

# BILINGUALISM AND EDUCATION IN CALIFORNIA & THE UNITED STATES

## A TIMELINE

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The California Association for Bilingual Education  
In partnership with Californians Together  
CABE • 1975-2015

To have another language is to possess  
a second soul.

Charlemagne

*The history of the United States and the State of California is deeply interwoven with the complex stories of migration, cultural integration and multilingualism—often in the context of systemic resistance and exclusion. This same history, however, paints a vivid image of those who pushed and fought back to ensure that the linguistic, cultural, and human rights of all members of our community and nation are honored, respected, and accepted. While many milestones have been reached, the journey and the struggle continue.*

*This timeline, created by Dr. Laurie Olsen and published at the marking of the 40<sup>th</sup> anniversary of the California Association for Bilingual Education (CABE), walks us through struggles and victories over more than two centuries. It is dedicated to the visionaries and advocates who have led, and continue to lead us, toward a nation and society that honors and exemplifies the vision of multilingualism for all.*

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## TIMELINE

**1776** In the 13 colonies, German, Dutch, French, Swedish and Polish were all commonly spoken languages. The writers of the U.S. Constitution and Bill of Rights decided not to proclaim any one language as the formal language of the new nation, because to do so would give one language group dominance over another in the multilingual colonies. John Adams called for a Language Academy to set official standards for American English, but the majority of leaders rejected the idea, believing that government had no business mandating the people's language choices.

Throughout the slave trade, it was common practice for enslaved peoples to be separated immediately from others who spoke their language(s) as a means of control and effort to break the spirit of resistance.

**1840** A law in several Midwest states passed required German language instruction whenever 75 or more parents demanded it.

**1855** In California, a series of discriminatory laws and regulations were passed. All instruction in schools had to be in English. The publication of laws in Spanish was suspended by the legislature. Court proceedings were required to be in English.

**1859** In San Francisco, Chinese parents petitioned to open the first public school that allowed Chinese students.

**1865** German parents pressed for inclusion of German language classes in public schools in Chicago. Some were established though they were eliminated a decade later.

**1871** U.S. formally ended treaty-making policies with Native Americans, and began instead to pursue an assimilation policy, largely through the forced education of Indian children in boarding schools off the reservations, where they were punished for using their native tongues and for any behavior that displayed native ways. The curriculum

was designed to eradicate Indian cultures and languages. JDC Atkins, federal Indian Commissioner described the policy as “eradicating students barbarous dialects, along with other remnants of Indian-ness”.

- 1880s** Mandates for English as the language of instruction were enacted in Wisconsin, Illinois and other states.
- 1893** The father of two American born Chinese children filed a legal complaint against the San Francisco school board to allow Chinese students to attend high school. The Court upheld the segregation policy and the right of districts to exclude Chinese from high schools. Three years later, threatened with a boycott of elementary school Chinese families which would have reduced state financial aid to San Francisco schools, the high schools were opened to Chinese.
- 1908** Proficiency in English began to be equated with political loyalty in the build up towards World War I - targeted primarily towards German.
- 1912** New Mexico became a state, and its constitution provided that “children of Spanish descent shall never be denied the right and privilege of admission and attendance in the public schools.” Standard practice in the southwest territories had been separate schooling for Mexican-American children, shorter school years, less funding and the prohibition of the use of Spanish.
- 1917** After the United States entered World War I, anti-German feeling created an unprecedented wave of language restrictions. Laws and decrees banned German words.
- 1923** *Meyer v. Nebraska* determined that a Nebraska law violated the due process protections of the 14<sup>th</sup> Amendment. The law, a response to the anti-German feelings following World War I, had prohibited the teaching of any subject in a non-English language below the 8<sup>th</sup> grade. Twenty-one states had similar legislation. The courts intervened to protect language rights.
- 1929** Mexican Americans in Texas established the League of United Latin American Citizens (LULAC), the first national ethnic civil rights organization for Latinos in the U.S. One of its stated aims was to “oppose any tendency to separate our children in the schools of this country”.
- 1930s** Bilingual education was virtually eradicated throughout the nation. ESL, the methodology developed to meet the needs of foreign diplomats and university students, was now prescribed for schoolchildren who did not speak English. Pull-out classes were the most common format for them. Rise of IQ testing in English led to

disproportionate numbers of schoolchildren who did not speak English in special classes for the educationally handicapped.

- 1933** John Collier took over the Bureau of Indian Affairs and shifted the policy from assimilation through education, to placing an emphasis in Indian Schools on native culture and languages. They produced textbooks in Indian languages.
- 1947** *Mendez, et al v. Westminster School District of Orange County, et al*, was filed in federal court challenging racial segregation in Orange County, California schools. Five Mexican-American fathers, (Thomas Estrada, William Guzman, Gonzalo Mendez, Frank Palomino, and Lorenzo Ramirez) claimed that their children, along with 5,000 other children of "Mexican" ancestry, were victims of unconstitutional discrimination by being forced to attend separate "schools for Mexicans" in the Westminster, Garden Grove, Santa Ana, and El Modena school districts of Orange County. In its ruling, the United States Court of Appeals for the Ninth Circuit held that the segregation of Mexican and Mexican American students into separate "Mexican schools" was unconstitutional.
- 1963** Coral Way Elementary School in Miami grouped children by primary language for the first bilingual education program in nearly half a century. Designed for middle-class Cuban students as an enrichment program, it was a major influence on a renewed bilingual education movement. The goal was fluent bilingualism in English and Spanish.
- 1964** The Voting Rights Act of 1965 suspended literacy tests for voting under certain conditions, and specifically enfranchised (allowed to vote) speakers of languages other than English, if they had completed elementary school.
- 1967** Title VII of the Elementary and Secondary Education Act passed, providing funds for schools that wished to implement bilingual education programs. It was signed into law in January 1968 as the Bilingual Education Act. Under Title VI of the Civil Rights Act, which outlawed discrimination, schools must take affirmative steps to improve language barriers that affect full participation in schools.
- 1973** A Texas law that made it a crime to use a language other than English to teach in a class was struck down.

Also, *Keyes v. School District* decision. The court held that Denver schools had pursued an intentional policy of segregation by separating Mexican American students. This was the first application of the *Brown v. Board of Education* decision to what was considered an “ethnic group”.

- 1974** *Lau v. Board of Education*, a lawsuit instituted by Chinese parents in San Francisco, reached the United States Supreme Court. The court held that San Francisco schools failed to provide equal access for Chinese students who did not speak English. The Lau decision called for school districts to take affirmative action so that access is not denied due to language.
- 1975** The California Association for Bilingual Education (CABE) held its first conference at Whittier College.
- 1975** Between 1975 and 1997, a growing bilingual education field developed special training and credential certification to ensure a well-trained teaching force. Thousands and thousands of bilingual education programs were implemented, and most states had legislation on bilingual education. Models of effective programs were developed. A professional network of bilingual educators had grown across the nation. In California, activist staff of the California Department of Education called upon linguists and other researchers (including Jim Cummins, Stephen Krashen and others) to develop a "theoretical framework" to guide the development of programs. That publication and a subsequent state-wide effort to disseminate the framework was a major force in moving the field forward. The Bilingual Coordinator's Network was also established as a vehicle for communication and sharing across bilingual educators in the state's school districts.
- 1976** California's *Chacon-Moscone Bilingual Education Act* passed - outlining bilingual programs as an English Learner program option. Students were identified as Limited English Speaking or Non-English Speaking.
- 1976** California Association of Bilingual Education was officially incorporated.
- 1980** Passage of AB 507 (authored by Pete Chacon) made bilingual education mandatory when there were 20 or more students of the same primary language at the same grade level.
- 1980s** California established the Bilingual Specialist Credential authorizing teachers to teach in a bilingual program. The state later established Bilingual Teacher Training Programs to provide pathways for teachers to develop bilingual proficiency - beginning with four centers in the most impacted counties of the state, and expanding to 14 by the mid 1990s.
- 1982** *Plyler v. Doe*, was a case in which the Supreme Court of the United States struck down a state statute denying funding for education to unauthorized immigrant children and simultaneously struck down a municipal school district's attempt to charge unauthorized immigrants an annual \$1,000 tuition fee for each undocumented

immigrant student to compensate for the lost state funding. The *Plyler* case affirmed the rights of undocumented children to attend schools in the nation, and set a precedent that schools could not ask students or families for their immigration status because it might have a "cooling effect" on their school attendance.

- 1985** The Language Development Specialist Credential was created, authorizing teaching in an English Only setting to English Learners. It was an "add on" the regular credential, and was a response to the growing Southwest Asian immigration wave in the state.
- 1986** Proposition 63, the English Only initiative passed in California by a two to one margin. Though courts declared it had symbolic value only, it was a flash point for English Only sentiment in California. It started in Monterey Park as a local initiative and grew from there. After California's initiative passed, it spread across nation as strategy.
- 1987** California's Bilingual Education Act sunsetted - features remained in Ed Code, but ambiguity in field about what still applied led to weakening of bilingual programs in many places. It had been the nation's strongest bilingual program.

**Late 1980s - 90s**

A major immigration wave took place in California, including large-scale refugee resettlement from the Southeast Asian wars. An economic recession occurred simultaneously, and those two factors contributed to a backlash against immigrants. Rapidly changing demographics tipped the state to having no one ethnic group representing a majority any longer. Politically, issues of who belongs/who doesn't and who public resources were being spent upon took center stage.

- 1987** The courts decided in *Comité Padres de Familia v. Honig* that the state (California Department of Education) had a statutory duty to monitor district English Learner programs and enforce compliance ensuring appropriate services for English Learners. The lawsuit was filed by parents in Los Angeles. "Comite" monitoring in many districts over the next several decades became a major force in propelling stronger programs for ELLs.
- 1990s** Throughout the 1990s and into the new 21st century, two way bilingual immersion programs began to build - starting in San Jose CA (River Glen) and Ysleta Texas – and spread across the nation.
- 1993** After complaints from parents, the Office of Civil Rights initiated a review of the Oakland Unified School District's compliance with Title VI of the Civil Rights Act. The review indicated serious and systemic noncompliance in the services provided to English Learners in the district. One year later, state Economic Impact Aid funds were withheld from the district due to lack of action in response to the review. In

April of 2000, an OCR review verified the failure of Oakland to fully implement a negotiated master plan and the failure to provide effective, compliant services for English Learners.

- 1994** California voters passed Proposition 187, which denied undocumented immigrant children access to public schools and health care. The courts ruled it unconstitutional in 2000.
- 1994** A new "Crosscultural, Language and Academic Development" (CLAD) certificate and CLAD Emphasis Credential were created in California - required for teaching ELD and academic subjects to English Learners. Similarly, a Bilingual CLAD (BCLAD) credential was established.
- 1996** Proposition 209 was passed by the California votership, ending affirmative action on the basis of race. This anti-affirmative action initiative passed by the same 2:1 margin as Proposition 187 (against immigrant use of public services) and Proposition 63 (English Only) had.
- 1997** The Oakland School Board passed a powerful and visionary resolution supporting language access and Standard English programs for African American children. This elicited a national outcry against Ebonics and the Oakland school board later withdrew the resolution.
- 1997** Ron Unz and Gloria Matta Tuchman filed a public ballot initiative, "English for the Children", seeking to end bilingual education. A coalition of educator and civil rights groups, with CABE playing a major role, formed Citizens for an Educated America to oppose the Proposition.
- 1997** The California legislature established SB 1969 Certificates, creating a professional development path to authorization for teachers. Through participation in a 30 hour training, and passage of a test, teachers could become authorized to teach ELD and academic subjects through SDAIE methods. The quality of programs and assessment were inconsistent.
- 1998** California voters passed Proposition 227, which severely restricted bilingual education programs and installed a one-year English immersion program as the norm. After one year, only 10 percent of English language learners in California were receiving home language instruction. Similar initiatives were started throughout the nation.

- 1999** The organizations that had come together to try to defeat Proposition 227 formed Californians Together, designed to be a coalition and an ongoing voice of advocacy for English Learners in California.
- 1999** California adopted the first English Language Development (ELD) Standards
- 2001** No Child Left Behind was passed - identifying English Learners as a significant subgroup for accountability.
- 2005** Joining Coachella Valley Unified School District and 8 other school districts, the California Association for Bilingual Education (CABE) and Californians Together jointly sued the State of California to enforce the provisions of the No Child Left Behind (NCLB) Act with regards to valid and reliable assessments for English Learners. The lawsuit alleged that California failed to perform a mandatory duty under No Child Left Behind to test English Learners in a valid and reliable manner and failed to provide the accommodations required. Four years later, the courts ruled against the suit, but the suit was a major factor in bringing the critical issue of fair, just, valid and reliable assessments for English Learners to the attention of thousands of people in California and around the nation.
- 2006** The Congressionally mandated and highly credible National Literacy Panel on Language Minority Children and Youth released its meta-analysis of research on English Learner education report - clearly stating, among other things, that bilingual programs work as well as if not better than English Only programs.
- 2007** California Senate Bill 472 established funding for Professional Development aimed at teaching reading to English Learners.
- 2009** Californians Together launched a campaign for the Seal of Biliteracy, enlisting 50 school districts in awarding the Seal to graduating seniors who displayed proficiency in two or more languages. Two attempts to pass state legislation creating a state Seal of Biliteracy were vetoed by Governors Deukmejian and Wilson.
- 2009** California adopted its first World Language Content standards, providing direction for the state's World Language programs.
- 2010** Californians Together released the report, Reparable Harm: Delivering on the promise of educational opportunity for Long Term English Learners, calling attention to the magnitude of the problem and urgency of strengthening English Learner programs. Over the next few years, the issue gathered local and state action. California passed the first legislation in the nation defining this group, stimulating districts throughout the state to look at their data, identify students and build programs.

- 2010** The Common Core English Language Arts standards were adopted by California, issuing in an era of more rigorous focus on language development across the curriculum - and giving rise to the development of new ELD Standards aligned to Common Core.
- 2011** Newly elected State Superintendent of Instruction Tom Torlakson began his administration by convening a Transition Advisory Team to develop the "Blueprint for Great Schools". Included in the Blueprint was a recommendation to ensure biliteracy through a statewide campaign, and to recognize California students for being literate in English and one or more additional languages by awarding a State Seal of Biliteracy.
- 2012** The California State Seal of Biliteracy was adopted by the state legislature and signed into law by Governor Jerry Brown. The movement for the Seal of Biliteracy swept across the nation, and is now policy in at least 16 other states.
- 2012** The California State Board of Education adopted new California English Language Development Standards (CA ELD Standards)— revised, updated and aligned to the English Language Arts Standards/CCSS.
- 2013** The Common Core en Español (Common Core for Language Arts in Spanish) was developed as a joint effort between the San Diego County Office of Education, Council of Chief State School Officers, and the California Department of Education.
- 2013** Legislation was signed into law creating a state definition for Long Term English Learners (LTELs) and Students at risk of Becoming Long Term English Learners and requiring the California Department of Education to report these numbers to each school and school district.
- 2014** After three June graduations, over 50,000 seniors had received the State Seal of Biliteracy with a State Seal affixed to their diplomas or transcripts.
- 2014** Governor Jerry Brown signed Senate Bill 1174 (the Multilingual Education for a 21st Century Economy Act). State Senator Ricardo Lara (D-33) sponsored the proposed measure in the California Legislature. The proposed measure, upon voter approval by the voters in November, 2016, would amend and repeal parts of the 1998 Proposition 227, the "English in Public Schools" Initiative, thus effectively allowing non-English languages to be used in public educational instruction.
- 2015** CABE celebrates its 40<sup>th</sup> Anniversary of the first conference held in 1975.

**FUTURE      What will be next?**

If we spoke a different language,  
we would perceive a somewhat different world.

*Ludwig Wittgenstein*

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