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FACT SHEET ON BILINGUAL EDUCATION  
REGULATIONS -- DEPARTMENT OF EDUCATION

- o On August 5, 1980 regulations were published in the Federal Register by former Secretary Shirley Hufstedler.
- o These regulations relate to the U.S. Supreme Court case (Lau vs. Nichols) which found that school districts were in violation of Title VI (of the 1964 Civil Rights Act) if such districts failed to provide programs of instruction to students of limited English proficiency that would help such students overcome their language barriers to learning. (...students who do not understand English are effectively foreclosed from any meaningful learning.") The Lau decision requires that student needs be met but does not prescribe a method.
- o There are 3.5 million students in the United States who have language barriers to learning. The Department of Education makes grants totalling about \$184 million per year to assist schools in meeting these needs.
- o The published regulations go far beyond the requirements of law. Not only is teaching method prescribed, but the regulations go into great detail in identifying and teaching students on the size of classes and on records that must be kept. This is a classic example of law making by bureaucratic fiat.
- o If our system is to work, the bureaucracy should stop expanding and adding to the law through abuse of its rule making process.

PROPOSAL

The Secretary of Education should withdraw the regulations and call attention to the excessive requirements and prescription of teaching method. The responsibility of the State and local education agencies for general control and supervision of education should be emphasized, and this Administration should reaffirm its commitment to return control of education back to the State and local levels. We should emphasize that this action is just the first of a number of steps to be taken to cut back and to cancel regulations that are both costly and unnecessary.

ANTICIPATED OPPOSITION

Some leaders in the hispanic community will likely respond by expressing strong criticism that the Department is turning its back on the rights of students with language barriers to learning.