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Policy and Practice Brief 1: Virginia Is Not an English-Only Instruction State

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Virginia is not an English-only state for PreK-12 instruction. Although English is the official language of Virginia (as stated in the Code of Virginia), no state or federal policies require English as the only language for PreK-12 public education. Having English designated as the official language of Virginia does not prohibit the use of other languages in instruction. The Code of Virginia states that it does not require any state agency or local government to provide any information or documents in a language other than English, and school boards are not required to enforce the teaching of curriculum in a language other than English, except for foreign language courses.¹ What is often confusing is that the two phrases “English only” and “official language” are similar in the sense that they both prioritize English, but they do not mean the same thing.² While “English as the official language” means other languages are not required and English is the legal language used for government purposes “except as provided by law,”³ it does not prohibit the use of other languages for instruction as may be needed by English learners (ELs).

Federal education law supports dual language (DL) programs and the use of an EL’s home language for instructional purposes. The U.S. Department of Education (DOE) released guidance in 2016 reminding states and school divisions of their obligations to serve ELs under the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act of 2015 (ESSA). This guidance reaffirms the rights of schools and school divisions to choose the type of language instruction program for their ELs. Furthermore, the document states that research suggests “exposure to English, paired with supporting home language development within high quality educational settings, can result in strong, positive outcomes for children who are non-native English speakers, as well as positive outcomes for native English speakers” (p. 20).⁴ In addition to issuing this guidance, the DOE added a provision in the ESSA asking states to include in their state plan how they “will make every effort to develop assessments, at a minimum, in languages other than English” for ELs (p. 8).⁵

Virginia laws also support DL programs for ELs and native English speakers. In 2018, the Virginia General Assembly signed two laws (1) HB 507 Standards of quality; instructional

¹ <http://www.languagepolicy.net/archives/va.htm>

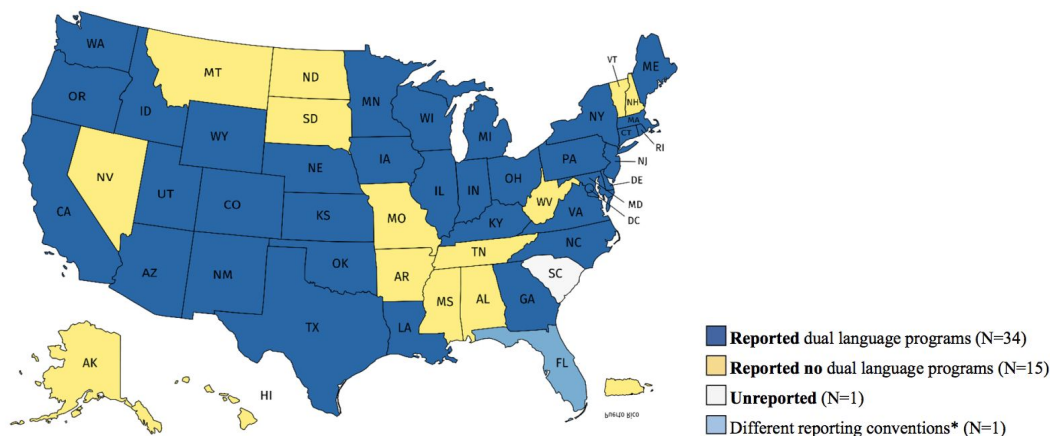
² <https://www.jstor.org/stable/818405?seq=1>

³ <http://www.languagepolicy.net/archives/va.htm>

⁴ <https://www2.ed.gov/policy/elsec/leg/essa/essatitleiiiiguidenglishlearners92016.pdf>

⁵ https://www.doe.virginia.gov/federal_programs/esea/virginia-essa-plan-amendment-3-redline.pdf

programs and positions, dual language teachers (2018),⁶ a law that allows school boards to use funds allocated for instructional programs for ELs (that have typically focused on English-only instruction) on DL programs instead, and (2) HB 1156 Teacher licensure; endorsement in dual language instruction pre-kindergarten through grade six (2018),⁷ a law that requires the Board of Education to establish requirements for an endorsement in DL instruction from pre-kindergarten through sixth grade. These laws demonstrate an effort to expand funding and increase staffing for DL programs growing across Virginia, one of 35 states and the District of Columbia which reported having active DL programs in the 2016–17 school year as shown in the map below.⁸



In 2015, Virginia adopted the Seal of Biliteracy, an award affixed to a high school diploma and transcript for “students who demonstrate proficiency in English and at least one other language and meet additional criteria established by the Board [of Education].”⁹ This award demonstrates the student is bilingual and biliterate in English and another language.

Despite federal and state laws in support of DL, Virginia’s plan under ESSA does not mention any of these key terms: *dual language*, *biliteracy*, or *bilingualism*. Virginia declined to make an effort to develop assessments for federal accountability mandates in languages other than English when instructed to do so in its DOE ESSA template, stating: “Content instruction in Virginia is not provided in languages other than English except on a very limited basis and foreign language classes. To administer academic assessments in languages other than the language in which students are taught is not considered to be aligned with the instruction” (p. 8).¹⁰ While there may be contradictions and tensions between Virginia’s plan and current laws, DL programs are increasingly supported by federal and state policies and backed by research. Therefore, bilingual/multilingual instructional methods and DL programs should be considered when selecting and designing language instruction programs for ELs.

⁶ <https://lis.virginia.gov/cgi-bin/legp604.exe?181+sum+HB5>

⁷ <https://lis.virginia.gov/cgi-bin/legp604.exe?181+sum+HB1156>

⁸ U.S. Department of Education Map of States With Self-Reported Dual Language Programs: SY 2016–17

⁹ http://www.doe.virginia.gov/administrators/superintendents_memos/2015/218-15.shtml

¹⁰ https://www.doe.virginia.gov/federal_programs/esea/virginia-essa-plan-amendment-3-redline.pdf