing, and speaking skills in the English language and in the language of their parents or grandparents, and to meet the educational needs of such children and their classmates to understand the history and cultural background of the minority groups of which such children are members;

"(B) local educational agencies which are eligible for assistance under section 606 for the purpose of providing such activities:

"(C) local educational agencies which are eligible for assistance under such section 606 for the purpose of providing such activities in such a manner as to satisfy the purposes stated in clause (A).

"In making grants and contracts under this paragraph, the Commissioner shall assure that sufficient funds are available to provide for grants and contracts under clause (C) of this paragraph for the implementation of such activities as the Commissioner determines meet the purposes stated in clause (A) of this paragraph. In making a grant or contract under clause (C) of this paragraph, the Commissioner shall determine the criteria and standards for the selection of local educational agencies which are eligible for assistance under this subsection.

"(A) In order to be eligible for a grant or contract under this subsection:

"(i) a local educational agency must establish a program or project in accordance with the requirements of subparagraph (B) and (II) of this paragraph; and

"(ii) a private nonprofit agency, institution, or organization must (A) establish a program or project that meets the requirements of subparagraph (B) and (II) of this paragraph; and (B) in the case of the program or project, and (II) have demonstrated to the Commissioner that it has the capacity to obtain the services of adequately trained and qualified staff.

"(B) A program or project comprised of a program or project established in accordance with subparagraph (A), must be broadly representative of parents, students, and the communities in which the educational needs of which the program or project is intended to meet.

"(i) All programs or projects assisted under this subsection shall be specifically designed to complement any programs or projects cur-
Sec. 701  2254.  p. 2254.

...by the local educational agency under section 908 of the Act.
The Commissioner shall ensure that programs of federal financial
assistance related to the purpose of this subsection are coordinated
and carried out in a manner consistent with the provisions of this sub-
section, to the extent consistent with other law.

"(b) All programs or projects assisted under subsection (a) shall
be part of a program of bilingual-bicultural education.

"(c) There are authorized to be appropriated to carry out subsection
(a) $15,000,000 for fiscal year 1980, $35,000,000 for fiscal year
1981, $55,000,000 for fiscal year 1982, and $70,000,000 for fiscal year
1983."
Appendix D

"TITLE VII—BILINGUAL EDUCATION PROGRAMS"

"SHORT TITLE"

"Sec. 702. This title may be cited as the 'Bilingual Education Act'."

"POLICY; APPROPRIATIONS"

"Sec. 702. (a) Recognizing—

"(1) that there are large and growing numbers of children of limited English proficiency;

"(2) that many of such children have a cultural heritage which differs from that of English proficient persons;

"(3) that the Federal Government has a special and continuing obligation to assist in providing equal educational opportunity to limited English proficient children;

"(4) that the Federal Government has a special and continuing obligation to assist language minority students to acquire the English language proficiency that will enable them to become full and productive members of society;

"(5) that a primary means by which a child learns is through the use of such child's native language and cultural heritage;

"(6) that, therefore, large numbers of children of limited English proficiency have educational needs which can be met by the use of bilingual educational methods and techniques;

"(7) that in some school districts, establishment of bilingual education programs may be administratively impractical due to the presence of small numbers of students of a particular native language or because personnel who are qualified to provide bilingual instructional services are unavailable;

"(8) that States and local school districts should be encouraged to determine appropriate curricula for limited English proficient students within their jurisdictions and to develop and implement appropriate instructional programs;

"(9) that children of limited English proficiency have a high dropout rate and low median years of education;

"(10) that the segregation of many groups of limited English proficient students remains a serious problem;

"(11) that both limited English proficient children and children whose primary language is English can benefit from bilingual education programs, and that such programs help develop our national linguistic resources;

"(12) that research, evaluation, and data collection capability in the field of bilingual education need to be strengthened so as to better identify and promote those programs and instructional practices which result in effective education;

"(13) that parent and community participation in bilingual education programs contributes to program effectiveness; and

"(14) that because of limited English proficiency, many adults are not able to participate fully in national life, and that limited English proficient parents are often not able to participate effectively in their children's education,

the Congress declares it to be the policy of the United States, in order to establish equal educational opportunity for all children and to promote educational excellence (A) to encourage the establishment and operation, where appropriate, of educational programs using bilingual educational practices, techniques, and methods, (B) to encourage the establishment of special alternative instructional programs for students of limited English proficiency in school districts where the establishment of bilingual education programs is not practicable or for other appropriate reasons, and (C) for those purposes, to provide financial assistance to local educational agencies, and, for certain related purposes, to State educational agencies, institutions of higher education, and community organizations. The programs assisted under this title include programs in elementary and secondary schools as well as related preschool and adult programs which are designed to meet the educational needs of individual limited English proficient students, with particular attention to children having the greatest need for such programs. Such programs shall be designed to enable students to achieve full competence in English. Such programs may additionally provide for the development of student competence in a second language.

"(b) (1) For the purposes of carrying out the provisions of this title, there are authorized to be appropriated for fiscal year 1985 and each of the three succeeding fiscal years such sums as may be necessary, subject to paragraph (7).

"(2) There are further authorized to be appropriated to carry out the provisions of section 702, such sums as may be necessary for each fiscal year beginning after fiscal year 1985 and each of the three succeeding fiscal years, subject to paragraph (7).

"(3) From the sums appropriated under paragraph (1) for any fiscal year which does not exceed $140,000,000, the Secretary shall reserve 4 percent for special alternative instructional programs and related activities authorized under this Act. From the sums appropriated under paragraph (1) for any fiscal year in excess of $140,000,000, the Secretary shall reserve 6 percent for special alternative instructional programs and related activities authorized under this Act. To the amount of funds reserved for special alternative instructional programs and related activities pursuant to this paragraph shall not exceed 20 percent of the funds appropriated under paragraph (1).

"(4) From the sums appropriated under paragraph (1) for any fiscal year, the Secretary shall reserve at least 60 percent for the programs of transitional bilingual education carried out under section 724(a)(1).

"(5) From the sums appropriated under paragraph (1) for any fiscal year, the Secretary shall reserve at least 25 percent for training activities carried out under part C.

"(6) The Secretary shall reserve from the amount not reserved pursuant to paragraphs (1) and (5) of this subsection such amount as may be necessary, but not in excess of 1 percent thereof, for the purposes of section 765.

"(7) Notwithstanding paragraphs (1) and (5), no amount in excess of $175,000,000 is authorized to be appropriated to carry out the provisions of this title (including section 724) for fiscal year 1985."

"EXEMPTIONS; REGULATIONS"

"Sec. 703. (a) The following definitions shall apply to the terms used in this title—

"(1) The terms 'limited English proficiency' and 'limited English proficient' when used with reference to individuals mean—"
"(A) Individuals who were not born in the United States or whose native language is a language other than English;

"(B) Individuals who come from environments where a language other than English is dominant, as further defined by the Secretary by regulation;

"(C) Individuals who are American Indian and Alaska Natives and who come from environments where a language other than English has had a significant impact on their level of English language proficiency, subject to such regulations as the Secretary determines to be necessary; and

WHO, BY REASON THEREOF, HAVE SUFFICIENT DiffICULTY SPEAKING, READING, WRITING, OR UNDERSTANDING THE ENGLISH LANGUAGE TO DENY SUCH INDIVIDUALS THE OPPORTUNITY TO LEARN SUCCESSFULLY IN CLASSROOMS WHERE THE LANGUAGE OF INSTRUCTION IS ENGLISH OR TO PARTICIPATE FULLY IN OUR SOCIETY.

"(2) The term 'native language', when used with reference to an individual of limited English proficiency, means the language normally used by such individuals, or, in the case of a child, the language normally used by the parents of the child.

"(3) The term 'low-income' when used with respect to a family means an annual income for such a family which does not exceed the poverty level determined pursuant to section 1116(b) of title I of the Elementary and Secondary Education Act of 1965.

"(4)(A) The term 'program of transitional bilingual education' means a program of instruction, designed for children of limited English proficiency in elementary or secondary schools, which provides, with respect to the years of study to which such program is applicable, structured English language instruction, and, to the extent necessary to allow a child to achieve competence in the English language, instruction in the child's native language. Such instruction shall incorporate the cultural heritage of such children and other children in American society. Such instruction shall, to the extent necessary, be in all courses or subjects of study which will allow a child to meet grade-promotion and graduation standards.

"(B) In order to prevent the segregation of children on the basis of national origin in programs of transitional bilingual education, and in order to broaden the understanding of children about languages and cultural heritage other than their own, a program of transitional bilingual education may include the participation of children whose language is English, but in no event shall the percentage of such children exceed 40 percent. The program may provide for centralization of teacher training and curriculum development, but it shall serve such children in the schools in which they normally attend.

"(C) In such courses or subjects of study as art, music, and physical education, a program of transitional bilingual education shall make provision for the participation of children of limited English proficiency in regular classes.

"In Children enrolled in a program of transitional bilingual education shall, if graded classes are used, be placed, to the extent practicable, in classes with children of approximately the same age and level of educational attainment. If children of significantly varying ages or levels of educational attainment are placed in the same class, the program of transitional bilingual education shall seek to ensure that each child is provided with instruction which is appropriate for his or her level of educational attainment.

"(5)(A) The term 'program of developmental bilingual education' means a full-time program of instruction in elementary and secondary schools which provides, with respect to the years of study to which such program is applicable, structured English language instruction and instruction in a second language. Such program shall be designed to help children achieve competence in English and a second language, while mastering subject matter skills. Such instruction shall, to the extent necessary, be in all courses or subjects of study which will allow a child to meet grade-promotion and graduation standards.

"(B) Where possible, classes in programs of developmental bilingual education shall be comprised of approximately equal numbers of students whose native language is English and limited English proficient students whose native language is the second language of instruction and study in the program.

"(6) The term 'bilingual education' means programs of instruction designed for children of limited English proficiency in elementary and secondary schools. Such programs are not transitional or developmental bilingual education programs, but have specially designed curricula and are appropriate for the particular linguistic and instructional needs of the children enrolled. Such programs shall provide, which, with respect to the years of study to which such program is applicable, structured English language instruction and special instructional services which will allow a child to achieve competence in the English language and to meet grade-promotion and graduation standards.

"(7) The term 'family English literacy program' means a program of instruction designed to help limited English proficient parents and out-of-school youth achieve competence in the English language. Such programs of instruction may be conducted exclusively in English or in English and the native language of limited English proficient children. Where appropriate, such programs may include instruction in how parents and family members can facilitate the educational achievement of limited English proficient children. To the extent feasible, preference for participation in such programs shall be accorded to the parents and immediate family members of children enrolled in programs assisted under this title.

"(8) The term 'programs of academic excellence' means programs of transitional bilingual education, developmental bilingual education, or special alternative instruction which have an established record of providing effective, academically excel lent instruction and which are designed to serve as models of exemplary bilingual education programs and to facilitate the dissemination of effective bilingual educational practices.

"(9) The term 'Office' means the Office of Bilingual Education and Minority Language Affairs.

"(10) The term 'Director' means the Director of the Office of Bilingual Education and Minority Language Affairs.

"(11) The term 'Council' means the National Advisory and Coordinating Council on Bilingual Education.

"(12) The term 'Secretary' means the Secretary of Education.

"(13) The term 'other programs' for persons of limited English proficiency when used in this title means any programs within
the Department of Education directly involving bilingual education activities serving persons of limited English proficiency, such as the programs carried out in coordination with the teacher preparation programs in the field of bilingual education and the Adult Education Act, and programs and projects serving adults with high concentrations of persons of limited English proficiency pursuant to section 6(b)(4) of the Library Services and Construction Act.

(4) In prescribing regulations under this title, the Secretary shall, through the National Advisory and Coordinating Council on Bilingual Education, consult with State and local educational agencies, organizations representing persons of limited English proficiency, and organizations representing teachers and other personnel involved in bilingual education.

(5) The Secretary shall not prescribe under this title any regulations that would adversely affect the availability of bilingual education programs.

(6) The Secretary shall not prescribe under this title any regulations that would impair the effectiveness of bilingual education programs.

(7) The Secretary shall not prescribe under this title any regulations that would impede the implementation of bilingual education programs.

(8) The Secretary shall not prescribe under this title any regulations that would interfere with the administration of bilingual education programs.

(9) The Secretary shall not prescribe under this title any regulations that would restrict the participation of persons of limited English proficiency in bilingual education programs.

(10) The Secretary shall not prescribe under this title any regulations that would limit the availability of bilingual education programs.

PART A—FINANCIAL ASSISTANCE FOR BILINGUAL EDUCATION PROGRAMS

"FINANCIAL ASSISTANCE FOR BILINGUAL EDUCATION PROGRAMS"

Grants

Sec. 721. (a) Funds available for grants under this part shall be used for the establishment, operation, and improvement of—

(1) programs of transitional bilingual education;

(2) programs of developmental bilingual education;

(3) special alternative instructional programs for students of limited English proficiency;

(4) programs of academic excellence;

(5) family English literacy programs;

(6) bilingual preschols, parimaria programs, and special education programs for persons with limited English proficiency;

(7) bilingual educational programs for individuals with limited English proficiency; and

(8) bilingual educational programs for refugees.

(b) A grant may be made under subsection (a) to a public agency, a local educational agency, or a private entity that meets the eligibility requirements set forth in this part.

(c) Any application for a grant authorized under this section shall be made to the Secretary at such time, and in such manner, as the Secretary deems appropriate.

(d) Applications for grants authorized under subsection (a)(1), (a)(2), and (a)(3) of this section shall contain information regarding—

"EDUCATION AMENDMENTS"

Sec. 261. (a) the number of children enrolled in programs conducted by the local educational agency;

(b) the number of children assisted by the local educational agency who are enrolled in programs conducted by the local educational agency;

(c)(1) the number of children assisted in public and private schools in the area served by the local educational agency who are enrolled in bilingual education programs for persons of limited English proficiency;

(d) the number of children assisted in bilingual education programs for persons of limited English proficiency who are enrolled in programs conducted by the local educational agency.

(e) the number of children assisted in bilingual education programs for persons of limited English proficiency who are enrolled in programs conducted by the local educational agency.

(f) the number of children assisted in bilingual education programs for persons of limited English proficiency who are enrolled in programs conducted by the local educational agency.

(g) the number of children assisted in bilingual education programs for persons of limited English proficiency who are enrolled in programs conducted by the local educational agency.

(h) the number of children assisted in bilingual education programs for persons of limited English proficiency who are enrolled in programs conducted by the local educational agency.

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(zz) the number of children assisted in bilingual education programs for persons of limited English proficiency who are enrolled in programs conducted by the local educational agency.
ment in special education programs; student dropout rates; and, where appropriate, postsecondary education and employment experiences of students.

(D) the extent of parent involvement in and satisfaction with the existing bilingual education program; and

(E) how the activities carried out under the grant would utilize and promote programs of academic excellence which employ bilingual educational techniques, practices, and methods.

(5) Applications for grants authorized under subsection (a)(5) shall contain information regarding—

(A) the number of limited English proficient parents and out-of-school family members of limited English proficient students who would be served by the English literacy program;

(B) the activities which would be undertaken under the grant and how these activities will promote English literacy and enable parents and family members to assist in the education of limited English proficient children;

(C) the extent to which the persons to be served by the program have been involved in its development;

(D) applicant’s prior experience and performance in providing educational programs to limited English proficient adults and out-of-school youth;

(E) with respect to applications by a local educational agency, the extent to which limited English proficient students enrolled in the educational agency are served by programs specifically designed to meet their needs; and

(F) with respect to other applicants, a description of how the applicant will coordinate its program with a local education agency to ensure that the program will help the eligible family members promote the academic progress of limited English proficient children.

(6)(A) Grants made pursuant to subsections (a)(1), (a)(2), and (a)(3) of this section shall be for five years.

(7) During the first six months of grants made pursuant to subsections (a)(1), (a)(2), and (a)(3) of this section, an applicant shall engage exclusively in preservation activities. Such activities may include program design, materials development, staff recruitment and training, development of evaluation mechanisms and procedures, and the operation of programs to involve parents in the educational program and to enable parents and family members to assume an active role in the education of limited English proficient children. This paragraph may be waived by the Secretary upon a determination that an applicant is prepared to operate successfully the proposed instructional program.

(8) Upon resubmission, grants authorized under subsections (a)(1), (a)(2), and (a)(3) of this section shall be renewed for two additional years unless the Secretary determines that—

(A) the applicant’s program does not comply with the requirements set out in this title;

(B) the applicant’s program has not made substantial progress in achieving the specific educational goals set out in the original application; or

(C) there is no longer a need for the applicant’s program.

(9) Parents or legal guardians of students identified for enrollment in bilingual education programs shall be informed of (i) the reasons for the selection of their child as in need of bilingual education, (ii) the alternative educational programs that are available, and (iii) the nature of the bilingual education program and of the instructional alternatives. Parents shall also be informed that they have the option of declining enrollment of their children in such programs and shall be given an opportunity to do so if they so choose.

(10) Grants made pursuant to subsections (a)(4) and (a)(5) shall be for five years.

(11) Grants made pursuant to subsections (a)(6) and (a)(7) shall be for a period of one to three years.

(12) An application for a grant authorized under subsections (a)(1), (a)(2), and (a)(3) of this section shall—

(A) be developed in consultation with an advisory council, of which a majority shall be parents and other representatives of the children to be served in such programs, in accordance with criteria prescribed by the Secretary;

(B) be accompanied by documentation of such consultation and by the comments which the Council makes on the application;

(C) contain assurances that, after the application has been approved, the applicant will provide for the continuing consultation with, and participation by, the committees of parents, teachers, and other interested individuals which shall be selected by and predominantly composed of parents of children participating in the program, and in the case of programs carried out in secondary schools, representatives of the secondary students to be served;

(D) attest that the State educational agency has been notified of the application and has been given the opportunity to offer recommendations thereon to the applicant and to the eligible family members;

(E) provide that the program will make available the list of all children enrolled in the program from the previous year, including the number of children served and the number served in each program.

(13) An application for a grant under subsections (a)(2), (a)(3), and (a)(5) of this section may be approved only if the Secretary determines that—

(A) the program will use qualified personnel, including only those personnel who are proficient in the language or languages used by students;

(B) in designing the program for which application is made, the needs of the children in nonprofit private elementary and secondary schools who have been taken into account; and, consistent with the number of such children enrolled in such schools in the area to be served, the educational needs of the children who are enrolled in those schools;

(C) that, Federal funds made available for the project or activity will be used so as to complement the level of State and local funds that, in the absence of Federal funds, would have been expended for special programs for children of limited English proficiency and in no case to supplant such State and local funds, except that nothing in this clause shall—
"(A) preclude a local educational agency from using funds under this title for activities carried out under an order of a court of the United States or by any State requiring services to be provided such children, or to carry out a plan approved by the Secretary as adequate under title VI of the Civil Rights Act of 1964, with respect to services to be provided such children; or

"(B) authorize any priority or preference to be assigned by the Secretary to the funding of the activities under this title;

"(C) that the assistance provided under the application will contribute toward building the capacity of the applicant to provide a program on a regular basis, similar to that proposed for assistance, which will be of sufficient size, scope, and quality to promise significant improvement in the education of children of limited English proficiency, and that the applicant will have the resources and commitment to continue the program when assistance under this title is reduced or no longer available;

"(D) that the applicant will provide or secure training for personal participants or preparing to participate in the program and that, to the extent feasible, college or university credit will be awarded for such training; and

"(E) that the provision of assistance proposed in the application is consistent with criteria established by the Secretary, after consultation with the State educational agency, for the purpose of achieving an equitable distribution of assistance under this part within the State in which the applicant is located, taking into consideration—

"(1) the geographic distribution of children of limited English proficiency;

"(2) the relative need of persons in different geographic areas within the State for the kinds of services and activities authorized under this title;

"(3) and with respect to grants to carry out programs described in subsections (a)(1), (a)(2), and (c)(6) of this section, the relative ability of local educational agencies within the State to provide such services and activities; and

"(4) with respect to such grants, the relative numbers of persons from low-income families sought to be benefited by such programs.

"(G) An application for a grant under subsection (c)(3) of this section may receive priority based upon the Secretary's determination that the program proposed by the applicant pursuant to clause (A), (B), or (C) of subsection (c)(3) of this section.

"(H) In the consideration of applications from local educational agencies to carry out programs authorized under this section, the Secretary shall give priority to applications from local educational agencies which are located in rural or geographically remote regions of the Nation and which propose to assist children of limited English proficiency whose teacher, schools, or educational agency has been underserved by programs of bilingual education, taking into consideration the relative numbers of such children in the schools or by such local educational agencies and the relative need for such programs. In approving such applications, the Secretary shall, to the extent feasible, allocate funds in proportion to the geographical distribution of children of limited English proficiency throughout the Nation, with due regard for the relative ability of particular local educational agencies to carry out such programs and the relative numbers of persons from low-income families sought to be benefited by such programs.

"(I) Programs authorized under this title in the Commonwealth of Puerto Rico may, notwithstanding any other provision of this title, include programs of instruction, teacher training, curriculum development, research, evaluation, and testing designed to improve the English proficiency of children, and may also make provision for services to the needs of students of limited proficiency in Spanish.

"(J) If the Secretary determines that an applicant for assistance under this title is unable or unwilling to provide for the participation in the program for which assistance is sought of children of limited English proficiency enrolled in nonprofit, private schools, as required by subsection (f)(2) of this section, the Secretary shall—

"(1) withhold approval of such application until the applicant demonstrates that it is in compliance with those requirements; and

"(2) reduce the amount of the grant to such applicant by the amount which is required for the Secretary to arrange such an agreement through a contract with a nonprofit, nonsectarian agency, organization, or institution to provide the services of the children in the area to be served for programs of the type authorized in this title and to carry out such programs for the children.

"INDIAN CHILDREN IN SCHOOLS

"Sec. 122. (a) For the purpose of carrying out programs under this title for individuals served by elementary, secondary, or postsecondary schools or programs operated predominantly for Indian or Aleutian Native children, an Indian tribe or a tribally sanctioned educational authority may be considered to be a local educational agency as each term is used in this title, subject to the following qualifications:

"(1) The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or tribal corporation as defined in or established pursuant to the Native American Claims Settlement Act (95 Stat. 685) which is recognized by the United States as representing the interests of Indians because of their status as Indians.

"(2) The term 'tribally sanctioned educational authority' means any department or division of education operating within the administrative structure of the duly constituted governing body of an Indian tribe, as well as any nonprofit institution or organization which is chartered by the governing body of an Indian tribe to operate any such school or otherwise to oversee delivery of educational services to members of that tribe and which is approved by the Secretary for the purpose of this section.

"(b) Programs funds appropriated pursuant to section 702(b), the Secretary is authorized to make payments to the applicants to carry out programs of bilingual education for Indian children on reservations served by elementary and secondary schools operated or funded by the Bureau of Indian Affairs.

"(c) The Assistant Secretary of the Interior for the Bureau of Indian Affairs shall submit to the Congress, the President, and the Secretary by September 30 of each year an annual report which provides—
"(1) an assessment of the needs of the Indian children with respect to the purposes of this title in schools operated or funded by the Department of the Interior, including those tribes and local educational agencies receiving assistance under the Johnson-O'Malley Act (25 U.S.C. 465 et seq.) and

"(2) an assessment of the extent to which such needs are being met by funds provided to such schools for educational purposes through the Secretary of the Interior.

"Part B—Data Collection, Evaluation, and Research

"USE OF FUNDS

20 U.S.C. 2004

"Sec. 731. Funds available under this part shall be used for (1) collecting data on the number of limited English proficient persons and the educational services available to such persons, (2) evaluating the operation and effectiveness of programs assisted under this title, (3) conducting research to improve the effectiveness of bilingual education programs, and (4) disseminating data and information on bilingual education.

"GRANTS FOR STATE PROGRAMS

20 U.S.C. 2054

"Sec. 732. (a) Upon an application from a State educational agency, the Secretary shall make a grant to the State to assist in the compilation and development of a plan for the collection, aggregation, analysis, and publication of data and information on the State's population of limited English proficient persons and the educational services provided or available to such persons.

"(b) State programs under this part shall provide for the annual submission of a report to the Secretary containing data and information on such matters as the Secretary shall, by regulation, determine necessary and proper to achieve the purpose of this section, including the matters specified in section 731(b), and the reports shall be in such form and shall be submitted on such date as the Secretary shall specify by regulation. State programs shall provide for the dissemination of data and information regarding those matters to the public, and, particularly, to persons of limited English proficiency.

"(c) State programs authorized under this section may also provide for—

"(1) the planning and development of educational programs such as those assisted under this title;

"(2) the review and evaluation of programs of bilingual education, including bilingual education programs that are not funded under this title;

"(3) the provision, coordination, or supervision of technical and other forms of financial assistance to local educational agencies, community organizations, and private elementary and secondary schools that serve limited English proficient persons;

"(4) the development and administration of instruments and procedures for the assessment of the educational needs and competencies of persons of limited English proficiency;

"(5) the training of State educational agency staff to carry out the purposes of this title; and

"(6) other activities and services designed to build the capacity of State and local educational agencies to serve the educational needs of persons of limited English proficiency.

"EDUCATION AMENDMENTS

Oct. 19

"Sec. 731. Funds available under this part shall be used for (1) collecting data on the number of limited English proficient persons and the educational services available to such persons, (2) evaluating the operation and effectiveness of programs assisted under this title, (3) conducting research to improve the effectiveness of bilingual education programs, and (4) disseminating data and information on bilingual education.

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"(b) State programs under this part shall provide for the annual submission of a report to the Secretary containing data and information on such matters as the Secretary shall, by regulation, determine necessary and proper to achieve the purpose of this section, including the matters specified in section 731(b), and the reports shall be in such form and shall be submitted on such date as the Secretary shall specify by regulation. State programs shall provide for the dissemination of data and information regarding those matters to the public, and, particularly, to persons of limited English proficiency.

"(c) State programs authorized under this section may also provide for—

"(1) the planning and development of educational programs such as those assisted under this title;

"(2) the review and evaluation of programs of bilingual education, including bilingual education programs that are not funded under this title;

"(3) the provision, coordination, or supervision of technical and other forms of financial assistance to local educational agencies, community organizations, and private elementary and secondary schools that serve limited English proficient persons;

"(4) the development and administration of instruments and procedures for the assessment of the educational needs and competencies of persons of limited English proficiency;

"(5) the training of State educational agency staff to carry out the purposes of this title; and

"(6) other activities and services designed to build the capacity of State and local educational agencies to serve the educational needs of persons of limited English proficiency.
sisted under this title. Grants made pursuant to this section shall be for a period of three years.

"RESEARCH"

"Sec. 735. (a) The Secretary shall, through competitive contracts under this section, provide financial assistance for research and development proposals submitted by institutions of higher education, private for-profit and nonprofit organizations, State and local educational agencies, and individuals.

(1) Research activities authorized to be assisted under this section shall include:

(I) studies to determine and evaluate effective models for bilingual education programs;

(II) studies which examine the process by which individuals acquire a second language and master the subject matter skills required for grade-promotion and graduation, and which identify effective methods for teaching English and subject matter skills within the context of a bilingual education program or special alternative instructional program to students who have language proficiencies other than English;

(III) longitudinal studies to measure the effect of this title on the education of students who have language proficiencies other than English, and the effect of this title on the capacity of local educational agencies to operate bilingual programs following the termination of assistance under this title;

(IV) studies to determine effective and reliable methods for identifying students who are entitled to services under this title and for determining when their English language proficiency is sufficiently well developed to permit them to derive optimal benefits from an all-English instructional program;

(V) the operation of a clearinghouse which shall collect, analyze, and disseminate information about bilingual education and related programs;

(VI) studies to determine effective methods of teaching English to adults who have language proficiencies other than English;

(VII) studies to determine and evaluate effective methods of instruction for bilingual programs, taking into account language and cultural differences among students; and

(VIII) studies to determine effective approaches to preservice and inservice training for teachers, taking into account the language and cultural differences of their students.

(b) In carrying out the responsibilities under this section, the Secretary may delegate authority to the Director, and in any event, shall consult with the Director, the National Advisory and Coordinating Council on Bilingual Education, representatives of State and local educational agencies, and appropriate groups and organizations involved in bilingual education.

(c) The Secretary shall publish and disseminate all requests for proposals in research and development assisted under this title.

"COORDINATION OF RESEARCH"

"Sec. 736. Notwithstanding section 485(b)(3) of the General Education Provisions Act, the Director of the National Institute of Education shall consult with the Director and the National Advisory and

"EDUCATION AMENDMENTS"

"Sec. 737. (a) Notwithstanding section 486 of the General Education Provisions Act, the National Center for Education Statistics shall collect and publish, as part of its annual report on the condition of education, data for States, Puerto Rico, and the Trust Territories with respect to the population of limited English proficient persons, the special educational services and programs available to limited English proficient persons, and the availability of educational personnel qualified to provide special educational services and programs to limited English proficient persons.

(b) In carrying out its responsibilities under this section, the National Center for Education Statistics shall utilize, to the extent feasible, data submitted to the Department of Education by State and local educational agencies and institutions of higher education pursuant to the provisions of this title.

"PART C-TRAINING AND TECHNICAL ASSISTANCE"

"USE OF FUNDS"

"Sec. 741. (a) Funds available under this part shall be used for—

(1) the establishment, operation, and improvement of training programs for educational personnel preparing to participate in, or participating in, the conduct of programs of bilingual education or special alternative instructional programs for limited English proficient students, which shall emphasize opportunities for career development, advancement, and lateral mobility, and may provide training to teachers, administrators, counselors, paraprofessionals, teacher aides, aides, and others;

(2) the training of persons to teach and counsel such persons;

(3) the encouragement of reform, innovation, and improvement in applicable education curricula in graduate education to the structure of the academic profession, and in recruitment and retention of higher education and graduate school faculties, as related to bilingual education;

(4) the operation of short-term training institutes designed to improve the skills of participants in programs of bilingual education or special alternative instructional programs for limited English proficient students, which may include summer programs designed to improve the instructional competence of educational personnel in the languages used in the program; and

(5) the provision of inservice training and technical assistance to parents and educational personnel participating in, or preparing to participate in, bilingual education programs or special alternative instructional programs for limited English proficient students.

(b)(1) A grant or contract may be made under subsection (a)(1), (a)(2), or (a)(3) of this section upon application of an institution of higher education.
"(2) A grant or contract may be made under subsection (a)(4) of this section upon application of (A) institutions of higher education (including junior colleges and community colleges) and private for-profit or nonprofit organizations which apply, after consultation with, or jointly with, one or more local educational agencies or a State educational agency; (B) local educational agencies; or (C) a State educational agency.

"(3) A grant or contract may be made under subsection (a)(5) of this section upon application of (A) institutions of higher education (including junior colleges and community colleges) and private for-profit or nonprofit organizations, or (C) a State educational agency.

"(c) An application for a grant or contract for preservice or inservice training activities described in subsection (a)(1) of this section shall be considered an application for a program of bilingual education for the purposes of section 721e of this title.

"(d) In making a grant or contract for preservice training programs described in subsection (a)(1) of this section, the Secretary shall give preference to programs which contain coursework in—

"(1) teaching English as a second language;

"(2) the use of a non-English language for instructional purposes;

"(3) linguistics and

"(4) evaluation and assessment;

and involving parents in the educational process. Preservice training programs shall be designed to ensure that participants become proficient in English and a second language of instruction.

"MULTIFUNCTIONAL RESOURCE CENTERS

"Sec. 742. (a) Pursuant to subsection (a)(5) of section 741, the Secretary shall establish, through competitive grants or contracts, at least 16 multifunctional resource centers, referred to as ‘centers’. Grants and contracts shall be awarded with consideration given to the geographic and linguistic distribution of children of limited English proficiency referred to as ‘centers’. Grants and contracts shall be awarded to units of education for the payment to persons participating in programs or services. The payment shall be made to persons participating in programs or services. The payment shall be made to persons participating in programs or services. The payment shall be made to persons participating in programs or services.

"(b) In addition to providing technical assistance and training to persons participating in, or preparing to participate in, bilingual education programs or services, the centers shall provide technical assistance and training to persons participating in, or preparing to participate in, bilingual education programs or services. The centers shall provide technical assistance and training to persons participating in, or preparing to participate in, bilingual education programs or services.

"FELLOWSHIPS

"Sec. 743. (a) Pursuant to subsection (a)(2) of section 741, the Secretary is authorized to award fellowships for advanced study of bilingual education or special alternative instructional programs for limited English proficient students in such areas as teacher training, program administration, research and evaluation, and curriculum development. For the fiscal year ending September 30, 1978, not less than 500 fellowships leading to a graduate degree shall be awarded under the preceding sentence. Such fellowships shall be awarded to the extent feasible, in proportion to the needs of various groups of individuals with limited English proficiency. In awarding fellowships, the Secretary shall give preference to individuals intending to study bilingual education or special alternative instructional programs for limited English proficient students in the following limited areas: vocational education, adult education, gifted and talented education, special education, education technology, library, and mathematics and science education. The Secretary shall include information on the operation of the fellowship program in the report required under section 7510 of this title.

"(b) The Secretary shall undertake an ongoing longitudinal study of the impact of recipients of such fellowships on the field of bilingual education and alternative instructional programs for students of limited English proficiency and shall, through the clearinghouse established pursuant to section 785(b)(6) of this title, disseminate research undertaken by recipients of such fellowships.

"(c) Any person receiving a fellowship under this section shall agree either to repay such assistance or to work for a period equivalent to the period of time during which such person received assistance, and such work shall be in an activity related to programs and activities as those authorized under this Act. The Secretary may waive the requirement in extraordinary circumstances.

"PRIORITY

"Sec. 744. In making grants or contracts under this part, the Secretary shall give priority to eligible applicants with demonstrated competence and experience in programs and activities such as those authorized under this Act.

"STUDENT

"Sec. 745. In the terms of any arrangement described in this part, the Secretary shall provide for the payment to persons participating in programs or services. The payment shall be made to persons participating in programs or services. The payment shall be made to persons participating in programs or services. The payment shall be made to persons participating in programs or services. The payment shall be made to persons participating in programs or services.

"OFFICE OF BILINGUAL EDUCATION AND MINORITY LANGUAGE AFFAIRS

"Sec. 751. (a) There shall be, in the Department of Education, an Office of Bilingual Education and Minority Languages Affairs, hereafter in this section referred to as the ‘Office’, through which the Secretary shall carry out functions relating to bilingual education.

"(b)(1) The Office shall be headed by a Director of Bilingual Education and Minority Languages Affairs, appointed by the Secretary, in whom the Secretary shall delegate all the functions relating to bilingual education. The Director shall be assigned responsibility for coordinating the bilingual education aspects of other programs administered by the Secretary.

"(2) The Office shall be organized as the Director determines to be appropriate in order to enable the Director to carry out such functions and responsibilities effectively, except that there shall be
a division, within the Office, which is exclusively responsible for the collection, aggregation, analysis, and publication of data and information on the operation and effectiveness of programs assisted under this title.

"(c) The Secretary, in consultation with the Council, shall prepare, and, not later than February 1 of 1986 and 1988, shall submit to the Congress and the President a report on the condition of bilingual education in the Nation and the administration and operation of this title and of other programs for persons of limited English proficiency. Such report shall include—

"(1) a national assessment of the educational needs of children and other persons with limited English proficiency and of the extent to which such needs are being met by Federal, State, and local efforts;

"(2) a plan, including cost estimates, to be carried out during the five-year period beginning on such date, for extending programs of bilingual education and bilingual vocational and adult education programs to all such preschool and elementary school children and other persons of limited English proficiency, including the phased plan for the training of the necessary teachers and other educational personnel necessary for such purpose;

"(3) a report on the status of the activities carried out under this title during the preceding two fiscal years and the extent to which each of such activities achieved the policies set forth in section 7606;

"(4) a statement of the activities intended to be carried out during the succeeding period, including an estimate of the cost of such activities;

"(5A) an assessment of the number of teachers and other educational personnel needed to carry out programs of bilingual education under this title and those carried out under other programs for persons of limited English proficiency;

"(5B) a statement describing the activities carried out thereunder designed to prepare teachers and other educational personnel for such programs; and

"(6) the number of other educational personnel needed to carry out programs of bilingual education in the States and an estimate of the number of fellowships in the field of training for teachers of bilingual education which will be necessary for the two succeeding fiscal years.

"(d) In order to maximize Federal efforts aimed at serving the educational needs of children of limited English proficiency, the Secretary shall coordinate and closely cooperate with other programs administered by the Department of Education, including such areas as teacher training, program content, research, and curriculum. The Secretary's report under subsection (c) shall include demonstration that such coordination has taken place.

"(e) The Secretary shall ensure that the Office of Bilingual Education and Minority Language Affairs is staffed with sufficient personnel trained, or with experience in, bilingual education to discharge effectively the provisions of this title.

"NATIONAL ADVISORY AND COORDINATING COUNCIL ON BILINGUAL EDUCATION

Establishment 20 USC 3323

"Sec. 752. (a) Subject to part D of the General Education Provisions Act, there shall be a National Advisory and Coordinating Council on Bilingual Education. Council on Bilingual Education composed of twenty members appointed by the Secretary, one of whom shall be designated by the Secretary as Chairman. Members of the Council shall be persons experienced in dealing with the educational problems of children and other persons who are of limited English proficiency. Five members of the Council shall be State directors of bilingual education programs, the President selecting five persons representing States with large populations of limited English proficient students. Two members of the Council shall be experienced in research on bilingual education or evaluation of bilingual education programs. One member of the Council shall be experienced in research on methods of alternative instruction for language minority students, or evaluation of alternative methods of instruction for such students. One member of the Council shall be a school teacher of demonstrated teaching abilities, using bilingual methods and techniques. One member of the Council shall be experienced in the training of teachers for programs of bilingual education. One member of the Council shall be an officer or professional organization representing bilingual education personnel. The members of the Council shall be appointed in such a way as to be generally representative of the significant population of persons of limited English proficiency and the geographic areas in which they reside. Subject to section 445(b) of the General Education Provisions Act, the Council shall continue to exist until October 1, 1988.

"(b) The Council shall meet at the call of the Chairman, but, notwithstanding the provisions of section 445(a) of the General Education Provisions Act, no less than four times in each year.

"(c) The Council shall advise the Secretary in the preparation of general regulations and with respect to policy matters arising in the administration and operation of programs for persons of limited English proficiency. The Council shall periodically submit to the Congress and the President on the condition of bilingual education in the Nation and on the administration and operation of this title and the programs specified in section 7603, and the administration and operation of other programs for persons of limited English proficiency.

"(d) The Secretary shall procure temporary and intermittent services of such personnel as are necessary for the conduct of the functions of the Council, in accordance with section 445 of the General Education Provisions Act, and shall make available to the Council such staff, information, and other assistance as may require to carry out its activities effectively."
Appendix E

TITLE VII—BILINGUAL EDUCATION PROGRAMS

SEC. 701. SHORT TITLE.
This title may be cited as the "Bilingual Education Act.

SEC. 702. POLICY; APPROPRIATIONS.
(a) POLICY.—Recognizing—
(1) that there are large and growing numbers of children of
limited English proficiency;
(2) that many of such children have a cultural heritage
which differs from that of English proficient persons;
(3) that the Federal Government has a special and continu-
ing obligation to assist in providing equal educational oppor-
tunity to limited English proficient children;
(4) that, regardless of the method of instruction, programs
which serve limited English proficient students have the
important goal of developing academic achievement and
English proficiency;
(5) that the Federal Government has a special and continu-
ing obligation to assist language minority students to acquire
the English language proficiency to which they are entitled;
(6) that the instructional use and development of a child's
non-English native language promotes student self-esteem, sub-
ject matter achievement, and English-language acquisition;
(7) that a primary means by which a child learns is through
the use of each child’s native language;
(8) that, therefore, large numbers of children of limited
English proficiency have educational needs which cannot be met
by the use of bilingual instruction; and because personnel who are qualified to provide
bilingual instructional services are unavailable;
(9) that in some school districts establishment of bilingual
education programs may be administratively impractical due to
the presence of small numbers of students of a particular native
language or because personnel who are qualified to provide
bilingual instructional services are unavailable;
(10) that States and local school districts should be encour-
gaged to determine appropriate curricula for limited English
proficient students and to develop and implement appropriate instructional programs;
(11) that children of limited English proficiency have a high
dropout rate and low median years of education;
(12) that the segregation of many groups of limited English
proficient students in special education programs creates
problems which are inappropriate for limited English proficient students; and
resulted in the disproportionate representation of limited English
proficient students in special education, gifted and talented,
and other special programs;
(13) that there is a serious shortage of teachers and edu-
cational personnel who are professionally trained and qualified
to serve children of limited English proficiency;
(14) that many schools fail to meet the federal and state
requirements for the education of Limited English Proficient students who also
be handicapped or gifted and talented;
(15) that both limited English proficient children and chil-
dren whose primary language is English can benefit from
bilingual education programs, and that such programs help develop
our national linguistic resources and promote our international
competitiveness;
(16) that research, evaluation, and data collection capabil-
ties in the field of bilingual education need to be strengthened
so as to better identify and promote those programs and instruc-
tional practices which result in effective education;
(17) that parents and community participation in bilingual
education programs contributes to program effectiveness; and
(18) that because of limited English proficiency, many adults
are not able to participate fully in national life, and that limited
English proficient parents are often not able to participate
effectively in their children's education;
the Congress declares it to be the policy of the United States, in
order to establish equal educational opportunity for all children and
to promote educational excellence (A) to encourage the establish-
ment and operation, where appropriate, of bilingual education programs
along linguistic and cultural lines in school districts where the establishment of
bilingual education programs is not practicable or for other appropriate reasons, and (B) to encourage
the establishment of special alternative instructional programs
for students of limited English proficiency in school dis-
tricts where the establishment of bilingual education programs is
not practicable or for other appropriate reasons, and (C) for those
purposes, to provide financial assistance to local educational agen-
cies, and, for certain related purposes, to State educational agencies,
local educational agencies, or local educational agencies;
(b) AUTHORIZATIONS.—(1) For the purpose of carrying out the
provisions of this title, there are authorized to be appropriated,
subject to paragraph (2), $320,000,000 for the fiscal year 1988
and such sums as may be necessary for the fiscal year 1999
and each of the 4 succeeding fiscal years.
(2) There are further authorized to be appropriated to carry out
the provisions of section 7001, subject to paragraph (1), such sums as
may be necessary for the fiscal year 1988 and each of the 4 succeeding fiscal
years.
(3) From the amounts appropriated under paragraph (1) for part A
for any fiscal year, the Secretary may reserve not to exceed 25
percent for special alternative instructional programs and related
activities authorized under section 7021(a)(2) and may include programs under paragraphs (4), (8), and (9) of section 7021(a).

(4) From the same appropriation under paragraph (1) for any fiscal year, the Secretary shall reserve at least 25 percent of the funds for the programs provided under paragraph (2). Of the amount reserved under this provision, at least 75 percent shall be reserved for the programs of transitional bilingual education carried out under section 7021(a) that include programs under paragraphs (4), (8), and (9) of section 7021(a).

(5) From the same appropriation under paragraph (1) for any fiscal year, the Secretary shall reserve at least 5 percent for training activities carried out under part 4-C.

(6) Notwithstanding paragraphs (1) and (2), no amount in excess of $100,000,000 may be appropriated for the fiscal year 1980 to carry out the provisions of this title (including section 7023).

(7) The reservation required by paragraph (2) shall not result in changing the terms, conditions, or negotiated levels of any grant awarded in fiscal year 1977 to which section 7021(b) applies.

SEC. 7022. DEFINITIONS AND SPECIFICATIONS.

(a) General Rule—The following definitions shall apply to the terms used in this title:

"(1) The term 'limited English proficiency' when used with reference to individuals means—
(a) individuals who have not born in the United States or whose native language is a language other than English;
(b) individuals who come from environments where a language other than English is dominant; and
(c) individuals who are American Indians and Alaska Natives and who come from environments where a language other than English has had a significant impact on their level of English language proficiency.

"(2) The term 'individuals' when used with reference to an individual's native language, means the language normally used by such individual, or in the case of a child, the language normally used by the parents of the child.

"(3) The term 'low-income' when used with respect to a family means an annual income for such a family which does not exceed the poverty level determined pursuant to section 1092(c)(2) of this Act.

"(4) The term 'program of transitional bilingual education' means a program of instruction designed for children of limited English proficiency in elementary or secondary schools, which provides, with respect to the years of study to which such program is applicable, structured English language instruction, and, to the extent necessary to allow a child to achieve competence in the English language, instruction in the child's native language. Such instruction shall incorporate the cultural heritage of such children and of other children in American society. Such instruction shall, to the extent necessary, be in all courses or subjects of study which will allow a child to meet grade-promotion and graduation standards.

"(5) In order to prevent the segregation of children on the basis of national origin in programs of transitional bilingual education, and in order to improve the understanding of children about their own culture and heritage, other than their own, a program of transitional bilingual education may include the participation of children whose language is English, but in no event shall the percentage of such children exceed 20 percent.

"(6) The program may provide for consolidation of teacher training and curriculum development, but it shall serve each child in the schools which they normally attend.

"(7) In such course, or subjects of study as art, music, and physical education, a program of transitional bilingual education shall provide for the participation of children of limited English proficiency in regular classes.

"(8) Children enrolled in a program of transitional bilingual education shall, if graded classes are used, be placed, to the extent practicable, in classes with children of approximately the same age and level of educational attainment. If children of significantly varying ages or levels of educational attainment are placed in the same class, the program of transitional bilingual education shall seek to ensure that such children are provided with instruction which is appropriate for such child's level of educational attainment.

"(9) The term 'program of developmental bilingual education' means a full-time program of instruction in elementary and secondary schools which provides, with respect to each year of study to which such program is applicable, structured English language instruction and instruction in a second language. Such programs shall be designed to help children achieve competence in English and a second language, while mastering subject matter skills. Such instruction shall, to the extent necessary, be in all courses or subjects of study which will allow a child to meet grade-promotion and graduation standards.

"(10) Where possible, classes in programs of developmental bilingual education shall be comprised of approximately equal numbers of students whose native language is English and limited English proficient students whose native language is the second language of instruction and study in the program.

"(11) The term 'special alternative instructional programs' means programs of instruction designed for children of limited English proficiency in elementary and secondary schools. Such programs are not transitional or developmental bilingual education programs, but have specially designed curricula and are appropriate for the particular linguistic and instructional needs of the children enrolled. Such programs shall provide, with respect to the years of study to which such program is applicable, structured English language instruction and special instructional services which will allow a child to achieve competence in the English language and to meet grade-promotion and graduation standards.

"(12) The term 'fully English language program' means a program of instruction designed to help limited English proficient adults and out-of-school youth achieve competence in the English language. Such programs of instruction may be conducted exclusively in English or in English and the student's..."
active language. Where appropriate, such programs may include instruction on how parents and family members can facilitate the educational achievement of limited English proficient children. To the extent feasible, preference for participation in such programs shall be accorded to the parents and immediate family members of children enrolled in programs assisted under this title. Such programs of instruction may include instruction designed to enable aliens who are otherwise eligible for temporary resident status under section 245A of the Immigration and Nationality Act to achieve a minimal understanding of the English language and a knowledge and understanding of history and government of the United States as required by section 321 of such Act.

"(9) The term 'programs of academic excellence' means programs of transitional bilingual education, developmental bilingual education, or special alternative instruction (A) which have an established record of providing effective, academically excellent instruction; and (B) which—

(i) can be used as models for effective schools for limited English proficient students to facilitate the dissemination and use of effective teaching practices for limited English proficient students; or

(ii) which are designed to serve as models of exemplary bilingual education programs to facilitate the dissemination of effective educational practices.

"(10) The term 'Office' means the Office of Bilingual Education and Minority Language Affairs.

"(11) The term 'Director' means the Director of the Office of Bilingual Education and Minority Language Affairs.

"(12) The term 'Secretary' means the Secretary of Education.

"(13) The term 'other programs' means programs for persons of limited English proficiency when used in this title means any programs within the Department of Education directly involving bilingual education activities serving persons of limited English proficiency, such as the programs carried out in coordination with the provisions of this title pursuant to part E of title V of the Carl D. Perkins Vocational Education Act, section 1305(a)(1) of the Adult Education Act, and programs and projects serving individuals of limited English proficiency pursuant to section 186(d) of the Library Services and Construction Act.

"(14) The term 'regulations' means the regulations prescribed under this title, the Secretary shall consult with State and local educational agencies, organizations representing persons of limited English proficiency, and organizations representing teachers and other personnel involved in bilingual education.

"(15) The Secretary shall not prescribe under this title any regulations further defining the terms defined in subsection (b), or any regulations restricting or expanding the definitions set out in subsection (a).

"(16) Information Rules.—Parents of children participating in programs assisted under this title shall be informed of the instructional goals of the program and the progress of their children in such program. Every effort shall be made to provide the information to parents pursuant to this subsection in a language and form that the parents understand.
"(F) the number of children who are to receive instruction through the proposed program and the extent of the educational needs;

"(G) a statement of the applicant's ability to serve children of limited English proficiency, including an assessment of the qualifications of personnel who will participate in the proposed project and of the need for further training of such personnel;

"(H) the resources needed to develop and operate the proposed program;

"(I) the activities which would be undertaken under the grant, including training of educational personnel and parents, and how these activities will improve the educational attainment of students and expand the capacity of the applicant to operate programs such as those assisted under this Act when Federal assistance under this section is no longer available; and

"(J) the specific educational goals of the proposed program and how achievement of these goals will be measured.

"(B) An application for a grant under subsection (a)(3) of this section shall receive priority if the application—

"(A) describes the administrative practicability of establishing a bilingual education program due to the presence of a small number of students of a particular native language,

"(B) describes the unavailability of personnel qualified to provide bilingual instructional services, or

"(C) is made on behalf of a local educational agency having a small number of Limited English proficient students in the schools of such agency that because of isolation or regional provision is unable to obtain a native language teacher.

"(4) Applications for grants authorized under subsection (a)(4) shall contain information regarding—

"(A) the number of children served by the existing bilingual education program and evidence of these educational condition prior to enrollment in the program;

"(B) a description of the existing program as well as the educational background and linguistic competencies of program participants;

"(C) the extent to which the program has promoted student academic achievement as indicated by objective evidence, such as improvements in language, mathematics, and subject matter tests scores, grade retention rates, student dropout rates, and, where appropriate, postsecondary education and employment experiences of students;

"(D) the extent of parent involvement in and satisfaction with the existing bilingual education program; and

"(E) how the activities which would be undertaken under the grant would utilize and promote programs of academic excellence which employ bilingual education practices, techniques, and methods.

"(3) Applications for grants authorized under subsection (a)(5) shall contain information regarding—

"(A) the number of Limited English proficient parents and other school family members of Limited English proficient students who would be served by the English Literacy program;

"(B) the activities which would be undertaken under the grant and how these activities will promote English literacy and enable parents and family members to assist in the education of Limited English proficient children;

"(C) the extent to which the programs to be served by the program have been involved in its development;

"(D) applicant's prior experience and performance in providing such programs to Limited English proficient students; and

"(E) whether the applicant intends to be associated with a local educational agency to which the Limited English proficient students enrolled in the educational agency are served by programs specifically designed to meet these needs; and

"(F) with respect to other applicants, a description of how the applicant will coordinate its program with a local educational agency to ensure that the program will help Limited English proficient family members promote the academic progress of Limited English proficient children.

"(4) Denial of Grants.—(A) Grants made pursuant to subsections (a)(1), (a)(2), and (a)(3) of this section shall be for 3 years.

"(B) During the first 12 months of grants made pursuant to subsection (a)(1), (a)(2), and (a)(3) of this section, the applicant may engage exclusively in prescriptive activities. Such activities may include program design, materials development, staff recruitment, and training, development of evaluation mechanisms, and procedures.

"(C) When a grant is extended for 2 additional years under the Secretary determines that—

"(D) if the applicant's program does not comply with the requirements set out in this subsection;

"(E) the applicant's program has not made substantial progress in achieving the specific educational goals set out in the original application; or

"(F) there is no longer a need for the applicant's program.

"(5) Parent or legal guardian participation in bilingual education programs shall be informed of the reason for the selection of their child as the recipient of bilingual instruction and the alternative educational programs that are available, and the nature of the bilingual education program and of the instructional alternatives. Parents shall be informed that the child is the beneficiary of the enrollment of their child in a bilingual program and shall be given an opportunity to do so if they so choose. Every effort shall be made to provide the information to parents pursuant to this subsection in a language and form that parents understand.

"(6) Grants made pursuant to subsections (a)(4), (a)(5), and (a)(6) shall be for 5 years.

"(7) (A) No student may be enrolled in a bilingual program for which a grant is made under subsection (a)(1) or (a)(3) of this section for a period of more than 3 years, except where the school in which the student is enrolled—

"(B) conducts a comprehensive evaluation of the overall academic progress of the student; and

"(C) the results of the evaluation indicate that—

"(D) the student is eligible for special education services, and

"(E) parent or legal guardian participate in bilingual education programs shall be informed of the reason for the selection of their child as the recipient of bilingual instruction and the alternative educational programs that are available, and the nature of the bilingual education program and of the instructional alternatives. Parents shall be informed that the child is the beneficiary of the enrollment of their child in a bilingual program and shall be given an opportunity to do so if they so choose. Every effort shall be made to provide the information to parents pursuant to this subsection in a language and form that parents understand.

"(F) shall be for 5 years.
Any student with respect to whom the requirements of this paragraph are met may remain in the program for a fourth year, except as provided in division (B)(2) of subparagraph (E).

(2) The evaluation required by paragraph (A) shall involve teachers and school personnel familiar with the student's overall academic program. The results of such an evaluation shall be made available to the parents of the student within 60 days of its completion.

(3) An evaluation shall be carried out at the end of the fourth year in which the student is in the program described in subparagraph (A) if the student is on the 6th grade and shall be conducted in accordance with division (I) of this subparagraph.

(4) Each evaluation shall indicate how the student's English language development will be addressed during the period the student is retained in the program. The student's academic progress during that period shall emphasize mastery of English.

(5) No student shall remain in a bilingual education program described in subparagraph (A) for more than 6 years.

(6) In carrying out this title, each local educational agency, institution of higher education, and private non-profit organization having an application approved under this section may request an additional assessment for limited English proficient students throughout the regular and special education programs by—

(i) expanding the educational calendar of the schools in which such student is enrolled to include programs before and after school and during the summer;

(ii) lowering per pupil ratios, including the use of professional and volunteer aides; and

(iii) the application of technology to the course of instruction.

(a) Application Requirements.—An application for a grant authorized under subsections (a)(1), (a)(2), and (a)(3) of this section shall—

(1) be developed in consultation with an advisory council of which a majority shall be parents and other representatives of the children to be served in such program, in accordance with criteria prescribed by the Secretary;

(2) be accompanied by a demonstration of such consultation and by the procedures which the council makes on the application;

(3) contain assurances that, after the application has been approved, the applicant will provide for the continuing consultation with, and participation by, the committee of parents, teachers, and other interested individuals in the education of children participating in the program, and in the case of programs carried out in secondary schools, representatives of the secondary students to be served;

(4) ensure applicant support for additional advisory council activities, if support is requested by the advisory council; and

(5) include evidence that the State educational agency has notified the application and has been given the opportunity to offer recommendations thereon to the applicant and to the Secretary.

(2) Approval of Application.—An application for a grant under subsections (a)(1), (a)(2), and (a)(3) of this section may be approved only if the Secretary determines—

(1) that the program will use qualified personnel, including only those personnel who are proficient in the language or languages used for instruction;

(2) that in designing the program for which application is made, the needs of the children of nonpublic private elementary and secondary schools in the service area are being taken into account through consultations with appropriate private school officials and, consistent with the number of such children enrolled in such schools, the services to be provided to such children;

(3) that the program will be evaluated in accordance with a plan that meets the requirements of subsection (f) of this title;

(4) that student evaluation and assessment procedures in the program are appropriate for the limited English proficiency student, and that limited English proficient students who are handicapped are identified and served in accordance with the requirements of the Education of the Handicapped Act;

(5) that Federal funds made available for the project or activity will be used to supplement the level of State and local funds that, in the absence of those Federal funds, would have been expended for special programs for children of limited English proficiency and in no case to supplant such State and local funds, except in those cases where the Federal funds are used to provide additional services to the extent necessary to ensure that such services are provided.

(3) Program Administration.—The Governor of each State shall—

(1) establish such rules and regulations as may be necessary to carry out the purposes of this title;

(2) submit to the Congress an annual report on the activities carried out under this title; and

(3) authorize any priority or preference to be assigned by the Secretary to the activities under this title.
"(A) the geographic distribution of children of limited English proficiency;  
(B) the relative need of persons in different geographic areas within the State for the kinds of services and activities authorized under this title;  
(C) the relative ability of applicant local educational agencies within the State to provide needed services and activities; and  
(D) the relative numbers of persons from low-income families who would benefit from the applicant’s programs; and  
"(II) that the State educational agency has been notified of the application and has been given the opportunity to offer recommendations thereon to the applicant and to the Secretary.  
"(c) Priority Consideration of Grants.—An application for a grant under subsection (a)(2) of this section may receive priority based upon the information provided by the applicant pursuant to clause (I), (II), or (III) of subsection (a)(2) of this section.  
"(d) Priority for Programs Served on Unrecognized Reservations.—In the consideration of applications from local educational agencies to carry out programs authorized under this title, the Secretary shall give priority to applications from local educational agencies which are located in areas where children have historically been underserved by programs of bilingual education, taking into consideration the relative numbers of such children in the schools of such local educational agencies and the relative need for such programs. In approving such applications, the Secretary shall, to the extent feasible, allocate funds approved under this section in proportion to the geographical distribution of children of limited English proficiency throughout the Nation, with due regard for the relative need of each State and the relative numbers of persons from low-income families who would benefit from such programs.  
"(e) Limitation on the Use of Funds.—No section taken may involve the admission or exclusion of students or the disbursement of funds for any purposes.  
"(f) Programs in Puerto Rico.—Programs authorized under this title in the Commonwealth of Puerto Rico may provide bilingual education and services under this title. Such programs shall include programs for instruction, teacher training, curriculum development, research, and evaluation, and testing designed to improve the educational proficiency of children, and may include provision for the needs of students of limited English proficiency in Spanish.  
"(g) Byrne Formula.—If the Secretary determines that an applicant for assistance under this title is unable or unwilling to provide for the participation in the program for which assistance is sought of children of limited English proficiency enrolled in nonprofit, private schools, as required by subsection (f) of this section, the Secretary may—  
(1) withhold approval of such application until the applicant demonstrates that it is in compliance with those requirements; or  
(2) reduce the amount of the grant to such applicant by the amount which is required for the Secretary to arrange such assistance through a contract with a nonprofit, nongovernmental organization, or institution to assure the needs of the children in the areas to be served by programs of the type authorized under this title and to carry out such programs for the children.  
"SEC. 3322. INDIAN CHILDREN IN SCHOOLS.  
"(a) Exception.—For the purpose of carrying out programs under this title for individuals served by elementary, secondary, or preschool programs, operated predominantly for Indian or Alaskan Native children, an Indian tribe or a tribal subdivision educational authority may be considered to be a local educational agency as such term is used in this title, subject to the following qualifications:  
(1) The term ‘Indian tribe’ means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation (as defined in or established pursuant to the Alaska Native Claims Settlement Act (25 U.S.C. 1281 et seq.)) which is recognized for the special programs and services provided by the United States to Indians because of their status as Indians.  
(2) The term ‘tribally sanctioned educational authority’ means any department or division of education operating within the administrative structure of the tribe, or the governing body of an Indian tribe to operate any such school or otherwise to exercise delivery of educational services to members of that tribe which is approved by the Secretary for the purpose of this section.  
"(b) Bureau of Indian Affairs Schools.—From the amounts appropriated pursuant to section 1102(b), the Secretary is authorized to make payments to the applicants in carry out programs of bilingual education for Indian children on reservations served by elementary and secondary schools operated or funded by the Bureau of Indian Affairs.  
"(c) Annual Report.—The Assistant Secretary of the Interior for the Bureau of Indian Affairs shall submit to the Congress, the President, and the Secretary by September 30 of each year an annual report which provides:  
(1) an assessment of the needs of the Indian children with respect to the purposes of this title in schools operated or funded by the Bureau of the Interior; including those tribes and local educational agencies receiving assistance under the Johnson-O'Malley Act (25 U.S.C. 438 et seq.); and  
(2) an assessment of the extent to which such needs are being met by funds provided to such schools for educational purposes through the Secretary of the Interior.  
"PART B—DATA COLLECTION, EVALUATION, AND RESEARCH  
"SEC. 3323. USE OF FUNDS.  
"(a) In general.—The funds available under this title shall be used for (1) collecting data on the number of limited English proficient persons and the educational services available to such persons, (2) evaluating the availability and effectiveness of programs assisted under this title, and (3) conducting research to improve the effectiveness of bilingual edu-
education programs, and (d) collecting, analyzing, and disseminating data and information on bilingual education.

**SEC. 138. GRANTS FOR STATE PROGRAMS**

(a) **DATA COLLECTION AND DISSEMINATION.** Upon application from a State educational agency, the Secretary shall make provisions for the submission and approval of a data program for the collection, for the submission, and approval of a State program for the collection, analysis, and publication of data and information on bilingual education programs, and on the State’s population of limited English proficient persons and the educational services provided or available to such persons.

(b) **Report to Secretary.**—State programs under this part shall provide for the annual submission of a report to the Secretary containing data and information on such matters as the Secretary shall prescribe by regulation. Such reports shall be in such form and shall be submitted by the State containing data and information on such matters as the Secretary shall prescribe by regulation. Such reports shall be submitted to the Secretary on the first day of each fiscal year.

(c) **Oversight and Review.**—State programs under this part may be subject to the review and evaluation of programs of bilingual education, including bilingual education programs that are not funded under this title.

(d) **Provision of Funds.**—The Secretary shall make provisions for the provision of funds to States for the collection, analysis, and publication of data and information on bilingual education programs, and on the State’s population of limited English proficient persons and the educational services provided or available to such persons.

**SEC. 139. EVALUATION OF STATE PROGRAMS.**

(a) **Evaluation of Programs.**—The Secretary shall evaluate the programs and activities under this title, and shall make such reports to the Congress as the Secretary deems necessary.

(b) **Monitoring and Reporting.**—The Secretary shall monitor and report on the implementation of State programs under this title, and shall make such reports to the Congress as the Secretary deems necessary.
required for grade-promotion and graduation, and which identify effective methods for teaching English and subject matter skills within the context of a bilingual education program or special alternative instructional program to students who have language deficiencies other than English;

7) longitudinal studies to measure the effect of this title on students enrolled in title VII programs (including a longitudinal study of the impact of bilingual education programs on limited English proficient students using a nationwide representative sample of programs funded under this title and which provides information including data on grade retention, academic performance, and dropout rates;

8) studies to determine effective and reliable methods for identifying students who are entitled to services under this title and for determining when their English language proficiency is sufficiently well developed to permit them to derive optimal benefits from an all-English instructional program;

9) the operation of a clearinghouse which shall collect, analyze, and disseminate information about bilingual education and related programs (including activities with the National Diffusion Network);

10) studies to determine effective methods of teaching English to adults who have language deficiencies other than English;

11) studies to determine and evaluate effective methods of instruction for bilingual programs, taking into account language and cultural differences among students;

12) studies to determine effective approaches to preservice and inservice training for teachers, taking into account the language and cultural differences of their students;

13) studies to determine effective and reliable techniques for providing bilingual education to handicapped students;

14) studies to determine effective and reliable methods for identifying gifted and talented students who have language deficiencies other than English;

15) the effect of this title on the capacity of local educational agencies to operate bilingual programs following the termination of assistance under this title.

50. CONSULTATION AND DELEGATION OF AUTHORITY.—In carrying out the responsibilities of this section, the Secretary may delegate to the Director, the representatives of State and local educational agencies, in the structures of the academic profession, and in recruitment and retention of higher education and graduate school facilities, as related to bilingual education;

51. CONFIDENTIALITY OF RESEARCH.—The Secretary shall publish and disseminate all requests for proposals in research and development assistance under this title.

51. DISSEMINATION OF RESEARCH.—Nothing in this title shall be construed as authorizing the Secretary to conduct or support studies or analyses of the content of educational textbooks.

SEC. 10. USE OF FUNDS.—Funds available under this part shall be used for:

(1) the establishment, operation, and improvement of training programs for educational personnel preparing to participate in, or personnel participating in, the conduct of programs of bilingual education or special alternative instructional programs for limited English proficient students, which shall emphasize opportunities for career development, advancement, and lateral mobility, and include training for nonprofessional personnel, such as school administrators, counselors, paraprofessionals, teacher aides, and parents;

(2) the training of personnel to teach and counsel such persons;

(3) the encouragement of reform, innovation, and improvement in applicable educational curricula in graduate education, and in the structures of the academic profession, and in recruitment and retention of higher education and graduate school facilities, as related to bilingual education;

(4) the development of short-term training institutes designed to improve the effectiveness of personnel in programs of bilingual education or special alternative instructional programs for limited English proficient students, which may include summer programs designed to improve the instructional competence of educational personnel in the languages used in the program;

(5) the provision of inservice training and technical assistance to parents and educational personnel participating in, or preparing to participate in, bilingual education programs or special alternative instructional programs for limited English proficient students.
"(b) Director.—(1) The Office shall be headed by a Director of
Bilingual Education and Minority Language Affairs, appointed by
the Secretary, to whom the Secretary shall delegate all delegable
functions relating to bilingual education. The Director shall also be
assigned responsibility for coordinating the bilingual education as-
spects of other programs administered by the Secretary.

(2) The Office shall be organized as the Director determines to be
appropriate in order to enable the Director to carry out such
functions and responsibilities effectively, except that there shall be
a division within the Office, which is exclusively responsible for the
collection, aggregation, analysis, and publication of data and
information on the operation and effectiveness of programs assisted
under this title.

(3) The Director shall prepare and, not later than February 1 of
each year, shall submit to Congress and the President a report on—

(a) the grants and contracts made pursuant to this title in

(b) the number of individuals benefitted from the programs

(c) the evaluation of activities carried out under this title
during the preceding fiscal year and the extent to which each of
such activities achieves the policy set forth in section 7002(a);

d) an estimate of the number of individuals participating in the
training programs for bilingual education which will be
necessary for the 2 succeeding fiscal years; and

(e) the research activities carried out under such title during the

preceding 2 fiscal years and the major findings of research
studies.

(3) Coordination With Related Programs.—In order to maxi-
mize Federal efforts aimed at serving the educational needs of
children of limited English proficiency, the Secretary shall coordi-
nate and ensure close cooperation with other programs adminis-
tered by the Department of Education, including such areas as
student training, program content, research, and curriculum. The
Secretary's report under section 5213 of the Augustus F. Hawkins-
Robert T. Stafford Elementary and Secondary School Improvement
Amendments of 1988 shall include demonstration that such
coordination has taken place.

(4) Reporting Requirement.—The Secretary shall ensure that the
Office of Bilingual Education and Minority Language Affairs is
staffed with sufficient personnel trained, or with experience in
bilingual education to discharge effectively the provisions of this
title.

(c) Reading and Scoring Applications.—For the purpose of
reading and scoring applications for competitive grants authorized
under parts A and C of this title, the Secretary shall use persons
who are not otherwise employed by the Federal Government and
who are experienced and involved in educational programs similar
to those assisted under parts A and C of this title. The Secretary
shall solicit nominations for application readers from State directors
of bilingual education and may use funds appropriated for parts A
and C of this title to pay for the application reading and scoring
services required by this provision.
Appendix F

"TITLE VII—BILINGUAL EDUCATION, LANGUAGE ENHANCEMENT, AND LANGUAGE ACQUISITION PROGRAMS

"PART A—BILINGUAL EDUCATION

"SEC. 7101. SHORT TITLE.
"This part may be cited as the 'Bilingual Education Act'.

"SEC. 7102. FINDINGS, POLICY, AND PURPOSE.
"(a) Findings.—The Congress finds that—
"(1) language-minority Americans speak virtually all world languages plus many that are indigenous to the United States;
"(2) there are large and growing numbers of children and youth of limited-English proficiency, many of whom have a cultural heritage that differs from that of their English-proficient peers;
"(3) the presence of language-minority Americans is related in part to Federal immigration policies;
"(4) many language-minority Americans are limited in their English proficiency, and many have limited education and income;
"(5) limited English proficient children and youth face a number of challenges in receiving an education that will enable such children and youth to participate fully in American society, including—
"(A) segregated education programs;
"(B) disproportionate and improper placement in special education and other special programs due to the use of inappropriate evaluation procedures;
"(C) the limited-English proficiency of their own parents, which hinders the parents' ability to fully participate in the education of their children; and
"(D) a shortage of teachers and other staff who are professionally trained and qualified to serve such children and youth;
"(6) Native Americans and Native American languages (as such terms are defined in section 103 of the Native American Languages Act), including native residents of the outlying areas, have a unique status under Federal law that requires special policies within the broad purposes of this Act to serve the education needs of language minority students in the United States;
"(7) institutions of higher education can assist in preparing teachers, administrators and other school personnel to understand and build upon the educational strengths and needs of language-minority and culturally diverse student enrollments;
"(8) it is the purpose of this title to help ensure that limited English proficient students master English and develop high levels of academic attainment in content areas;
"(9) quality bilingual education programs enable children and youth to learn English and meet high academic standards including proficiency in more than one language;
"(10) as the world becomes increasingly interdependent and as international
communication becomes a daily occurrence in government, business, commerce, and family life, multilingual skills constitute an important national resource which deserves protection and development;

"(11) educational technology has the potential for improving the education of language-minority and limited English proficient students and their families, and the Federal Government should foster this development;

"(12) parent and community participation in bilingual education programs contributes to program effectiveness;

"(13) research, evaluation, and data-collection capabilities in the field of bilingual education need to be strengthened so that educators and other staff can better identify and promote those programs, program implementation strategies, and instructional practices that result in effective education of limited English proficient children;

"(14) the use of a child or youth's native language and culture in classroom instruction can—

"(A) promote self-esteem and contribute to academic achievement and learning English by limited English proficient children and youth;

"(B) benefit English-proficient children and youth who also participate in such programs; and

"(C) develop our Nation's national language resources, thus promoting our Nation's competitiveness in the global economy;

"(15) the Federal Government, as exemplified by title VI of the Civil Rights Act of 1964 and section 204(f) of the Equal Education Opportunities Act of 1974, has a special and continuing obligation to ensure that States and local school districts take appropriate action to provide equal educational opportunities to children and youth of limited English proficiency; and

"(16) the Federal Government's efforts under this title, has a special and continuing obligation to assist States and local school districts in developing the capacity to provide programs of instruction that offer limited English proficient children and youth an equal educational opportunity.

"(b) Policy.—The Congress declares it to be the policy of the United States, in order to ensure equal educational opportunity for all children and youth and to promote educational excellence, to assist State and local educational agencies, institutions of higher education and community-based organizations to build their capacity to establish, implement, and sustain programs of instruction for children and youth of limited English proficiency.

"(c) Purpose.—The purpose of this part is to educate limited English proficient children and youth to meet the same rigorous standards for academic performance expected of all children and youth, including meeting challenging State content standards and challenging State student performance standards in academic areas by—

"(1) developing systemic improvement and reform of educational programs serving limited English proficient students through the development and implementation of exemplary bilingual education programs and special alternative instruction programs;

"(2) developing bilingual skills and multicultural understanding;

"(3) developing the English of such children and youth and, to the extent possible, the native language skills of such children and youth;

"(4) providing similar assistance to Native Americans with certain
modifications relative to the unique status of Native American languages under Federal law;
(5) developing data collection and dissemination, research, materials
development, and technical assistance which is focused on school improvement
for limited English proficient students; and
(6) developing programs which strengthen and improve the professional
training of educational personnel who work with limited English proficient
students.

"SEC. 7103. AUTHORIZATION OF APPROPRIATIONS.
(a) In General.—For the purpose of carrying out this part, there are authorized to
be appropriated $215,000,000 for the fiscal year 1995 and such sums as may be
necessary for each of the four succeeding fiscal years.
(b) Distribution.—From the sums appropriated under subsection (a) for any fiscal
year, the Secretary shall reserve not less than 25 percent of such funds for such year to
carry out subpart 3.

"SEC. 7104. NATIVE AMERICAN AND ALASKA NATIVE CHILDREN IN
SCHOOL.
(a) Eligible Entities.—For the purpose of carrying out programs under this part
for individuals served by elementary, secondary, and postsecondary schools operated
predominately for Native American or Alaska Native children and youth, an Indian
tribe, a tribally sanctioned educational authority, a Native Hawaiian or Native
American Pacific Islander native language education organization, or an elementary
or secondary school that is operated or funded by the Bureau of Indian Affairs shall be
considered to be a local educational agency as such term is used in this part, subject to
the following qualifications:
(1) Indian tribe.—The term 'Indian tribe' means any Indian tribe, band, nation,
or other organized group or community, including any Alaska Native village or
regional or village corporation as defined in or established pursuant to the Alaska
Native Claims Settlement Act (43 U.S.C. 1601 et seq.), that is recognized for the
special programs and services provided by the United States to Indians because of
their status as Indians.
(2) Tribally sanctioned educational authority.—The term 'tribally sanctioned
educational authority' means—
(A) any department or division of education operating within the
administrative structure of the duly constituted governing body of an Indian
tribe; and
(B) any nonprofit institution or organization that is—
(i) chartered by the governing body of an Indian tribe to operate any
such school or otherwise to oversee the delivery of educational services to
members of that tribe; and
(ii) approved by the Secretary for the purpose of this section.
(b) Eligible Entity Application.—Notwithstanding any other provision of this
part, each eligible entity described in subsection (a) shall submit any application for
assistance under this part directly to the Secretary along with timely comments on the
need for the proposed program.

"SEC. 7105. RESIDENTS OF THE TERRITORIES AND FREELY ASSOCIATED
NATIONS.
"For the purpose of carrying out programs under this part in the outlying areas, the term 'local educational agency' shall include public institutions or agencies whose mission is the preservation and maintenance of native languages.

"Subpart 1--Bilingual Education Capacity and Demonstration Grants

"SEC. 7111. FINANCIAL ASSISTANCE FOR BILINGUAL EDUCATION.
"The purpose of this subpart is to assist local educational agencies, institutions of higher education, and community-based organizations, through the grants authorized under sections 7112, 7113, 7114, and 7115 to--
"(1) develop and enhance their capacity to provide high-quality instruction through bilingual education or special alternative instruction programs to children and youth of limited English proficiency; and
"(2) to help such children and youth--
"(A) develop proficiency in English, and to the extent possible, their native language; and
"(B) meet the same challenging State content standards and challenging State student performance standards expected for all children and youth as required by section 1111(b).

"SEC. 7112. PROGRAM DEVELOPMENT AND IMPLEMENTATION GRANTS.
"(a) Purpose.--The purpose of this section is to develop and implement new comprehensive, coherent, and successful bilingual education or special alternative instructional programs for limited English proficient students, including programs of early childhood education, kindergarten through twelfth grade education, gifted and talented education, and vocational and applied technology education.
"(b) Program Authorized.--
"(1) Authority.--(A) The Secretary is authorized to award grants to eligible entities having applications approved under section 7116 to enable such entities to carry out activities described in paragraph (2).
"(B) Each grant under this section shall be awarded for a period of three years.
"(2) Authorized activities.--(A) Grants awarded under this section shall be used to improve the education of limited English proficient students and their families by--
"(i) developing and implementing comprehensive preschool, elementary, or secondary bilingual education or special alternative instructional programs that are coordinated with other relevant programs and services to meet the full range of educational needs of limited English proficient students; and
"(ii) providing inservice training to classroom teachers, administrators, and other school or community-based organizational personnel to improve the instruction and assessment of language-minority and limited English proficient students.
"(B) Grants under this section may be used to improve the education of limited English proficient students and their families by--
"(i) implementing family education programs and parent outreach and training activities designed to assist parents to become active participants in the education of their children;
"(ii) improving the instructional program for limited English proficient
students by identifying, acquiring, and upgrading curriculum, instructional materials, educational software and assessment procedures and, if appropriate, applying educational technology;

"(iii) compensating personnel, including teacher aides who have been specifically trained, or are being trained, to provide services to children and youth of limited English proficiency;

"(iv) providing tutorials and academic or career counseling for children and youth of limited-English proficiency; and

"(v) providing such other activities, related to the purposes of this part, as the Secretary may approve.

"(c) Eligible Entity.—For the purpose of this section the term 'eligible entity' means—

"(1) one or more local educational agencies;

"(2) one or more local educational agencies in collaboration with an institution of higher education, community-based organization or local or State educational agency; or

"(3) a community-based organization or an institution of higher education which has an application approved by the local educational agency to develop and implement early childhood education or family education programs or to conduct an instructional program which supplements the educational services provided by a local educational agency.

"(d) Due Consideration.—In awarding grants under this section, the Secretary shall give due consideration to the need for early childhood education, elementary education, and secondary education programs.

"SEC. 7113. PROGRAM ENHANCEMENT PROJECTS.

"(a) Purpose.—The purpose of this section is to carry out highly focused, innovative, locally designed projects to expand or enhance existing bilingual education or special alternative instructional programs for limited English proficient students.

"(b) Program Authorized.—

"(1) Authority.—(A) The Secretary is authorized to award grants to eligible entities having applications approved under section 7116 to enable such entities to carry out activities described in paragraph (2).

"(B) Each grant under this section shall be awarded for a period of two years.

"(2) Authorized activities.—(A) Grants under this section shall be used for providing inservice training to classroom teachers, administrators, and other school or community-based organization personnel to improve the instruction and assessment of language-minority and limited English proficient students.

"(B) Grants under this section may be used for—

"(i) implementing family education programs and parent outreach and training activities designed to assist parents to become active participants in the education of their children;

"(ii) improving the instructional program for limited English proficient students by identifying, acquiring, and upgrading curriculum, instructional materials, educational software and assessment procedures and, if appropriate, applying educational technology;

"(iii) compensating personnel, including teacher aides who have been specifically trained, or are being trained, to provide services to children
"(D) providing tutorials and academic or career counseling for children and youth of limited-English proficiency;
"(E) providing intensified instruction; and
"(F) providing such other activities, related to the purposes of this part, as the Secretary may approve.
"(4) Special rule.—A grant recipient, before carrying out a program assisted under this section, shall plan, train personnel, develop curriculum, and acquire or develop materials.
"(c) Eligible Entities.—For the purpose of this section the term 'eligible entity' means—
"(1) one or more local educational agencies; or
"(2) one or more local educational agencies in collaboration with an institution of higher education, community-based organizations or a local or State educational agency.

"SEC. 7115. SYSTEMWIDE IMPROVEMENT GRANTS.
"(a) Purpose.—The purpose of this section is to implement districtwide bilingual education programs or special alternative instruction programs to improve, reform, and upgrade relevant programs and operations, within an entire local educational agency, that serve a significant number of children and youth of limited English proficiency in local educational agencies with significant concentrations of such children and youth.
"(b) Program Authorized.—
"(1) Authority.—(A) The Secretary is authorized to award grants to eligible entities having applications approved under section 7116 to enable such entities to carry out activities described in paragraphs (3) and (4).
"(B) Each grant under this section shall be awarded for 5 years.
"(2) Termination.—The Secretary shall terminate grants to eligible entities under this section if the Secretary determines that—
"(A) the program evaluation required by section 7123 indicates that students in the program are not being taught to and are not making adequate progress toward achieving challenging State content standards and challenging State student performance standards; or
"(B) in the case of a program to promote dual language facility, such program is not promoting such facility.
"(3) Preparation.—Grants under this section may be used during the first 12 months exclusively for activities preparatory to the delivery of services.
"(4) Uses.—Grants under this section may be used to improve the education of limited English proficient students and their families by reviewing, restructuring, and upgrading—
"(A) educational goals, curriculum guidelines and content, standards and assessments;
"(B) personnel policies and practices including recruitment, certification, staff development, and assignment;
"(C) student grade-promotion and graduation requirements;
"(D) student assignment policies and practices;
"(E) family education programs and parent outreach and training activities designed to assist parents to become active participants in the education of their children;
"(F) the instructional program for limited English proficient students by
and youth of limited-English proficiency;
"(iv) providing tutorials and academic or career counseling for
children and youth of limited-English proficiency;
"(v) providing intensified instruction; and
"(vi) providing such other activities, related to the purposes of this
part, as the Secretary may approve.

"(c) Eligible Entity.—For the purpose of this section the term 'eligible entity'
means--
"(1) one or more local educational agencies;
"(2) one or more local educational agencies in collaboration with an institution
of higher education, community-based organization or local or State educational
agency; or
"(3) a community-based organization or an institution of higher education
which has an application approved by the local educational agency to enhance
early childhood education or family education programs or to conduct an
instructional program which supplements the educational services provided by a
local educational agency.

"SEC. 7114. COMPREHENSIVE SCHOOL GRANTS.
"(a) Purpose.—The purpose of this section is to provide financial assistance to
eligible entities to implement schoolwide bilingual education programs or special
alternative instruction programs for reforming, restructuring, and upgrading relevant programs and operations, within an individual school, that serve all (or virtually all) children and youth of limited-English proficiency in schools with significant concentrations of such children and youth.

"(b) Program Authorized.—
"(1) Authority.—(A) The Secretary is authorized to award grants to eligible
entities having applications approved under section 7116 to enable such entities to
carry out activities described in paragraph (3).
"(B) Each grant under this section shall be awarded for five years.
"(2) Termination.—The Secretary shall terminate grants to eligible entities
under this section if the Secretary determines that--
"(A) the program evaluation required by section 7123 indicates that
students in the schoolwide program are not being taught to and are not making
adequate progress toward achieving challenging State content standards and
challenging State student performance standards; or
"(B) in the case of a program to promote dual language facility, such
program is not promoting such facility.
"(3) Authorized activities.—Grants under this section may be used to improve
the education of limited English proficient students and their families by--
"(A) implementing family education programs and parent outreach and
training activities designed to assist parents to become active participants in
the education of their children;
"(B) improving the instructional program for limited English proficient
students by identifying, acquiring and upgrading curriculum, instructional
materials, educational software and assessment procedures and, if appropriate,
applying educational technology;
"(C) compensating personnel, including teacher aides who have been
specifically trained, or are being trained, to provide services to children and
youth of limited English proficiency;
identifying, acquiring and upgrading curriculum, instructional materials, educational software and assessment procedures and, if appropriate, applying educational technology;
*(G) tutorials and academic or career counseling for children and youth of limited-English proficiency; and
*(H) such other activities, related to the purposes of this part, as the Secretary may approve.
*(c) Eligible Entities.--For the purpose of this section the term 'eligible entity' means--
*(1) one or more local educational agencies; or
*(2) one or more local educational agencies in collaboration with an institution of higher education, community-based organizations or a local or State educational agency.

"SEC. 7116. APPLICATIONS.
*(a) In General.--
*(1) Secretary.--To receive a grant under this subpart, an eligible entity shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require.
*(2) State educational agency.--An eligible entity, with the exception of schools funded by the Bureau of Indian Affairs, shall submit a copy of its application under this section to the State educational agency.
*(b) State Review and Comments.--
*(1) Deadline.--The State educational agency, not later than 45 days after receipt of an application under this section, shall review the application and transmit such application to the Secretary.
*(2) Comments.--(A) Regarding any application submitted under this title, the State educational agency shall--
*(i) submit to the Secretary written comments regarding all such applications; and
*(ii) submit to each eligible entity the comments that pertain to such entity.
*(B) For purposes of this subpart, such comments shall address how the eligible entity--
*(i) will further the academic achievement of limited English proficient students served pursuant to a grant received under this subpart; and
*(ii) how the grant application is consistent with the State plan submitted under section 1111.
*(c) Eligible Entity Comments.--An eligible entity may submit to the Secretary comments that address the comments submitted by the State educational agency.
*(d) Comment Consideration.--In making grants under this subpart the Secretary shall take into consideration comments made by a State educational agency.
*(e) Waiver.--Notwithstanding subsection (b), the Secretary is authorized to waive the review requirement of subsection (b) if a State educational agency can demonstrate that such review requirement may impede such agency's ability to fulfill the requirements of participation in the State grant program, particularly such agency's data collection efforts and such agency's ability to provide technical assistance to local educational agencies not receiving funds under this Act.
*(f) Required Documentation.--Such application shall include documentation that
the applicant has the qualified personnel required to develop, administer, and implement the proposed program.

(g) Contents.—

(1) in general.—An application for a grant under this subpart shall contain the following:

(A) A description of the need for the proposed program, including data on the number of children and youth of limited-English proficiency in the school or school district to be served and the characteristics of such children and youth, such as language spoken, dropout rates, proficiency in English and the native language, academic standing in relation to the English-proficient peers of such children and youth, and, where applicable, the recency of immigration.

(B) A description of the program to be implemented and how such program's design—

(i) relates to the linguistic and academic needs of the children and youth of limited-English proficiency to be served;

(ii) is coordinated with other programs under this Act, the Goals 2000: Educate America Act and other Acts, as appropriate, in accordance with section 14306;

(iii) involves the parents of the children and youth of limited-English proficiency to be served;

(iv) ensures accountability in achieving high academic standards; and

(v) promotes coordination of services for the children and youth of limited-English proficiency to be served and their families.

(C) A description, if appropriate, of the applicant's collaborative activities with institutions of higher education, community-based organizations, local or State educational agencies, private schools, nonprofit organizations, or businesses in carrying out the proposed program.

(D) An assurance that the applicant will not reduce the level of State and local funds that the applicant expends for bilingual education or special alternative instruction programs if the applicant receives an award under this subpart.

(E) An assurance that the applicant will employ teachers in the proposed program that, individually or in combination, are proficient in English, including written, as well as oral, communication skills.

(F) A budget for grant funds.

(2) Additional information.—Each application for a grant under section 7114 or 7115 shall—

(A) describe—

(i) current services the applicant provides to children and youth of limited-English proficiency;

(ii) what services children and youth of limited-English proficiency will receive under the grant that such children or youth will not otherwise receive;

(iii) how funds received under this subpart will be integrated with all other Federal, State, local, and private resources that may be used to serve children and youth of limited-English proficiency;

(iv) specific achievement and school retention goals for the children and youth to be served by the proposed program and how progress toward achieving such goals will be measured; and
(v) current family education programs if applicable; and

(B) provide assurances that—

(i) the program funded will be integrated with the overall educational program; and

(ii) the application has been developed in consultation with an advisory council, the majority of whose members are parents and other representatives of the children and youth to be served in such programs.

(h) Approval of Applications.—An application for a grant under this subpart may be approved only if the Secretary determines that—

(1) the program will use qualified personnel, including personnel who are proficient in the language or languages used for instruction;

(2) in designing the program for which application is made, the needs of children in nonprofit private elementary and secondary schools have been taken into account through consultation with appropriate private school officials and, consistent with the number of such children enrolled in such schools in the area to be served whose educational needs are of the type and whose language and grade levels are of a similar type to those which the program is intended to address, after consultation with appropriate private school officials, provision has been made for the participation of such children on a basis comparable to that provided for public school children;

(3) student evaluation and assessment procedures in the program are valid, reliable, and fair for limited English proficient students, and that limited English proficient students who are disabled are identified and served in accordance with the requirements of the Individuals with Disabilities Education Act;

(4) Federal funds made available for the project or activity will be used so as to supplement the level of State and local funds that, in the absence of such funds, would have been expended for special programs for children of limited English proficient individuals and in no case to supplant such State and local funds, except that nothing in this paragraph shall be construed to preclude a local educational agency from using funds under this title for activities carried out under an order of a court of the United States or of any State respecting services to be provided such children, or to carry out a plan approved by the Secretary as adequate under title VI of the Civil Rights Act of 1964 with respect to services to be provided such children;

(5) the assistance provided under the application will contribute toward building the capacity of the applicant to provide a program on a regular basis, similar to that proposed for assistance, which will be of sufficient size, scope, and quality to promise significant improvement in the education of students of limited-English proficiency, and that the applicant will have the resources and commitment to continue the program when assistance under this subpart is reduced or no longer available; and

(6) the applicant provides for utilization of the State and national dissemination sources for program design and in dissemination of results and products.

(i) Priorities and Special Rules.—

(1) Priority.—The Secretary shall give priority to applications which provide for the development of bilingual proficiency both in English and another language for all participating students.

(2) Special alternative instructional program.—Grants for special alternative instructional programs under this subpart shall not exceed 25 percent of the funds
provided for any type of grant under any section, or of the total funds provided, under this subpart for any fiscal year.

"(3) Special rule.—Notwithstanding paragraph (2), the Secretary may award grants under this subpart for special alternative instructional programs if an applicant has demonstrated that the applicant cannot develop and implement a bilingual education program for the following reasons:

"(A) Where the diversity of the limited English proficient students' native languages and the small number of students speaking each respective language makes bilingual education impractical.

"(B) Where, despite documented efforts, the applicant has not been able to hire qualified instructional personnel who are able to communicate in the students' native language.

"(4) Consideration.—In approving applications under this subpart, the Secretary shall give consideration to the degree to which the program for which assistance is sought involves the collaborative efforts of institutions of higher education, community-based organizations, the appropriate local and State educational agency, or businesses.

"(5) Due consideration.—The Secretary shall give due consideration to applications providing training for personnel participating in or preparing to participate in the program which will assist such personnel in meeting State and local certification requirements and that, to the extent possible, describe how college or university credit will be awarded for such training.

"SEC. 7117. INTENSIFIED INSTRUCTION.

"In carrying out this subpart, each grant recipient may intensify instruction for limited English proficient students by—

"(1) expanding the educational calendar of the school in which such student is enrolled to include programs before and after school and during the summer months;

"(2) expanding the use of professional and volunteer aids;

"(3) applying technology to the course of instruction; and

"(4) providing intensified instruction through supplementary instruction or activities, including educationally enriching extracurricular activities, during times when school is not routinely in session.

"SEC. 7118. CAPACITY BUILDING.

"Each recipient of a grant under this subpart shall use the grant in ways that will build such recipient's capacity to continue to offer high-quality bilingual and special alternative education programs and services to children and youth of limited-English proficiency once Federal assistance is reduced or eliminated.

"SEC. 7119. SUBGRANTS.

"A local educational agency that receives a grant under this subpart may, with the approval of the Secretary, make a subgrant to, or enter into a contract with, an institution of higher education, a nonprofit organization, or a consortium of such entities to carry out an approved program, including a program to serve out-of-school youth.

"SEC. 7120. PRIORITY ON FUNDING.

"The Secretary shall give priority to applications under this subpart that describe
a program that—

"(1) enrolls a large percentage or large number of limited English proficient students;

"(2) takes into account significant increases in limited English proficient children and youth, including such children and youth in areas with low concentrations of such children and youth; and

"(3) ensures that activities assisted under this subpart address the needs of school systems of all sizes and geographic areas, including rural and urban schools.

"SEC. 7121. COORDINATION WITH OTHER PROGRAMS.

"In order to secure the most flexible and efficient use of Federal funds, any State receiving funds under this subpart shall coordinate its program with other programs under this Act, the Goals 2000: Educate America Act, and other Acts, as appropriate, in accordance with section 14306.

"SEC. 7122. PROGRAMS FOR NATIVE AMERICANS AND PUERTO RICO.

"Programs authorized under this part that serve Native American children, Native Pacific Island children, and children in the Commonwealth of Puerto Rico, notwithstanding any other provision of this part, may include programs of instruction, teacher training, curriculum development, evaluation, and testing designed for Native American children and youth learning and studying Native American languages and children and youth of limited-Spanish proficiency, except that one outcome of such programs serving Native American children shall be increased English proficiency among such children.

"SEC. 7123. EVALUATIONS.

"(a) Evaluation.—Each recipient of funds under this subpart shall provide the Secretary with an evaluation, in the form prescribed by the Secretary, of such recipient's program every two years.

"(b) Use of Evaluation.—Such evaluation shall be used by a grant recipient—

"(1) for program improvement;

"(2) to further define the program's goals and objectives; and

"(3) to determine program effectiveness.

"(c) Evaluation Components.—Evaluations shall include—

"(1) how students are achieving the State student performance standards, if any, including data comparing children and youth of limited-English proficiency with nonlimited English proficient children and youth with regard to school retention, academic achievement, and gains in English (and, where applicable, native language) proficiency;

"(2) program implementation indicators that provide information for informing and improving program management and effectiveness, including data on appropriateness of curriculum in relationship to grade and course requirements, appropriateness of program management, appropriateness of the program's staff professional development, and appropriateness of the language of instruction;

"(3) program context indicators that describe the relationship of the activities funded under the grant to the overall school program and other Federal, State, or local programs serving children and youth of limited English proficiency; and

"(4) such other information as the Secretary may require.
SEC. 7124. CONSTRUCTION.
"Nothing in this part shall be construed to prohibit a local educational agency from serving limited English proficient children and youth simultaneously with students with similar educational needs, in the same educational settings where appropriate.

Subpart 2—Research, Evaluation, and Dissemination

SEC. 7131. AUTHORITY.
"(a) In General.—The Secretary is authorized to conduct data collection, dissemination, research, and ongoing program evaluation activities in accordance with the provisions of this subpart for the purpose of improving bilingual education and special alternative instruction programs for children and youth of limited English proficiency.
"(b) Competitive Awards.—Research and program evaluation activities carried out under this subpart shall be supported through competitive grants, contracts and cooperative agreements awarded institutions of higher education, nonprofit organizations, and State and local educational agencies.
"(c) Administration.—The Secretary shall conduct data collection, dissemination, and ongoing program evaluation activities authorized by this subpart through the Office of Bilingual Education and Minority Language Affairs.

SEC. 7132. RESEARCH.
"(a) Administration.—The Secretary shall conduct research activities authorized by this subpart through the Office of Educational Research and Improvement in coordination and collaboration with the Office of Bilingual Education and Minority Language Affairs.
"(b) Requirements.—Such research activities—
"(1) shall have a practical application to teachers, counselors, paraprofessionals, school administrators, parents, and others involved in improving the education of limited English proficient students and their families;
"(2) may include research on effective instructional practices for multilingual classes, and on effective instruction strategies to be used by teachers and other staff who do not know the native language of a limited English proficient child or youth in their classrooms;
"(3) may include establishing (through the National Center for Education Statistics in consultation with experts in bilingual education, second language acquisition, and English-as-a-second-language) a common definition of 'limited English proficient student' for purposes of national data collection; and
"(4) shall be administered by individuals with expertise in bilingual education and the needs of limited English proficient students and their families.
"(c) Field-Initiated Research.—
"(1) In general.—The Secretary shall reserve not less than 5 percent of the funds made available to carry out this section for field-initiated research conducted by current or recent recipients of grants under subpart 1 or 2 who have received such grants within the previous five years. Such research may provide for longitudinal studies of students or teachers in bilingual education, monitoring the education of such students from entry in bilingual education through secondary school completion.
"(2) Applications.—Applicants for assistance under this subsection may submit
an application for such assistance to the Secretary at the same time as applications are submitted under subpart 1 or 2. The Secretary shall complete a review of such applications on a timely basis to allow research and program grants to be coordinated when recipients are awarded two or more such grants.

"(d) Consultation.—The Secretary shall consult with agencies and organizations that are engaged in bilingual education research and practice, or related research, and bilingual education researchers and practitioners to identify areas of study and activities to be funded under this section.

"(e) Data Collection.—The Secretary shall provide for the continuation of data collection on limited English proficient students as part of the data systems operated by the Department.

"SEC. 7133. ACADEMIC EXCELLENCE AWARDS.

"(a) Awards.—The Secretary may make grants to, and enter into contracts and cooperative agreements with, State and local educational agencies, nonprofit organizations, and institutions of higher education to promote the adoption and implementation of bilingual education, special alternative instruction programs, and professional development programs that demonstrate promise of assisting children and youth of limited English proficiency to meet challenging State standards.

"(b) Applications.—

"(1) In general.—Each entity desiring an award under this section shall submit an application to the Secretary in such form, at such time, and containing such information and assurances as the Secretary may reasonably require.

"(2) Peer review.—The Secretary shall use a peer review process, using effectiveness criteria that the Secretary shall establish, to review applications under this section.

"(c) Use of Funds.—Funds under this section shall be used to enhance the capacity of States and local education agencies to provide high quality academic programs for children and youth of limited English proficiency, which may include—

"(1) completing the development of such programs;

"(2) professional development of staff participating in bilingual education programs;

"(3) sharing strategies and materials; and

"(4) supporting professional networks.

"(d) Coordination.—Recipients of funds under this section shall coordinate the activities assisted under this section with activities carried out by comprehensive regional assistance centers assisted under part A of title XIII.

"SEC. 7134. STATE GRANT PROGRAM.

"(a) State Grant Program.—The Secretary is authorized to make an award to a State educational agency that demonstrates, to the satisfaction of the Secretary, that such agency, through such agency's own programs and other Federal education programs, effectively provides for the education of children and youth of limited English proficiency within the State.

"(b) Payments.—The amount paid to a State educational agency under subsection (a) shall not exceed 5 percent of the total amount awarded to local educational agencies within the State under subpart 1 for the previous fiscal year, except that in no case shall the amount paid by the Secretary to any State educational agency under this subsection for any fiscal year be less than $100,000.

"(c) Use of Funds.—
"(1) In general.—A State educational agency shall use funds awarded under
this section for programs authorized by this section to—

"(A) assist local educational agencies in the State with program design,
capacity building, assessment of student performance, and program
evaluation; and

"(B) collect data on the State's limited English proficient populations and
the educational programs and services available to such populations.

"(2) Exception.—States which do not, as of the date of enactment of the
Improving America's Schools Act of 1994, have in place a system for collecting
the data described in subparagraph (B) of paragraph (1) for all students in such
State, are not required to meet the requirement of such subparagraph. In the event
such State develops a system for collecting data on the educational programs and
services available to all students in the State, then such State shall comply with
the requirement of paragraph (1)(B).

"(3) Training.—The State educational agency may also use funds provided
under this section for the training of State educational agency personnel in
educational issues affecting limited English proficient children and youth.

"(4) Special rule.—Recipients of funds under this section shall not restrict the
provision of services under this section to federally funded programs.

"(d) State Consultation.—A State educational agency receiving funds under this
section shall consult with recipients of grants under this title and other individuals or
organizations involved in the development or operation of programs serving limited
English proficient children or youth to ensure that such funds are used in a manner
consistent with the requirements of this title.

"(c) Applications.—A State educational agency desiring to receive funds under this
section shall submit an application to the Secretary in such form, at such time, and
containing such information and assurances as the Secretary may require.

"(f) Supplement Not Supplant.—Funds made available under this section for any
fiscal year shall be used by the State educational agency to supplement and, to the
extent practical, to increase to the level of funds that would, in the absence of such
funds, be made available by the State for the purposes described in this section, and in
no case to supplant such funds.

"(g) Report to the Secretary.—State educational agencies receiving awards under
this section shall provide for the annual submission of a summary report to the
Secretary describing such State's use of such funds.

"SEC. 7135. NATIONAL CLEARINGHOUSE FOR BILINGUAL EDUCATION.

"(a) Establishment.—The Secretary shall establish and support the operation of a
National Clearinghouse for Bilingual Education, which shall collect, analyze,
synthesize, and disseminate information about bilingual education and related
programs.

"(b) Functions.—The National Clearinghouse for Bilingual Education shall—

"(1) be administered as an adjunct clearinghouse of the Educational Resources
Information Center Clearinghouses system of clearinghouses supported by the
Office of Educational Research and Improvement;

"(2) coordinate its activities with Federal data and information clearinghouses
and dissemination networks and systems;

"(3) develop a data base management and monitoring system for improving
the operation and effectiveness of federally funded bilingual education programs;
and
*(4) develop, maintain, and disseminate, through comprehensive regional assistance centers described in part A of title XIII if appropriate, a listing by geographical area of education professionals, parents, teachers, administrators, community members and others who are native speakers of languages other than English for use as a resource by local educational agencies and schools in the development and implementation of bilingual education programs.*

**SEC. 7136. INSTRUCTIONAL MATERIALS DEVELOPMENT.**

*The Secretary may provide grants for the development, publication, and dissemination of high-quality instructional materials in Native American and Native Hawaiian languages and the language of Native Pacific Islanders and natives of the outlying areas for which instructional materials are not readily available. The Secretary shall give priority to the development of instructional materials in languages indigenous to the United States or the outlying areas. The Secretary shall also accord priority to applications for assistance under this section which provide for developing and evaluating materials in collaboration with activities assisted under subparts 1 and 2 and which are consistent with voluntary national content standards and challenging State content standards.*

"Subpart 3—Professional Development"

**SEC. 7141. PURPOSE.**

*The purpose of this subpart is to assist in preparing educators to improve the educational services for limited English proficient children and youth by supporting professional development programs and the dissemination of information on appropriate instructional practices for such children and youth.*

**SEC. 7142. TRAINING FOR ALL TEACHERS PROGRAM.**

*(a) Purpose.—The purpose of this section is to provide for the incorporation of courses and curricula on appropriate and effective instructional and assessment methodologies, strategies and resources specific to limited English proficient students into preservice and inservice professional development programs for teachers, pupil services personnel, administrators and other education personnel in order to prepare such individuals to provide effective services to limited English proficient students.*

*(b) Authorization.—*

* *(1) Authority.—The Secretary is authorized to award grants to institutions of higher education, local educational agencies, and State educational agencies or to nonprofit organizations which have entered into consortia arrangements with one of such institutions or agencies.*

* *(2) Duration.—Each grant under this section shall be awarded for a period of no more than five years.*

*(c) Permissible Activities.—Activities conducted under this section may include the development of training programs in collaboration with other programs such as programs authorized under titles I and II of this Act, and under the Head Start Act.*

**SEC. 7143. BILINGUAL EDUCATION TEACHERS AND PERSONNEL GRANTS.**

*(a) Purpose.—The purpose of this section is to provide for—*

* *(1) preservice and inservice professional development for bilingual education teachers, administrators, pupil services personnel, and other educational personnel who are either involved in, or preparing to be involved in, the provision of
educational services for children and youth of limited-English proficiency; and
(2) national professional development institutes that assist schools or
departments of education in institutions of higher education to improve the quality
of professional development programs for personnel serving, preparing to serve,
or who may serve, children and youth of limited-English proficiency.
(b) Priority.—The Secretary shall give priority in awarding grants under this
section to institutions of higher education, in consortia with local or State educational
agencies, that offer degree programs which prepare new bilingual education teachers
in order to increase the availability of educators to provide high-quality education to
limited English proficient students.
(c) Authorization.—
(1) The Secretary is authorized to award grants for not more than five years
to institutions of higher education which have entered into consortia arrangements
with local or State educational agencies to achieve the purposes of this section.
(2) The Secretary is authorized to make grants for not more than five years to
State and local educational agencies for inservice professional development
programs.

SEC. 7144. BILINGUAL EDUCATION CAREER LADDER PROGRAM.
(a) Purpose.—The purpose of this section is—
(1) to upgrade the qualifications and skills of noncertified educational
personnel, especially educational paraprofessionals, to meet high professional
standards, including certification and licensure as bilingual education teachers and
other educational personnel who serve limited English proficient students,
through collaborative training programs operated by institutions of higher
education and local and State educational agencies; and
(2) to help recruit and train secondary school students as bilingual education
teachers and other educational personnel to serve limited English proficient
students.
(b) Authorization.—
(1) In general.—The Secretary is authorized to award grants for bilingual
education career ladder programs to institutions of higher education applying in
consortia with local or State educational agencies, which consortia may include
community-based organizations or professional education organizations.
(2) Duration.—Each grant under this section shall be awarded for a period of
not more than five years.
(c) Permissive Activities.—Grants awarded under this section may be used—
(1) for the development of bilingual education career ladder program
curricula appropriate to the needs of the consortium participants;
(2) to provide assistance for stipends and costs related to tuition, fees and
books for enrolling in courses required to complete the degree and certification
requirements to become bilingual education teachers; and
(3) for programs to introduce secondary school students to careers in
bilingual education teaching that are coordinated with other activities assisted
under this section.
(d) Special Consideration.—The Secretary shall give special consideration to
applications under this section which provide for—
(1) participant completion of baccalaureate and master's degree teacher
education programs, and certification requirements and may include effective
employment placement activities;
(2) development of teacher proficiency in English a second language, including demonstrating proficiency in the instructional use of English and, as appropriate, a second language in classroom contexts;

(3) coordination with the Federal TRIO programs under chapter 1 of part A of title IV of the Higher Education Act of 1965, the National Mini Corps under subpart 1 of part F of title V of such Act, the Teacher Corps program under subpart 3 of part C of title V of such Act, and the National Community and Service Trust Act of 1993 programs, and other programs for the recruitment and retention of bilingual students in secondary and postsecondary programs to train to become bilingual educators; and

(4) the applicant's contribution of additional student financial aid to participating students.

SEC. 7145. GRADUATE FELLOWSHIPS IN BILINGUAL EDUCATION PROGRAM.

(a) Authorization.—

(1) In general.—The Secretary may award fellowships for masters, doctoral, and post-doctoral study related to instruction of children and youth of limited-English proficiency in such areas as teacher training, program administration, research and evaluation, and curriculum development, and for the support of dissertation research related to such study.

(2) Number.—For fiscal year 1994 not less than 500 fellowships leading to a master's or doctorate degree shall be awarded under this section.

(3) Information.—The Secretary shall include information on the operation and the number of fellowships awarded under the fellowship program in the evaluation required under section 7149.

(b) Fellowship Requirements.—

(1) In general.—Any person receiving a fellowship under this section shall agree to—

(A) work in an activity related to the program or in an activity such as an activity authorized under this part, including work as a bilingual education teacher, for a period of time equivalent to the period of time during which such person receives assistance under this section; or

(B) repay such assistance.

(2) Regulations.—The Secretary shall establish in regulations such terms and conditions for such agreement as the Secretary deems reasonable and necessary and may waive the requirement of paragraph (1) in extraordinary circumstances.

(c) Priority.—In awarding fellowships under this section the Secretary may give priority to institutions of higher education that demonstrate experience in assisting fellowship recipients find employment in the field of bilingual education.

SEC. 7146. APPLICATION.

(a) In General.—

(1) Secretary.—To receive an award under this subpart, an eligible entity shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require.

(2) Consultation and assessment.—Each such application shall contain a description of how the applicant has consulted with, and assessed the needs of, public and private schools serving children and youth of limited-English proficiency to determine such school's need for, and the design of, the program for
which funds are sought.

'(3) Special rule.--(A) An application for a grant under subsection (a) from an applicant who proposes to conduct a master's- or doctoral-level program with funds received under this section shall provide an assurance that such program will include, as a part of the program, a training practicum in a local school program serving children and youth of limited-English proficiency.

'(B) A recipient of a grant under subsection (a) may waive the requirement of a training practicum for a degree candidate with significant experience in a local school program serving children and youth of limited-English proficiency.

'(4) State educational agency.--An eligible entity, with the exception of schools funded by the Bureau of Indian Affairs, shall submit a copy of the application under this subsection to the State educational agency.

'(b) State Review and Comments.--

'(1) Deadline.--The State educational agency, not later than 45 days after receipt of such application copy, shall review the application and transmit such application to the Secretary.

'(2) Comments.--(A) Regarding any application submitted under this subpart, the State educational agency shall--

'(i) submit to the Secretary written comments regarding all such applications; and

'(ii) submit to each eligible entity the comments that pertain to such entity.

'(B) For purposes of this subpart, comments shall address how the eligible entity--

'(i) will further the academic achievement of limited English proficient students served pursuant to a grant received under this subpart; and

'(ii) how the grant application is consistent with the State plan submitted under section 1111.

'(3) Waiver.--Notwithstanding paragraphs (1) and (2), the Secretary is authorized to waive the review requirement if a State educational agency can demonstrate that such review requirement may impede such agency's ability to fulfill the requirements of participation in the State grant program, particularly such agency's data collection efforts and such agency's ability to provide technical assistance to local educational agencies not receiving funds under this Act.

'(c) Eligible Entity Comments.--An eligible entity may submit to the Secretary comments that address the comments submitted by the State educational agency.

'(d) Comment Consideration.--In making awards under this subpart the Secretary shall take into consideration comments made by a State educational agency.

'(e) Special Rule.--

'(1) Outreach and technical assistance.--The Secretary shall provide for outreach and technical assistance to institutions of higher education eligible for assistance under title III of the Higher Education Act of 1965 and institutions of higher education that are operated or funded by the Bureau of Indian Affairs to facilitate the participation of such institutions in activities under this part.

'(2) Distribution rule.--In making awards under this subpart, the Secretary, consistent with subsection (d), shall ensure adequate representation of Hispanic-serving institutions that demonstrate competence and experience in the programs and activities authorized under this subpart and are otherwise qualified.
"SEC. 7147. PROGRAM REQUIREMENTS.
"Activities conducted under this subpart shall assist educational personnel in meeting State and local certification requirements for bilingual education and, wherever possible, shall lead toward the awarding of college or university credit.

"SEC. 7148. STIPENDS.
"The Secretary shall provide for the payment of such stipends (including allowances for subsistence and other expenses for such persons and their dependents), as the Secretary determines to be appropriate, to persons participating in training programs under this subpart.

"SEC. 7149. PROGRAM EVALUATIONS.
"Each recipient of funds under this subpart shall provide the Secretary with an evaluation of the program assisted under this subpart every two years. Such evaluation shall include data on—
\(1\) post-program placement of persons trained in a program assisted under this subpart;
\(2\) how the training relates to the employment of persons served by the program;
\(3\) program completion; and
\(4\) such other information as the Secretary may require.

"SEC. 7150. USE OF FUNDS FOR SECOND LANGUAGE COMPETENCE.
"Awards under this subpart may be used to develop a program participant's competence in a second language for use in instructional programs.

"Subpart 4—Transition

"SEC. 7161. SPECIAL RULE.
"Notwithstanding any other provision of law, no recipient of a grant under title VII of this Act (as such title was in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994) shall be eligible for fourth- and fifth-year renewals authorized by section 7021(d)(1)(C) of such title (as such section was in effect on the day preceding the date of enactment of such Act).

"PART B—FOREIGN LANGUAGE ASSISTANCE PROGRAM

"SEC. 7201. SHORT TITLE.
"This part may be cited as the 'Foreign Language Assistance Act of 1994'.

"SEC. 7202. FINDINGS.
"The Congress finds as follows:
\(1\) Foreign language proficiency is crucial to our Nation's economic competitiveness and national security. Significant improvement in the quantity and quality of foreign language instruction offered in our Nation's elementary and secondary schools is necessary.
\(2\) All Americans need a global perspective. To understand the world around us, we must acquaint ourselves with the languages, cultures, and history of other nations.
"(3) Proficiency in two or more languages should be promoted for all American students. Multilingualism enhances cognitive and social growth, competitiveness in the global marketplace, national security, and understanding of diverse people and cultures.

"(4) The United States lags behind other developed countries in offering foreign language study to elementary and secondary school students.

"(5) Four out of five new jobs in the United States are created from foreign trade.

"(6) The optimum time to begin learning a second language is in elementary school, when children have the ability to learn and excel in several foreign language acquisition skills, including pronunciation, and when children are most open to appreciating and valuing a culture other than their own.

"(7) Foreign language study can increase children's capacity for critical and creative thinking skills and children who study a second language show greater cognitive development in areas such as mental flexibility, creativity, tolerance, and higher order thinking skills.

"(8) Children who have studied a foreign language in elementary school achieve expected gains and score higher on standardized tests of reading, language arts, and mathematics than children who have not studied a foreign language.

"SEC. 7203. PROGRAM AUTHORIZED.

"(a) Program Authority.—

"(1) In general.—The Secretary shall make grants, on a competitive basis, to State educational agencies or local educational agencies to pay the Federal share of the cost of innovative model programs providing for the establishment, improvement or expansion of foreign language study for elementary and secondary school students.

"(2) Duration.—Each grant under paragraph (1) shall be awarded for a period of three years.

"(b) Requirements.—

"(1) Grants to state educational agencies.—In awarding a grant under subsection (a) to a State educational agency, the Secretary shall support programs that promote systemic approaches to improving foreign language learning in the State.

"(2) Grants to local educational agencies.—In awarding a grant under subsection (a) to a local educational agency, the Secretary shall support programs that—

"(A) show the promise of being continued beyond the grant period;

"(B) demonstrate approaches that can be disseminated and duplicated in other local educational agencies; and

"(C) may include a professional development component.

"(c) Federal Share.—

"(1) In general.—The Federal share for each fiscal year shall be 50 percent.

"(2) Waiver.—The Secretary may waive the requirement of paragraph (1) for any local educational agency which the Secretary determines does not have adequate resources to pay the non-Federal share of the cost of the activities assisted under this part.

"(3) Special rule.—Not less than three-fourths of the funds appropriated under section 7206 shall be used for the expansion of foreign language learning in the elementary grades.
"(4) Reservation.—The Secretary may reserve not more than 5 percent of funds appropriated under section 7206 to evaluate the efficacy of programs under this part.

"SEC. 7204. APPLICATIONS.
"(a) In General.—Any State educational agency or local educational agency desiring a grant under this part shall submit an application to the Secretary at such time, in such form, and containing such information and assurances as the Secretary may require.
"(b) Special Consideration.—The Secretary shall give special consideration to applications describing programs that—
"(1) include intensive summer foreign language programs for professional development;
"(2) link non-native English speakers in the community with the schools in order to promote two-way language learning; or
"(3) promote the sequential study of a foreign language for students, beginning in elementary schools.

"SEC. 7205. ELEMENTARY SCHOOL FOREIGN LANGUAGE INCENTIVE PROGRAM.
"(a) Incentive Payments.—From amounts appropriated under section 7206 the Secretary shall make an incentive payment for each fiscal year to each public elementary school that provides to students attending such school a program designed to lead to communicative competency in a foreign language.
"(b) Amount.—The Secretary shall determine the amount of the incentive payment under subsection (a) for each public elementary school for each fiscal year on the basis of the number of students participating in a program described in such subsection at such school for such year compared to the total number of such students at all such schools in the United States for such year.
"(c) Requirement.—The Secretary shall consider a program to be designed to lead to communicative competency in a foreign language if such program is comparable to a program that provides not less than 45 minutes of instruction in a foreign language not less than four days per week throughout an academic year.

"SEC. 7206. AUTHORIZATION OF APPROPRIATIONS.
"There are authorized to be appropriated $35,000,000 for the fiscal year 1995, and such sums as may be necessary for each of the four succeeding fiscal years, to carry out this part, of which not more than $20,000,000 may be used in each fiscal year to carry out section 7205.

"PART C—EMERGENCY IMMIGRANT EDUCATION PROGRAM

"SEC. 7301. FINDINGS AND PURPOSE.
"(a) Findings.—The Congress finds that—
"(1) the education of our Nation's children and youth is one of the most sacred government responsibilities;
"(2) local educational agencies have struggled to fund adequately education services;
"(3) in the case of Plyler v. Doe, the Supreme Court held that States have a responsibility under the Equal Protection Clause of the Constitution to educate all
children, regardless of immigration status; and

"(4) immigration policy is solely a responsibility of the Federal Government.

"(b) Purpose.—The purpose of this part is to assist eligible local educational agencies that experience unexpectedly large increases in their student population due to immigration to—

"(1) provide high-quality instruction to immigrant children and youth; and

"(2) help such children and youth—

"(A) with their transition into American society; and

"(B) meet the same challenging State performance standards expected of all children and youth.

"SEC. 7302. STATE ADMINISTRATIVE COSTS.

"For any fiscal year, a State educational agency may reserve not more than 1.5 percent of the amount allocated to such agency under section 7304 to pay the costs of performing such agency's administrative functions under this part.

"SEC. 7303. WITHHOLDING.

"Whenever the Secretary, after providing reasonable notice and opportunity for a hearing to any State educational agency, finds that there is a failure to meet the requirement of any provision of this part, the Secretary shall notify that agency that further payments will not be made to the agency under this part, or in the discretion of the Secretary, that the State educational agency shall not make further payments under this part to specified local educational agencies whose actions cause or are involved in such failure until the Secretary is satisfied that there is no longer any such failure to comply. Until the Secretary is so satisfied, no further payments shall be made to the State educational agency under this part, or payments by the State educational agency under this part shall be limited to local educational agencies whose actions did not cause or were not involved in the failure, as the case may be.

"SEC. 7304. STATE ALLOCATIONS.

"(a) Payments.—The Secretary shall, in accordance with the provisions of this section, make payments to State educational agencies for each of the fiscal years 1995 through 1999 for the purpose set forth in section 7301(b).

"(b) Allocations.—

"(1) In general.—Except as provided in subsections (c) and (d), of the amount appropriated for each fiscal year for this part, each State participating in the program assisted under this part shall receive an allocation equal to the proportion of such State's number of immigrant children and youth who are enrolled in public elementary or secondary schools under the jurisdiction of each local educational agency described in paragraph (2) within such State, and in nonpublic elementary or secondary schools within the district served by each such local educational agency, relative to the total number of immigrant children and youth so enrolled in all the States participating in the program assisted under this part.

"(2) Eligible local educational agencies.—The local educational agencies referred to in paragraph (1) are those local educational agencies in which the sum of the number of immigrant children and youth who are enrolled in public elementary or secondary schools under the jurisdiction of such agencies, and in nonpublic elementary or secondary schools within the districts served by such agencies, during the fiscal year for which the payments are to be made under this part, is equal to—
(A) at least 500; or
(B) at least 3 percent of the total number of students enrolled in such public or nonpublic schools during such fiscal year, whichever number is less.
(c) Determinations of Number of Children and Youth.—

(1) In general.—Determinations by the Secretary under this section for any period with respect to the number of immigrant children and youth shall be made on the basis of data or estimates provided to the Secretary by each State educational agency in accordance with criteria established by the Secretary, unless the Secretary determines, after notice and opportunity for a hearing to the affected State educational agency, that such data or estimates are clearly erroneous.
(2) Special rule.—No such determination with respect to the number of immigrant children and youth shall operate because of an underestimate or overestimate to deprive any State educational agency of the allocation under this section that such State would otherwise have received had such determination been made on the basis of accurate data.
(d) Reallocation.—Whenever the Secretary determines that any amount of a payment made to a State under this part for a fiscal year will not be used by such State for carrying out the purpose for which the payment was made, the Secretary shall make such amount available for carrying out such purpose to one or more other States to the extent the Secretary determines that such other States will be able to use such additional amount for carrying out such purpose. Any amount made available to a State from any appropriation for a fiscal year in accordance with the preceding sentence shall, for purposes of this part, be regarded as part of such State's payment (as determined under subsection (b)) for such year, but shall remain available until the end of the succeeding fiscal year.
(e) Reservation of Funds.—

(1) In general.—Notwithstanding any other provision of this part, if the amount appropriated to carry out this part exceeds $50,000,000 for a fiscal year, a State educational agency may reserve not more than 20 percent of such agency's payment under this part for such year to award grants, on a competitive basis, to local educational agencies within the State as follows:
(A) At least one-half of such grants shall be made available to eligible local educational agencies (as described in subsection (b)(2)) within the State with the highest numbers and percentages of immigrant children and youth.
(B) Funds reserved under this paragraph and not made available under subparagraph (A) may be distributed to local educational agencies within the State experiencing a sudden influx of immigrant children and youth which are otherwise not eligible for assistance under this part.
(2) Use of grant funds.—Each local educational agency receiving a grant under paragraph (1) shall use such grant funds to carry out the activities described in section 7307.
(3) Information.—Local educational agencies with the highest number of immigrant children and youth receiving funds under paragraph (1) may make information available on serving immigrant children and youth to local educational agencies in the State with sparse numbers of such children.

SEC. 7305. STATE APPLICATIONS.

(a) Submission.—No State educational agency shall receive any payment under this part for any fiscal year unless such agency submits an application to the Secretary
at such time, in such manner, and containing or accompanied by such information, as
the Secretary may reasonably require. Each such application shall--
"(1) provide that the educational programs, services, and activities for which
payments under this part are made will be administered by or under the
supervision of the agency;
"(2) provide assurances that payments under this part will be used for
purposes set forth in sections 7301 and 7307, including a description of how local
educational agencies receiving funds under this part will use such funds to meet
such purposes and will coordinate with other programs assisted under this Act, the
Goals 2000: Educate America Act, and other Acts as appropriate;
"(3) provide an assurance that local educational agencies receiving funds
under this part will coordinate the use of such funds with programs assisted under
part A or title I;
"(4) provide assurances that such payments, with the exception of payments
reserved under section 7304(e), will be distributed among local educational
agencies within that State on the basis of the number of immigrant children and
youth counted with respect to each such local educational agency under section
7304(b)(1);
"(5) provide assurances that the State educational agency will not finally
disapprove in whole or in part any application for funds received under this part
without first affording the local educational agency submitting an application for
such funds reasonable notice and opportunity for a hearing;
"(6) provide for making such reports as the Secretary may reasonably require
to perform the Secretary's functions under this part;
"(7) provide assurances--
"(A) that to the extent consistent with the number of immigrant children
and youth enrolled in the nonpublic elementary or secondary schools within
the district served by a local educational agency, such agency, after
consultation with appropriate officials of such schools, shall provide for the
benefit of such children and youth secular, neutral, and nonideological
services, materials, and equipment necessary for the education of such
children and youth;
"(B) that the control of funds provided under this part to any materials,
equipment, and property repaired, remodeled, or constructed with those funds
shall be in a public agency for the uses and purposes provided in this part, and
a public agency shall administer such funds and property; and
"(C) that the provision of services pursuant to this paragraph shall be
provided by employees of a public agency or through contract by such public
agency with a person, association, agency, or corporation who or which, in the
provision of such services, is independent of such nonpublic elementary or
secondary school and of any religious organization, and such employment or
contract shall be under the control and supervision of such public agency, and
the funds provided under this paragraph shall not be commingled with State or
local funds;
"(8) provide that funds reserved under subsection (e) of section 7304 be
awarded on a competitive basis based on merit and need in accordance with such
subsection; and
"(9) provide an assurance that State and local educational agencies receiving
funds under this part will comply with the requirements of section 1120(b).
"
"(b) Application Review.--
"(1) In general.--The Secretary shall review all applications submitted pursuant to this section by State educational agencies.

"(2) Approval.--The Secretary shall approve any application submitted by a State educational agency that meets the requirements of this section.

"(3) Disapproval.--The Secretary shall disapprove any application submitted by a State educational agency which does not meet the requirements of this section, but shall not finally disapprove an application except after providing reasonable notice, technical assistance, and an opportunity for a hearing to the State.

"SEC. 7306. ADMINISTRATIVE PROVISIONS.

"(a) Notification of Amount.--The Secretary, not later than June 1 of each year, shall notify each State educational agency that has an application approved under section 7305 of the amount of such agency's allocation under section 7304 for the succeeding year.

"(b) Services to Children Enrolled in Nonpublic Schools.--If by reason of any provision of law a local educational agency is prohibited from providing educational services for children enrolled in elementary and secondary nonpublic schools, as required by section 7305(a)(7), or if the Secretary determines that a local educational agency has substantially failed or is unwilling to provide for the participation on an equitable basis of children enrolled in such schools, the Secretary may waive such requirement and shall arrange for the provision of services, subject to the requirements of this part, to such children. Such waivers shall be subject to consultation, withholding, notice, and judicial review requirements in accordance with the provisions of title I.

"SEC. 7307. USES OF FUNDS.

"(a) Use of Funds.--Funds awarded under this part shall be used to pay for enhanced instructional opportunities for immigrant children and youth, which may include--

"(1) family literacy, parent outreach, and training activities designed to assist parents to become active participants in the education of their children;

"(2) salaries of personnel, including teacher aides who have been specifically trained, or are being trained, to provide services to immigrant children and youth;

"(3) tutorials, mentoring, and academic or career counseling for immigrant children and youth;

"(4) identification and acquisition of curricular materials, educational software, and technologies to be used in the program;

"(5) basic instructional services which are directly attributable to the presence in the school district of immigrant children, including the costs of providing additional classroom supplies, overhead costs, costs of construction, acquisition or rental of space, costs of transportation, or such other costs as are directly attributable to such additional basic instructional services; and

"(6) such other activities, related to the purposes of this part, as the Secretary may authorize.

"(b) Consortia.--A local educational agency that receives a grant under this part may collaborate or form a consortium with one or more local educational agencies, institutions of higher education, and nonprofit organizations to carry out the program described in an application approved under this part.

"(c) Subgrants.--A local educational agency that receives a grant under this part
may, with the approval of the Secretary, make a subgrant to, or enter into a contract
with, an institution of higher education, a nonprofit organization, or a consortium of
such entities to carry out a program described in an application approved under this
part, including a program to serve out-of-school youth.
*(d) Construction.--Nothing in this part shall be construed to prohibit a local
educational agency from serving immigrant children simultaneously with students
with similar educational needs, in the same educational settings where appropriate.

"SEC. 7308. REPORTS.
*(a) Biennial Report.—Each State educational agency receiving funds under this
part shall submit, once every two years, a report to the Secretary concerning the
expenditure of funds by local educational agencies under this part. Each local
educational agency receiving funds under this part shall submit to the State
educational agency such information as may be necessary for such report.
*(b) Report to Congress.—The Secretary shall submit, once every two years, a
report to the appropriate committees of the Congress concerning programs assisted
under this part in accordance with section 14701.

"SEC. 7309. AUTHORIZATION OF APPROPRIATIONS.
*For the purpose of carrying out this part, there are authorized to be appropriated
$100,000,000 for fiscal year 1995 and such sums as may be necessary for each of the
four succeeding fiscal years.

"PART D—ADMINISTRATION

"SEC. 7401. RELEASE TIME.
*The Secretary shall allow professional development programs funded under part
A to use funds provided under part A for professional release time to enable
individuals to participate in programs assisted under part A.

"SEC. 7402. EDUCATION TECHNOLOGY.
*Funds made available under part A may be used to provide for the acquisition or
development of education technology or instructional materials, including authentic
materials in languages other than English, access to and participation in electronic
networks for materials, training and communications, and incorporation of such
resources in curricula and programs such as those funded under this title.

"SEC. 7403. NOTIFICATION.
*The State educational agency, and when applicable, the State board for
postsecondary education, shall be notified within three working days of the date an
award under part A is made to an eligible entity within the State.

"SEC. 7404. CONTINUED ELIGIBILITY.
*Entities receiving grants under this title shall remain eligible for grants for
subsequent activities which extend or expand and do not duplicate those activities
supported by a previous grant under this title. In considering applications for grants
under this title, the Secretary shall take into consideration the applicant's record of
accomplishments under previous grants under this title.

"SEC. 7405. COORDINATIONS AND REPORTING REQUIREMENTS.
"(a) Coordination With Related Programs.—In order to maximize Federal efforts aimed at serving the educational needs of children and youth of limited-English proficiency, the Secretary shall coordinate and ensure close cooperation with other programs serving language-minority and limited English proficient students that are administered by the Department and other agencies. The Secretary shall consult with the Secretary of Labor, the Secretary of Health and Human Services, the Secretary of Agriculture, the Attorney General and the heads of other relevant agencies to identify and eliminate barriers to appropriate coordination of programs that affect language-minority and limited English proficient students and their families. The Secretary shall provide for continuing consultation and collaboration, between the Office and relevant programs operated by the Department, including programs under title I and other programs under this Act, in planning, contracts, providing joint technical assistance, providing joint field monitoring activities and in other relevant activities to ensure effective program coordination to provide high quality education opportunities to all language-minority and limited English proficient students.

"(b) Data.—The Secretary shall, to the extent feasible, ensure that all data collected by the Department shall include the collection and reporting of data on limited English proficient students.

"(c) Publication of Proposals.—The Secretary shall publish and disseminate all requests for proposals for programs funded under part A.

"(d) Report.—The Director shall prepare and, not later than February 1 of every other year, shall submit to the Secretary and to the Committee on Labor and Human Resources of the Senate and to the Committee on Education and Labor of the House of Representatives a report on—

"(1) the activities carried out under this title and the effectiveness of such activities in improving the education provided to limited English proficient children and youth;

"(2) a critical synthesis of data reported by the States pursuant to section 7134;

"(3) an estimate of the number of certified bilingual education personnel in the field and an estimate of the number of bilingual education teachers which will be needed for the succeeding five fiscal years;

"(4) the major findings of research carried out under this title; and

"(5) recommendations for further developing the capacity of our Nation's schools to educate effectively limited English proficient students.

"PART E—GENERAL PROVISIONS

"SEC. 7501. DEFINITIONS; REGULATIONS.

"Except as otherwise provided, for purposes of this title—

"(1) Bilingual education program.—The term 'bilingual education program' means an educational program for limited English proficient students that—

"(A) makes instructional use of both English and a student's native language;

"(B) enables limited English proficient students to achieve English proficiency and academic mastery of subject matter content and higher order skills, including critical thinking, so as to meet age-appropriate grade-promotion and graduation standards in concert with the National Education Goals;

"(C) may also develop the native language skills of limited English proficient students, or ancestral languages of American Indians, Alaska
Natives, Native Hawaiians and native residents of the outlying areas; and
"(D) may include the participation of English-proficient students if such
program is designed to enable all enrolled students to become proficient in
English and a second language.
"(2) Children and youth.—The term 'children and youth' means individuals
aged 3 through 21.
"(3) Community-based organization.—The term 'community-based
organization' means a private nonprofit organization of demonstrated
effectiveness or Indian tribe or tribally sanctioned educational authority which is
representative of a community or significant segments of a community and which
provides educational or related services to individuals in the community. Such
term includes Native Hawaiian organizations including Native Hawaiian
Educational Organizations as such term is defined in section 4009 of the Augustus
F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement
Amendments of 1988 (20 U.S.C. 4901 et seq.), as such Act was in effect on the
day preceding the date of enactment of the Improving America's Schools Act of
1994.
"(4) Community college.—The term 'community college' means an institution
of higher education as defined in section 1201(a) of the Higher Education Act of
1965 which provides not less than a two-year program which is acceptable for full
credit toward a bachelor's degree, including institutions receiving assistance under
the Tribally Controlled Community College Assistance Act of 1978.
"(5) Director.—The term 'Director' means the Director of the Office of
Bilingual Education and Minority Languages Affairs established under section
210 of the Department of Education Organization Act.
"(6) Family education program.—(A) The term 'family education program'
means a bilingual education or special alternative instructional program that—
"(i) is designed—
"(I) to help limited English proficient adults and out-of-school
youths achieve proficiency in the English language; and
"(II) to provide instruction on how parents and family members
can facilitate the educational achievement of their children;
"(ii) when feasible, uses instructional programs such as the models
developed under the Even Start Family Literacy Programs, which promote
adult literacy and train parents to support the educational growth of their
children and the Parents as Teachers Program and the Home Instruction
Program for Preschool Youngsters; and
"(iii) gives preference to participation by parents and immediate family
members of children attending school.
"(B) Such term may include programs that provide instruction to facilitate
higher education and employment outcomes.
"(7) Immigrant children and youth.—The term 'immigrant children and youth'
means individuals who—
"(A) are aged 3 through 21;
"(B) were not born in any State; and
"(C) have not been attending one or more schools in any one or more
States for more than three full academic years.
"(8) Limited English proficiency and limited English proficient.—The terms
'limited English proficiency' and 'limited English proficient', when used with
reference to an individual, mean an individual—
"(A) who—
"(i) was not born in the United States or whose native language is a language other than English and comes from an environment where a language other than English is dominant; or
"(ii) is a Native American or Alaska Native or who is a native resident of the outlying areas and comes from an environment where a language other than English has had a significant impact on such individual's level of English language proficiency; or
"(iii) is migratory and whose native language is other than English and comes from an environment where a language other than English is dominant; and

"(B) who has sufficient difficulty speaking, reading, writing, or understanding the English language and whose difficulties may deny such individual the opportunity to learn successfully in classrooms where the language of instruction is English or to participate fully in our society.

"(9) Native american and native american language.—The terms 'Native American' and 'Native American language' shall have the same meaning given such terms in section 103 of the Native American Languages Act of 1990.

"(10) Native hawaiian or native american pacific islander native language educational organization.—The term 'Native Hawaiian or Native American Pacific Islander native language educational organization' means a nonprofit organization with a majority of its governing board and employees consisting of fluent speakers of the traditional Native American languages used in their educational programs and with not less than five years successful experience in providing educational services in traditional Native American languages.

"(11) Native language.—The term 'native language', when used with reference to an individual of limited-English proficiency, means the language normally used by such individual, or in the case of a child or youth, the language normally used by the parents of the child or youth.

"(12) Office.—The term 'Office' means the Office of Bilingual Education and Minority Languages Affairs.

"(13) Other programs for persons of limited-english proficiency.—The term 'other programs for persons of limited-English proficiency' means any programs administered by the Secretary that serve persons of limited-English proficiency.

"(14) Paraprofessional.—The term 'paraprofessional' means an individual who is employed in preschool, elementary or secondary school under the supervision of a certified or licensed teacher, including individuals employed in bilingual education, special education and migrant education.

"(15) Special alternative instructional program.—The term 'special alternative instructional program' means an educational program for limited English proficient students that—

"(A) utilizes specially designed English language curricula and services but does not use the student's native language for instructional purposes;

"(B) enables limited English proficient students to achieve English proficiency and academic mastery of subject matter content and higher order skills, including critical thinking so as to meet age-appropriate grade-promotion and graduation standards in concert with the National Education Goals; and

"(C) is particularly appropriate for schools where the diversity of the limited English proficient students' native languages and the small number of
students speaking each respective language makes bilingual education impractical and where there is a critical shortage of bilingual education teachers.

"SEC. 7502. REGULATIONS AND NOTIFICATION.
(a) Regulation Rule.—In developing regulations under this title, the Secretary shall consult with State and local educational agencies, organizations representing limited English proficient individuals, and organizations representing teachers and other personnel involved in bilingual education.

(b) Parental Notification.—

"(1) In general.—Parents of children and youth participating in programs assisted under part A shall be informed of—

"(A) a student's level of English proficiency, how such level was assessed, the status of a student's academic achievement and the implications of a student's educational strengths and needs for age and grade appropriate academic attainment, promotion, and graduation;

"(B) what programs are available to meet the student's educational strengths and needs and how the programs differ in content and instructional goals, and in the case of a student with a disability, how the program meets the objectives of a student's individualized education program; and

"(C) the instructional goals of the bilingual education or special alternative instructional program, and how the program will specifically help the limited English proficient student acquire English and meet age-appropriate standards for grade-promotion and graduation, including—

"(i) the benefits, nature, and past academic results of the bilingual educational program and of the instructional alternatives; and

"(ii) the reasons for the selection of their child as being in need of bilingual education.

"(2) Option to decline.—(A) Such parents shall also be informed that such parents have the option of declining enrollment of their children and youth in such programs and shall be given an opportunity to so decline if such parents so choose.

"(B) A local educational agency shall not be relieved of any of its obligations under title VI of the Civil Rights Act of 1964 because parents choose not to enroll their children in bilingual education programs.

"(3) Receipt of information.—Such parents shall receive, in a manner and form understandable to such parents, including, if necessary and to the extent feasible, in the native language of such parents, the information required by this subsection. At a minimum, such parents shall receive—

"(A) timely information about projects funded under part A; and

"(B) if the parents of participating children so desire, notice of opportunities for regular meetings for the purpose of formulating and responding to recommendations from such parents.

"(4) Special rule.—Students shall not be admitted to or excluded from any federally assisted education program merely on the basis of a surname or language-minority status.
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