

Bilingual Education vs. English Immersion

Which is better for students with limited English?

More than 5 million public school students have limited English proficiency, and the number is growing. Most English learners enter school behind fluent English speakers, and many never catch up either in language or other academic areas. In the 1960s and '70s, the federal government supported bilingual education: teaching English learners in both their native language and in English. A backlash developed in the 1980s and '90s among critics who attacked bilingual education as academically ineffective and politically divisive. They favored instead some form of "English immersion." Educators and policy makers continue to wage bitter debates on the issue, with each of the opposing camps claiming that research studies support its position. Some experts say the debate should focus instead on providing more resources, including more and better-trained teachers.



First-grader Kasandra Herrera reads a book in Spanish in her dual-language classroom in Dodge City, Kan., where the Hispanic population has increased dramatically in recent years.

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Bilingual Education vs. English Immersion

BY KENNETH JOST

THE ISSUES

Miriam Flores remembers that her daughter Miriam was doing well in her first two years in school in the border town of Nogales, Ariz.

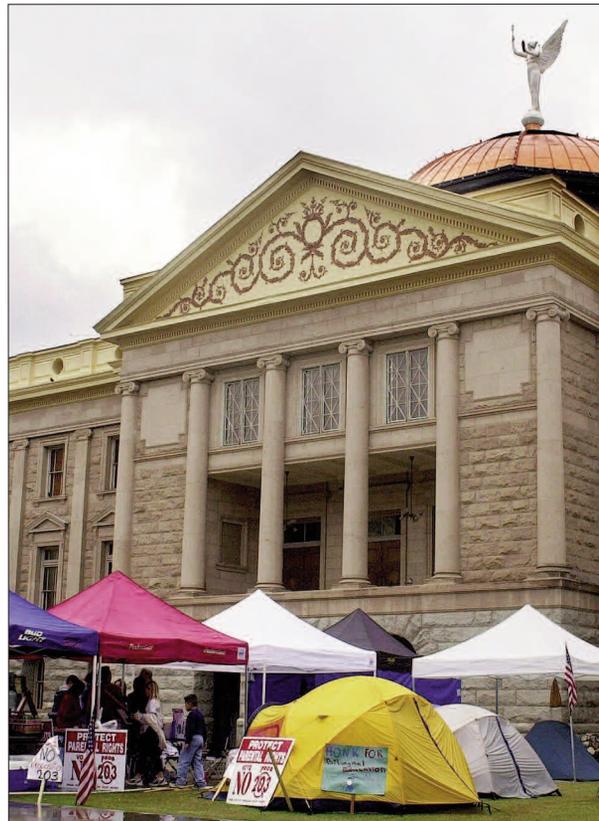
"She knew how to read and write in Spanish," Flores says of her daughter, now a college student. "She would even correct the teacher on accents and spelling."

In the third grade, however, Miriam began having difficulties. Her grades went down, and she began having nightmares.

Miriam's mother has a simple explanation for the change. In the early 1990s, Nogales provided bilingual education — teaching English learners in both their native language and English — but only through the first two grades. "It was the language," Flores says.

Miriam's new teacher did not speak Spanish, taught only in English and seemed uninterested in Miriam's language difficulties, Flores says. "Miriam is a very quiet child, and I thought it was strange that the teacher would say that she talked a lot," Flores recalls today. "Then Miriam told me, 'I ask the other kids what the teacher is saying.' She didn't understand."¹

Flores' frustrations with her daughter's schooling led her to join with other Spanish-speaking Nogales families in 1992 in filing a federal suit aimed at improving educational opportunities for non-English-speaking students in the overwhelmingly Hispanic town. The class action suit claimed the school district was failing to comply with a federal law — the Equal Educational Opportunities Act of 1974 — which requires



AP Photo/Paul Connors

Protesters at Arizona's capitol in Phoenix oppose Proposition 203 on Nov. 6, 2000. The next day voters decisively approved the ballot measure ending bilingual education in the state in favor of so-called sheltered English immersion. Similar measures in California and Massachusetts at about the same time reflected a popular backlash against bilingual education since the 1980s.

each state to take "appropriate action" to ensure that English-language learners (ELLs) enjoy "equal participation in its instructional programs."

Seventeen years later, the case is still in federal court. The plaintiffs won a pivotal decision in 2001 requiring Arizona to boost funding for English-language learning in Nogales and the rest of the state. In a narrowly divided decision in June, however, the Supreme Court gave state officials an opportunity to set aside the lower court ruling.

Writing for the 5-4 majority, Justice Samuel A. Alito Jr. said the federal district judge had failed to adequately consider changed circumstances since 2001. Among other changes, Alito

cited the state's decision to drop bilingual education in favor of so-called "sheltered English immersion" as the officially prescribed method of instruction for students with limited English proficiency.²

Arizona's voters had decisively rejected bilingual education in a 2000 ballot measure. Along with similar measures passed in California in 1998 and Massachusetts in 2002, Arizona's Proposition 203 embodied a popular backlash against bilingual education that had grown since the 1980s. Critics of bilingual teaching viewed it as a politically correct relic of the 1960s and '70s that had proven academically ineffective and politically divisive.

The debate between English-only instruction and bilingual education has been fierce for decades. "People get very hot under the collar," says Christine Rossell, a professor of political science at Boston University and critic of bilingual education.

Those who support a bilingual approach, says Arizona Superintendent of Instruction Thomas Horne, "aren't interested in teaching the kids English," but want to maintain "a separatist nationalism that they can take advantage of." Horne, a Republican, intervened with the state's GOP legislative leaders to try to undo the federal court injunction.

"When I tell people that the best way to learn English is to be taught in Spanish, they think I'm joking," says Rossell.

Supporters insist that bilingual education is the best way to ensure long-term educational achievement for English-language learners. "We have gone backwards on educating non-English speakers," says José Ruiz-Escalante, a professor of bilingual education at the

the *Flores* case, says it is “too early to tell” whether the four-hour pullout approach will be more effective than past policies that he describes as ineffective. But Hogan alleges that the policy segregates Spanish speakers from other students and risks delaying graduation by taking class time away from academic subjects.

Hogan stresses, however, that the lawsuit is aimed at ensuring adequate funding for English-language instruction, not at imposing a specific educational method. “We proved that the state funding [for English-language instruction] was totally arbitrary,” he says.

Horne counters that the Supreme Court decision leaves funding decisions up to the state. “The district court judges are being told not to micro-manage the finances of the state education system,” he says.

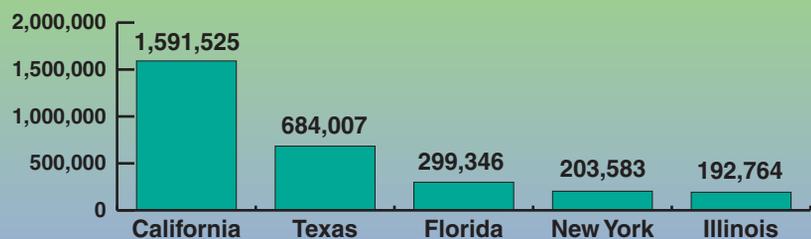
Voluminous, statistics-heavy studies are cited by opposing advocacy groups as evidence to support their respective positions on the bilingual versus English-only debate. But Barth says language politics, not research, often determines school districts’ choice of instructional method. “A lot of it is political,” she says. “A lot of decisions about language instruction aren’t really informed by the research about what works for children.”

Whatever approach is used, many researchers say English-language learners’ needs are not being met. In their new book, *Educating English Learners for a Transformed World*, former George Mason University professors Virginia Collier and Wayne Thomas — who strongly advocate bilingual education — cite statistics showing a big achievement gap at the high-school level between native English speakers and students who entered school as English learners. Native English speakers have average scores on standardized tests around the 50th percentile, Collier and Thomas say, while English learners average around the 10th to 12th percentile.⁶

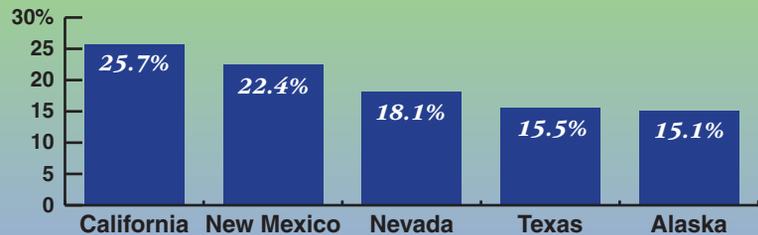
California Has Most English-Language Learners

More than 1.5 million English-language learners (ELLs) reside in California — one-quarter of the state’s school-age population and by far the most in the nation (top graph). ELLs, however, are becoming more populous in Southern states such as South Carolina, Kentucky and Tennessee (middle graph). More than one in five students in California and New Mexico are ELL students (bottom graph).

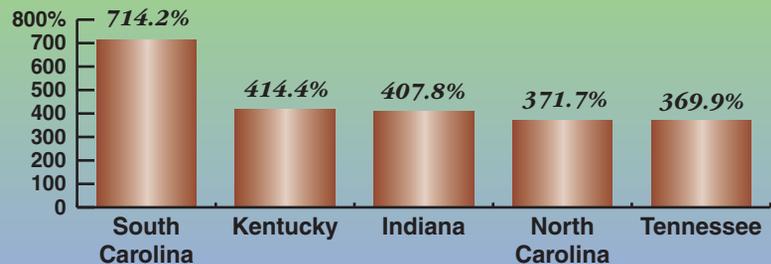
States with Most English-Language Learners, 2004-2005



States with Highest Density of English-Language Learners (among school-age populations), 2004-2005



States with Highest Growth of English-Language Learners, 1994-2005



Source: National Clearinghouse for English Language Acquisition

Despite decades of attention and debate on the issue, “not much has happened,” says Kenji Hakuta, a professor at Stanford University’s School

of Education in Palo Alto, Calif. “The problems of English-language learners persist whether it’s English-only or bilingual education.”

A Bilingual/Immersion Glossary

The dizzying number of terms and acronyms in the teaching-English field reflects the intensity and complexity of the debate over which method works best. Here are some of the key terms:

Annual Measurable Achievement Objective (AMAO) —

These are the criteria for the reports mandated by the No Child Left Behind Act (NCLB) on the progress of limited English proficiency (LEP) students in English-language acquisition and academic achievement.

Adequate Yearly Progress (AYP) — The accountability system mandated by NCLB requires each state to ensure all schools and districts meet set standards.

Bilingual Education — Teaching non-English-speaking people in both their native language and in English.

Dual Language — Programs that help students develop full literacy skills in English and another language.

Early Exit Transitional — Programs that help students develop English skills as quickly as possible, without delaying learning of academic core content. Instruction begins in native language and then moves rapidly to English, with students transitioning to mainstream classrooms as soon as possible.

Elementary and Secondary Education Act (ESEA) — Funds primary and secondary education, and forbids establishment of a national curriculum. Originally enacted in 1965, the act was reauthorized as the No Child Left Behind Act.

English Language Development (ELD) — Programs in which students leave mainstream classrooms to spend part of their day receiving ESL instruction focusing on grammar, vocabulary and communication skills, not academic content. Typically there is no support for students' native languages. Also known as ESL Pull-Out

English Language Proficiency (ELP) Standards — Assist teachers in evaluating LEP students' progress in their acquisition of English and facilitate the alignment of curriculum between ESL services and general education programs.

English as a Second Language (ESL) — Refers to non-English speakers and programs designed to teach them English.

ESL Push-In — These are programs for ESL students who attend mainstream classrooms and receive instruction in English with native-language support as needed from ESL teachers.

Heritage Language Programs — These target non-English-speaking students or those who have weak literary skills in their native language, frequently American Indians. Also known as Indigenous Language Programs.

As educators look for ways to best teach students with limited English skills, here are some of the major questions being debated:

Is bilingual education effective for English-language learners?

Todd Butler teaches social studies and language arts to fourth-grade English learners in Mansfield, Texas, a rapidly growing exurb south of Fort Worth. Butler, an Anglo who began studying Spanish in fourth grade himself, uses only Spanish for social studies but alternates day by day between English and Spanish for language arts.

Butler, recipient of the National Association for Bilingual Education's teacher of the year award in 2009, is firmly convinced of the merits of bilingual education, especially in the so-called dual-language model now used in Mansfield and advancing in other school districts. By contrast, the older model — known as "transitional bilingual education" — focuses on using bilingual education only for a limited period.

"We don't do kids any favor by showing them into English as fast as we can," says Butler, a teacher with more than a quarter-century of experience. "The research shows very clearly that the longer we can give them support in their language, the better they're going to do not just in elementary school but in secondary school as well."

The strongest supporting evidence comes from long-term research by George Mason scholars Collier and Thomas. The veteran researchers examined achievement levels through high school among English learners in 35 school districts who were taught using different instructional models. "Our research shows what works in the long term is different from what works in the short term," Thomas explains.

There is little difference in achievement levels between English learners in the elementary grades, the researchers

found, regardless of whether the students were taught in dual-language, transitional-bilingual or English-as-a-Second-Language (ESL) models. (See *glossary*, p. 1034.) By high school, however, the dual-language students come closer to narrowing the gap between them and the English-proficient students than those using the ESL approach. Students from transitional bilingual programs are in-between.

Students in English-only programs “look as though they’re doing really well in early grades,” Thomas explains, “but they’ve experienced a cognitive slowdown as they’re learning English.” As the two authors conclude in their book: “The more children develop their first language . . . , the more successful they will be in academic achievement in English by the end of their school years.”⁷

The national school boards group agrees on the advantages of “first-language” instruction for English learners. “ELL students with formal schooling in their first language tend to acquire English proficiency faster than their peers without it,” the NSBA’s Center for Public Education concluded after reviewing the research. The center added that it takes four to seven years to become proficient in “academic English — the language needed to succeed in the classroom.”⁸

Opponents of bilingual education say it fails because it does not completely close the gap between English learners and English-proficient students. “There is very little research to say that these programs are having good results,” says Rosalie Pedalino Porter, a longtime critic of bilingual education who was ESL coordinator in Newton, Mass., in the 1980s. “It never proved itself effective, and all sorts of excuses are still being made.” Porter now serves on the board of the pro-English advocacy group Center for Equal Opportunity.

To critics, bilingual education simply delays students’ mastery of the new language: English. “If you don’t pull them out [for English instruction], they’re not

Immersion — Learning a language by spending all or part of the time speaking solely in the target language.

Late Exit Transitional — Instruction designed to help students develop some skills and proficiency in their native language, as well as strong skills and proficiency in English. Instruction in lower grades is in the native language, and in English in upper grades. Also known as Developmental Bilingual or Maintenance Education.

Limited English Proficiency (LEP) — Denotes individuals who cannot communicate effectively in English, such as those not born in the United States or whose native language is not English.

Local Education Agency (LEA) — A board of education or other public authority that has administrative control of, or performs a service for, publicly funded schools.

National Assessment of Educational Process (NAEP) — The continuing assessment of American students in targeted grades and various subject areas — known as the “Nation’s Report Card” — is carried out by the U.S. Department of Education’s National Center for Education Statistics.

National Clearinghouse for English Language Acquisition and Language Instruction Educational Programs (NCELA) — Supports the U.S. Department of Education’s Office of English Language Acquisition in its mission to implement NCLB as it applies to English-language learners.

No Child Left Behind Act of 2001 (NCLB) — The most recent reauthorization of the ESEA calls for standards-based education reform and requires assessments of all students in certain grades before states can receive federal funding for schools.

Office of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient Students (OELA) — A U.S. Department of Education office that helps ensure English-language learners and immigrant students attain English proficiency and achieve academically.

Sheltered English Immersion — Classes specifically for ESL students aimed at improving their English-speaking, reading and writing skills. Prepares students for entry into mainstream classrooms.

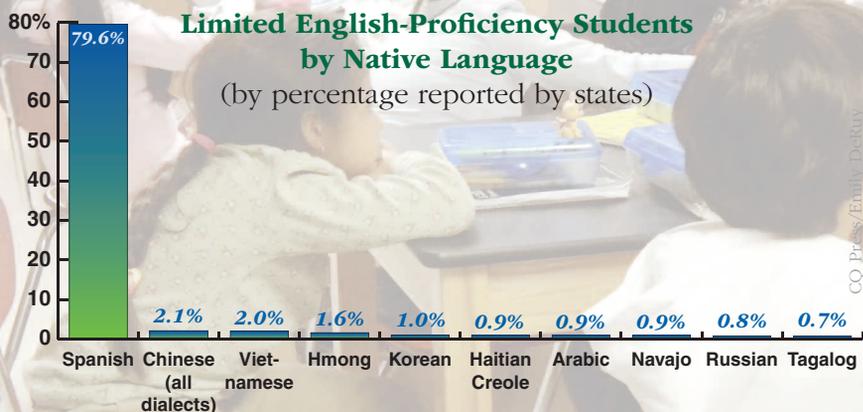
Structured English Immersion (SEI) — Classes for LEP students only where the goal is fluency in English. All instruction is in English, adjusted to the proficiency of students so the subject matter is comprehensible.

Two-Way Immersion — Programs designed to develop proficiency in both native language and English through instruction in both languages. Also known as Two-Way Bilingual.

Source: “The Biennial Report to Congress on the Implementation of the Title III State Formula Grant Program,” U.S. Department of Education, School Years 2004-2006, June 2008, www.ed.gov/about/offices/list/oela/title3biennial0406.pdf.

Most Student Native Speakers Are Hispanic

More than three-quarters of U.S. students with limited English proficiency (LEP) are native Spanish speakers. About 7 percent of LEPs are native speakers of Asian languages.



Source: "The Biennial Report to Congress on The Implementation of the Title III State Formula Grant Program: School Years 2004-06," U.S. Department of Education, June 2008

going to learn English fast enough," says Arizona education chief Horne.

Supporters of bilingual education counter that the short-term perspective is ultimately detrimental for English learners. "Most districts are still in a hurry for them to learn English," says NABE president Ruiz-Escalante. They end up "learning English at the expense of an education."

"Schools are in a difficult position," says James Crawford, a bilingual-education advocate and author of a textbook on English learners now in its fifth edition. "Short-term pressures have determined how children are being taught." Crawford first developed an expertise in bilingual education as a writer and editor for *Education Week*; he also served as NABE's executive director until 2006.⁹

Some experts say the lines in the perennial and heated debate are beginning to blur. "The argument of bilingual education versus English immersion sounds like a fairly old way of characterizing the problem," says Stanford professor Hakuta.

Is "English immersion" effective for English learners?

As chief executive officer of the United Neighborhood Organization, Juan Rangel superintends a network of eight charter schools serving predominantly Hispanic communities in Chicago. UNO schools follow a philosophy of strong discipline, high expectations and English immersion — or teaching only using English — instead of bilingual education.

According to a study by the pro-English Lexington Institute, English learners from UNO schools score higher than their counterparts from other Chicago schools, who are subject to statewide bilingual-education requirements.¹⁰ But Rangel says English immersion also promotes assimilation for Hispanic students. "What it means is having our families and children have an understanding of belonging," Rangel told *Education Week* reporter Mary Ann Zehr. "They have a role in developing this country."¹¹

Rangel says bilingual education has not worked as intended. Some parents interviewed agreed. Guadalupe Garcia,

an immigrant from Mexico with a fourth-grade education, told Zehr that the bilingual education one of her daughters received in a regular Chicago school was "pura español" — pure Spanish. Another of her daughters entered a UNO school in second grade speaking no English but could speak English well within a year and a half.

Advocates of English immersion emphasize assimilation as one of their reasons for favoring it over bilingual instruction. "I believe in the beauty of bilingualism," says Porter, of the pro-English advocacy group Center for Equal Opportunity, "but I have a very, very strong commitment to children like me who don't speak English at all." Porter was born in Italy and spoke no English when she immigrated with her family at age 6.

But the advocates of English immersion also claim that studies in two states that changed from bilingual to English instruction — Arizona and California — show that the change improved academic performance. Justice Alito pointed to both studies in the Supreme Court's decision in the *Flores* case as evidence of "documented, academic support for the view that SEI [structured English immersion] is significantly more effective than bilingual education."¹² Critics, however, say both studies are flawed.

In one of the studies, Kelly Torrance, identified as an adjunct scholar with the Lexington Institute, a pro-English think tank based in Washington, D.C., cited statistics from California showing that the number of English learners who scored in the top two categories of proficiency on the state's English-language development test increased from 25 percent in 2001 to 47 percent in 2005. "This striking improvement is big news," wrote Torrance.¹³

Bilingual-education advocates dismiss the studies. Stephen Krashen, a linguistics professor at the University of Southern California in Los Angeles, says the state introduced the English test in 2001 and that improved scores

are typical for the first few years after introduction of a new test. He points to several other studies by university academics that conclude dropping bilingual education did not accelerate English learners' development.¹⁴

The Arizona Department of Education similarly concluded in a report prepared in July 2004 that English learners in the state had benefited from the switch from bilingual education to English immersion following voters' decisive rejection of bilingual education in the 2000 ballot measure, Proposition 203. "Students in English immersion outperformed students in bilingual in all areas," Superintendent Horne says in describing the report.¹⁵

Jeff MacSwan, a professor of linguistics at Arizona State University in Tempe, says the state's report "has been completely discredited." In letters to the editor at the time and in comments since, MacSwan notes that the comparisons found in the study failed to control for other potential causes of the differences, including poverty, length of time in the United States or initial language proficiency. "That's a huge thing," he says.

In a more recent study he coauthored, MacSwan says it is impossible to determine whether English learners are doing better or worse since passage of Proposition 203, but that they continue to suffer "a persistent and dramatic achievement gap" in comparison to English-proficient students.¹⁶

Porter insists that English learners need only a little concentrated language instruction to become proficient. "They need two to three hours a day of intensive language instruction," she says. "These children within a year of this intensive instruction can make the transition from their native language to English."

Some supporters of bilingual education stop short of flatly dismissing English-only approaches. "You could find an elementary program that was English-only, and they did well," says Barth with the school boards' group. "But on average, that's an outlier."

"Any well-implemented program can work," says Stanford's Hakuta. "The issue is giving kids access to academic content that sparks their curiosity. The fundamental piece is that education isn't pouring knowledge into empty vessels. You have to get kids interested and excited in the content of what you're teaching."

Should funding for English-language learning be increased?

Twice in the past decade, federal district judges in Arizona have found that the state was not spending enough money to help English-language learners become proficient in English. State officials welcomed the first of the rulings, by Judge Alfred Marquez, in January 2000 as a useful spur to increase funding for English instruction.

In 2006, however, the state's Republican-controlled legislature approved only part of the funding increase proposed by then-Gov. Janet Napolitano, a Democrat, to satisfy the federal court. The new plan increased the special funding for English-language learners to \$432 per student from the previous \$358. Judge Raner Collins, who had taken over the *Flores* case after Marquez's retirement, found the new spending levels still inadequate.

In its ruling in June, the Supreme Court said that both Collins and the 9th U.S. Circuit Court of Appeals placed too much emphasis on funding levels in refusing the plea by the state's legislative leaders and Superintendent of Instruction Horne to reopen the case. Dissenting justices countered that the adequacy of the state's resources devoted to English-language instruction "has always been the basic contested issue" in the case.

Today, plaintiffs' attorney Hogan acknowledges that the Supreme Court's decision shifts the focus of the case away from funding and toward the effectiveness of the state's prescribed model of structured English immersion with English learners taken out of their

mainstream English-only classes for four-hour "pull-out" sessions for intensive English instruction.

Nationwide, the question of funding for English-language instruction continues to be a point of discussion, but the lines are not as sharply drawn as they are on the instructional model used. "It's not about resources; it's about the quality of the program," says NABE president Ruiz-Escalante. "Whatever resources are available need to be devoted to appropriate programs that meet the educational needs of the students. Money alone is not the solution."

"The amount of money spent on a program is not a guarantee that a good education is produced," says English-immersion advocate Porter. "Certainly, there's a floor level. But to equate the amount of dollars with wonderful educational outcomes simply cannot be done. The real proof is not the amount of money but the evidence of student success."

Some bilingual-education advocates, in fact, minimize the need for additional resources for English-language learners. In their book, Collier and Thomas contend that bilingual (dual-language) instruction — that is, using a bilingual teacher to teach English learners in the same grade-level, mainstream curriculum as other students — is "the most cost-effective" educational model. The only additional cost, they say, is for materials. By contrast, they call ESL pull-out "the least cost-effective model," because extra resource teachers are needed.

For her part, Barth, with the school boards' Center for Public Education, also says educational costs for English learners are not necessarily higher than for English-proficient students. But she does point to some needed additional resources that "could use funding," such as "more ESL teachers" and "broader access to good pre-K programs."

"We also know that students who come into school without English tend to be in communities that are poorer, and they tend to go to schools that have

fewer resources,” Barth says. But she adds, “That’s not the same as saying it costs more to educate an ESL child.”

In Arizona, Superintendent Horne says the state is meeting federal requirements for teaching English learners. “The law requires appropriate action to teach kids English,” he says. “We’re clearly doing that. I think we’re one of the leaders in the nation.”

Gonzalez of NCLR (La Raza), however, says Arizona is misusing funds provided under Title III of the No Child Left Behind Act, the language-acquisition section. “The federal law says you cannot use Title III to supplant your state funds or your Title I funds,” Gonzalez says, referring to the major federal aid program for disadvantaged school districts. “Title III is complementary. Arizona was supplanting funds and using Title III funds for those purposes.”

Veronica Rivera, a legislative staff attorney with the Mexican American Legal Defense and Education Fund (MALDEF) in Washington, says funding is partly to blame for “inadequate” programs for Spanish-speaking students in some states and school districts. But she also points to a need for consistent standards for bilingual teachers. “Some states and local education agencies require some type of bilingual certification,” Rivera says. “Most of them do, but not all of them.”

Whatever federal funding is provided, Gonzalez says No Child Left Behind helps English learners by holding school districts accountable for measurable results. “Everyone knew that these kids weren’t doing well in school for decades, but there was no accountability,” he says. “No one suffered except the kids.”

Julie Maxwell-Jolly, director of the Center for Applied Policy in Education at the University of California-Davis, agrees. “We have seen from No Child Left Behind that [English learners] are not achieving,” she says. “That’s been good. It’s really shined a light.” ■

BACKGROUND

American Languages

The American melting pot has always included many languages in addition to English — the dominant tongue since colonial times. Through much of the 19th century, non-English speakers commonly received some instruction in their native languages, whether in public or private schools. From the late 19th century on, however, opposition to rising immigration — along with anti-German sentiment during and after World War I — drove native-language instruction out of most public schools. The rise of bilingual education beginning in the 1960s was premised on a need to use native languages in some form for non-English speakers, but a backlash developed among critics who viewed the policy as failing either to educate or to assimilate youngsters with limited English proficiency.¹⁷

The European colonists encountered Native Americans who spoke a variety of mostly unwritten languages. Besides the British colonists, the early Americans included many Dutch and a lesser number of French, Germans and Swedes, who brought their native languages with them. African slaves, with limited if any formal schooling, learned English through their work, but not necessarily standard English. New waves of non-English speakers were added through the 19th and early 20th centuries with the conquests of the Mexican-American War (Spanish), the import of Chinese labor (Mandarin and Cantonese) and the immigration from southern and eastern Europe (Italian, Greek, Portuguese, Russian and Polish among many other European languages, along with Hebrew and Yiddish).

At first, the use of non-English languages was “supported, tolerated or

sanctioned” by public and parochial schools, according to historian Guadalupe San Miguel Jr., a professor at the University of Houston. Language-policy decisions were made at the state and local level. By mid-century, however, the federal government began discouraging the use of languages other than English in newly acquired territories. States followed. California prescribed English in schools in 1855, five years after statehood. As immigration increased, many other states passed similar laws in the late 19th century. World War I fueled anti-German sentiment that led to English-only laws in the Midwest in states with large German populations.

By the 1920s, most states had English-only laws for public school instruction. Teachers and administrators supported the policies, sometimes even with corporal punishment. President Lyndon B. Johnson’s biographer Robert Caro writes that as a teacher in southwest Texas, Johnson sometimes spanked Mexican-American students if he heard them using Spanish on the playground. Three decades later, however, Johnson’s fellow Texan and Democrat, Sen. Ralph Yarborough, came to see the English-only policy as “the cruelest form of discrimination” against the state’s large Mexican-American population and others with limited English proficiency. With Johnson in the White House, Yarborough authored the Bilingual Education Act to encourage and provide financial assistance for programs to recognize the special needs of limited-English-speaking children. The act, attached as Title VII to the omnibus Elementary and Secondary Education Act, cleared Congress in December 1967; Johnson signed it into law the next month.

The new law authorized up to \$85 million in federal aid for bilingual education, but only \$7.5 million was appropriated the first year. The law did not specify any instructional method for English-language learners. In 1970,

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Chronology

1960s-1970s

Civil rights era sparks moves to improve language instruction for non-English-speaking students.

1967

Bilingual Education Act is passed by Congress and signed by President Lyndon B. Johnson; law provides financial aid to school districts to help students with limited English.

1970

Regulations issued by Department of Health, Education and Welfare (HEW) instruct federally financed school districts to “rectify” language deficiencies of non-English-speaking students.

1971

Massachusetts law requires “transitional bilingual education” in all public schools.

1974

Supreme Court in *Lau v. Nichols* requires public school systems to provide non-English-speaking students with “basic English skills” needed to profit from attendance. . . . Congress codifies requirement later in year in Equal Educational Opportunities Act.

1975

HEW’s Office of Civil Rights issues *Lau* regulations requiring use of non-English languages for language-minority students.

1978

Study by private research institute questions the benefits of bilingual education.

1980s-1990s

Opposition to bilingual education forms, grows.

1980

Carter administration proposes regulations requiring bilingual education.

1981

Reagan administration cancels proposed bilingual-education regulation; begins reducing federal aid to English-language instruction. . . . Study by Education Department questions benefits of bilingual education. . . . Federal appeals court, in Texas case, says English-language instruction must be based on “sound educational theory,” adequately resourced and proven to be effective (*Castañeda v. Pickard*).

1982

Federal appeals court lifts statewide injunction requiring Texas to improve English-language instruction after state legislature passes bilingual-education law.

1983

U.S. English organization founded to lobby for official English laws; many states pass such laws in 1980s, ’90s.

1990

Veteran teacher Rosalie Pedalino Porter’s book *Forked Tongue* sharply attacks bilingual education.

1991

Report prepared for U.S. Department of Education finds English-immersion and bilingual education both effective methods but says non-English-speaking students benefit from longer instruction in native language.

1992

Spanish-speaking families in Nogales, Ariz., file federal court suit saying school district fails to provide adequate language instruction.

1998

California voters approve Proposi-

tion 227 requiring English immersion for non-English-speaking students, with provision for parents to request waiver.

2000-Present

Support for bilingual education recedes further; plaintiffs in Arizona, Texas cases suffer setbacks.

2000

Arizona held in contempt of court by federal judge for not providing adequate funding for language instruction. . . . State’s voters approve Proposition 203, prescribing English-only for language instruction.

2002

President George W. Bush signs No Child Left Behind Act, repealing Bilingual Education Act but holding school districts accountable for non-English-speaking students to meet proficiency standards; English-language acquisition aid is revamped, reducing assistance to districts with large numbers of language-minority students. . . . Massachusetts voters approve English-only instruction.

2006

Arizona legislature approves modest increase in state aid for language instruction; federal judge deems funding inadequate, reaffirms statewide injunction; state education chief intervenes to undo injunction.

2008-2009

Federal judge in Texas says state not satisfying federal standards for English learners in secondary schools; federal appeals court issues stay in February 2009. . . . Supreme Court in June 2009 orders judge in Arizona case to reconsider effort to undo injunction; new hearing set for Dec. 14.

Native Americans Fight Language Extinction

“It is about losing history and identity.”

Leaders from three Cherokee nations came together in October to mark the opening of the Eastern Band of Cherokee Indians’ Kituwah Academy, a language-immersion school for kindergarteners to fifth-graders in Cherokee, N.C.

“It is a wonderful initiative for the Cherokee,” says Ellen L. Lutz, executive director for Cultural Survival, a nonprofit advocacy group in Cambridge, Mass., which promotes the rights of indigenous communities. “Young, self-confident Cherokee kids will not forget who they are because of the education they receive at this school.”

In 1838 members of the Ketoowah and Cherokee nations in Oklahoma were relocated from their homes by military force in direct violation of an 1832 Supreme Court ruling affirming their right to remain on their traditional territory. Some evaded relocation while others returned to tribal lands in North Carolina. In recent years, profits from several enterprises have encouraged the tribes to take on the multigenerational challenge of preserving their own language. The Cherokee Nation of Oklahoma opened its own immersion school in 2003, and its curriculum serves as the basis for the Eastern Band’s.

Many such Indian schools have opened throughout the nation, but some Indian communities have opted for informal language instruction outside the classroom. The Hualapai Tribe in Arizona, for example, holds summer camps for younger generations.

Of the nation’s 175 surviving Native American dialects, only 20 are expected to remain in 2050, according to the Indigenous Language Institute (ILI), a nonprofit advocacy group in Santa Fe, N.M. Fifty currently surviving languages have five or

fewer speakers — all older than 70 — and face imminent extinction, according to Cultural Survival.

“This is a linguistic emergency,” says Ineé Yang Slaughter, executive director of ILI. “It is about losing history and identity.”

More than a century ago, during attempts to assimilate Native Americans into mainstream society, the federal government targeted Native American languages in a campaign termed by some linguists as “linguistic genocide.”

In an 1887 report, Commissioner of Indian Affairs J.D.C. Atkins wrote, “In the difference of language today lies two-thirds of our trouble. . . . Schools should be established, which children should be required to attend; their barbarous dialects should be blotted out and the English language substituted.”¹

During the same period, boarding schools established by the Bureau of Indian Affairs tried to stamp out native languages. Under English-only rules students were punished and humiliated for speaking their native language.

The coercive assimilation policy met with limited success in eradicating Indian languages, but over time the policies took a toll on the identity of many Indians, alienating them from their cultural roots. Moreover, the policies left a legacy of opposition toward bilingual and immersion education among Indians who remembered the pain they suffered in school and wanted to shield their children from similar experiences.

“The boarding schools turned to indoctrination. Native languages were burned out of their mouths,” says Lutz. “Over time, the experience led grandparents to refuse to speak the native tongues to younger generations.”

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regulations issued by the old Department of Health, Education and Welfare (HEW) directed school districts receiving federal aid to “rectify” language deficiencies among non-English speakers but again did not specify a curriculum or instructional method. Meanwhile, however, states were beginning to enact their own initiatives. Massachusetts enacted a law in 1971 establishing what it called “transitional bilingual education.” Texas followed suit two years later. Some other states passed laws authorizing but not mandating bilingual education.

The Supreme Court took on the issue in a case from San Francisco brought by Chinese-American students

under Title VI of the Civil Rights Act of 1964, which prohibits discrimination in federally assisted services by state or local governments. The plaintiffs in *Lau v. Nichols* claimed that out of 2,856 Chinese-speaking students in the school system, only 1,000 received any supplemental instruction in English. Unanimously, the high court agreed that the school district was violating the Civil Rights Act.

“It seems obvious,” Justice William O. Douglas wrote in the main opinion, “that the Chinese-speaking minority receive fewer benefits than the English-speaking majority from respondents’ school system.” Once again, the decision did not instruct local school systems on how to carry out the federal

requirement. In a concurring opinion, Justice Harry A. Blackmun suggested that a school district with fewer non-English speakers might not be subject to the same requirement.¹⁸

Language Debates

With federal support, bilingualism advanced in the 1970s in schools as well as in society at large. With the election of Republican President Ronald Reagan, however, the federal government set itself against bilingual education and in support of “English-only” instruction. Opposition to bilingual education grew in the 1990s. Supporters of bilingual education succeeded in

The eventual economic and social mobility of Native Americans aided in the beginning of several grassroots movements in the 1970s to bring back mother tongues.

“The next generation would say, ‘It’s my language. It’s my people. America took it from me. I want it back,’ ” explains Lutz.

Prodded by language activists, Congress passed the Native American Languages Acts in 1990 and 1992 to facilitate efforts to preserve Native American languages. Among other things, the laws concluded that academic performance was directly tied to a respect for the first language of students.

While the U.S. Department of Education and the National Science Foundation already provided federal help for cultural preservation, the acts made tribes eligible for funding to carry out language conservation and renewal.

Despite the recent surge in teaching Native Americans their native languages, several challenges still remain. Indian-language speakers often lack the academic credentials to teach, while outside teachers are not well-versed in the cultural and lin-



Eastern Band of the Cherokee Nation

Eastern Band Cherokee Indians attend the opening of Kituwah Academy, in Cherokee, N.C., in October. Housed in the renovated Boundary Tree Lodge, a historic visitors’ lodge, the school teaches academic subjects and the Cherokee language (Kituwah).

guistic nuances of Native Americans.

“The key is teaching the language to communicate as opposed to more traditional textbook education,” says Slaughter. Classroom teaching isn’t always the best way to teach students to actually use the language in their communities.”

But perhaps the biggest problem is the need to compete with other more pressing priorities such as health care, economic development, housing and general academic learning.

“These other issues are critical,” Slaughter says. “But this is not just a language issue, it is an issue of cultural identity being lost. Once a language is gone, it is gone forever. We know that learning our languages strengthens us both as individuals and as a nation.”

— **Darrell Dela Rosa**

¹ James Crawford, “Loose Ends in a Tattered Fabric,” American Immigration Lawyers Association, www.aialdownloads.org/advo/Crawford-LanguageRights.pdf.

getting Congress to reauthorize the federal law, but California in 1998 became the first of three states to approve voter initiatives to limit the use of languages other than English in public schools.

Congress responded to the Supreme Court’s decision later in 1974 with a law, the Equal Educational Opportunities Act, which codified the requirement that school districts take affirmative steps to deal with the needs of language-minority children. The next year, Congress recognized language minorities in a different context by amending the Voting Rights Act to require bilingual registration and voting materials in electoral districts with at least 5 percent language-minority population. For schools, HEW’s

Office of Civil Rights in 1975 issued the so-called *Lau* guidelines, which — for the first time — specifically required the use of non-English languages and cultures for language-minority students. The guidelines, however, stressed the goal of helping language-minority children gain proficiency in English.

The growing bilingual-education movement was challenged by several studies — including a major report published in 1978 under the auspices of the American Institutes for Research — that showed no achievement gains from the use of native-language instruction for non-English speakers. Despite the controversies, the Department of Education — carved out of HEW under President Jimmy Carter —

proposed regulations in August 1980 that tightened the requirement for bilingual education. The proposed guidelines, viewed by some as an appeal by Carter for Hispanic votes in the November election, called for bilingual education in any school with at least 25 limited-English-proficiency students in two consecutive grades.

The Reagan administration instituted what historian San Miguel calls a period of “retrenchment and redefinition” for bilingual education. On Feb. 2, 1981 — just two weeks after Reagan took office — Education Secretary Terrel Bell withdrew the proposed bilingual-education regulations from the Carter administration. Reagan himself told reporters he was opposed to bilingual

education. He called it “absolutely wrong” to have a bilingual-education program “that is now openly, admittedly dedicated to preserving their native language and never getting them adequate in English.”¹⁹ Reagan’s views helped encourage a growing English-only movement, which succeeded over the course of the decade in enacting official-English measures in more than a dozen states.

For schools, the administration began cutting funding for bilingual education; from a high of \$158 million in fiscal 1979, federal support fell to \$133 million by 1984. A study by two Education Department researchers published in 1981 again questioned the effects of bilingual education. The department’s inspector general published a harsh audit of bilingual programs in seven school districts in Texas, which required them to refund federal grants because of failing to meet stated goals. Enforcement actions by the department’s Office of Civil Rights to require bilingual programs, however, declined sharply.

The decline began and continued in the face of an influential ruling in 1981 by the federal appeals court for Texas that reinforced the federal requirement for bilingual instruction under the Equal Educational Opportunities Act. The ruling in *Castañeda v. Pickard* specified that bilingual-education programs must be “based on sound educational theory”; “implemented effectively with resources for personnel, instructional materials, and space”; and proven effective in overcoming language barriers and handicaps.²⁰

As Reagan’s Republican successor, President George H. W. Bush proved to be sympathetic to bilingual education. In a critical step, Bush allowed the publication in 1991 of an in-depth study of bilingual education commissioned under Reagan but withheld from publication. The Ramirez report — so-called after its principal investigator, J. David Ramirez — was summarized in a press release as affirming the ef-

fectiveness of the three most common language-instruction programs: immersion, early-exit bilingual or late-exit bilingual. As bilingual-education advocate Crawford notes, however, on closer examination the study supports longer bilingual instruction. The study found that students in late-exit programs had accelerated progress over time and that, regardless of instructional method, students generally needed five years or longer to achieve proficiency in English.²¹

The opposition to bilingual education continued to grow in the 1990s. After a decade of teaching English-language learners in bilingual Massachusetts, Porter harshly criticized the policy in her book, *Forked Tongue*, in 1990. Like other critics, Porter depicted bilingual instruction as ineffective educationally and politically and culturally divisive. Despite the criticism, the federal bilingual-education law was reenacted in 1994 under a Democratic-controlled Congress and a Democratic president, Bill Clinton.

Four years later, however, bilingual-education opponents won a major state-level victory with California’s adoption of Proposition 227, a voter initiative that made so-called sheltered English-immersion the standard instructional method throughout the state for English-language learners. The initiative was bankrolled by Ron Unz, a millionaire businessman-turned-politician and political activist. Passed in 1998 with about 61 percent of the vote, the initiative requires sheltered English immersion for limited English proficiency (LEP) students during a transition not expected to last more than one year with transfer to mainstream classrooms after attaining “a good working knowledge” of English. Parents can waive the English-only rule if they show that native-language instruction would benefit their child. Two states followed California with stricter English-only initiatives: Arizona in 2000, Massachusetts in 2002.

Language Tests

Bilingual education had fallen so out of favor by the start of the 21st century that President George W. Bush and Congress combined to repeal the federal Bilingual Education Act and expunge the term from federal law. Bush successfully pushed for a new federal law, the No Child Left Behind Act, which required standardized testing of all schools with penalties for those found to be “underperforming.” Supporters said the law would hold schools accountable for teaching English learners, but bilingual-education advocates feared misleading results from testing English learners only in English. Meanwhile, the Arizona bilingual education suit moved up to an eventual Supreme Court decision that tilted in favor of English immersion and appeared to limit federal courts’ authority to order extra funding for English-language learners.

Bush made the education reform bill his major social policy initiative, securing bipartisan support by appealing to Republicans with test-based standards to hold schools accountable and to Democrats with increased funding to help schools meet the standards. Largely unnoticed in the main debates, the act’s Title III replaced the Bilingual Education Act with the English Acquisition Act. As Crawford explains in his historical account, the act increased the authorized funding for English-language instruction but allocated the moneys according to a population-based formula instead of through competitive grants. As a result, funding was no longer concentrated on proven programs, but spread widely. Average grants the first year amounted to only \$150 per student, far less than the average grant under the old law.²²

The act — passed by Congress in December 2001 and signed by Bush on Jan. 8, 2002 — pointedly makes no recommendation as to a particular method

of instruction for English learners. As part of the change, the Office of Bilingual Education was renamed the Office of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient Students — OELA for short. As the Department of Education explained, the act required state and local education agencies to establish English-proficiency standards; provide quality language instruction based on scientific research; and place highly qualified teachers in English-language classes. All English-language learners were to be tested annually “so that their parents will know how they are progressing.”²³

Nearly five years later, guidebooks issued by the Education Department late in 2006 designed to provide scientifically based recommendations on teaching methods continued to give school districts no guidance on the bilingual versus English-only debate. “We intentionally avoided that,” Russell Gersten, a bilingual-education critic who headed the

panel of experts that reviewed the guidebooks, told *Education Week*. David Francis, a University of Houston professor and bilingual-education supporter who led the writing of the guidebooks, concurred with the decision. But bilingual-education supporter Krashen at the University of Southern California complained that the guidebooks were “omitting something that is important.”²⁴

The debate that policy makers tried to duck continued among researchers.

A study of California schools published in March 2006 examining the impact of Proposition 227 concluded that no single instructional method for English learners was significantly better than another.

Unz, the English-only activist who had funded the initiative, criticized the study, insisting his analysis showed that the switch from bilingual to predominantly English-only had raised achievement levels. In any event, the study confirmed the drop in bilingual instruction from about 60 percent of English learners to only 8 percent. It also showed that only 40 percent of English learn-

ers were reclassified as proficient after 10 years of public schooling.²⁵

Barbara, told *Education Week*. The institute partnered with UCLA’s Civil Rights Project on the study, which found a greater achievement gap for English learners in the three states than in two states, New Mexico and Texas, which continued to use native-language instruction for English learners. Gersten minimized the findings. He told the publication Proposition 227 had helped English learners by raising expectations and giving them the same curriculum as other students.²⁶

Meanwhile, the Arizona suit had reached a critical stage with Judge Raner Collins’ ruling in December 2005 that the state was in civil contempt for failing to “appropriately and constitutionally” fund English-language instruction. Collins’ decision four months later to reject the legislature’s funding increase and impose civil fines was set aside in August 2006 by the 9th U.S. Circuit Court of Appeals, which ordered a full hearing. After an eight-day hearing in January 2007, Collins reaffirmed his ruling, which the 9th Circuit upheld a year later.

Getty Images/Win McNamee



First lady Michelle Obama attends a Cinco de Mayo celebration at the Latin American Montessori Bilingual (LAMB) Public Charter School in Washington, on May 4, 2009. Bilingual-education advocates are hoping for support from the Obama administration, which backs “transitional bilingual education” and promises to help English learners by “holding schools accountable for making sure these students complete school.”

ers were reclassified as proficient after 10 years of public schooling.²⁵

Two years later, two University of California research centers found no gains in English proficiency in California or the two other states with similar measures, Arizona and Massachusetts. “There’s no visual evidence that these three states are doing better than the national average or other states” in educating English learners, Russell Rumberger, director of the Linguistic Minority Research Institute at UC-Santa

On appeal by Superintendent Horne and the Republican legislative leaders, however, the Supreme Court in June 2009 ordered Collins to reconsider the motion to modify the injunction issued nine years earlier. For the majority, Justice Alito pointed to four changed circumstances warranting reconsideration, starting with the state’s switch to English immersion. Research on English-language learning instruction, Alito wrote, “indicates there is documented, academic support for the view that SEI [sheltered English immersion] is significantly more effective than bilingual education.” The other three factors cited were the federal No Child Left Behind Act; “structural and management

reforms" in Nogales itself and the state's increased education funding.

Writing for the four dissenters, Justice Stephen G. Breyer said he would have upheld Judge Collins' order. The high court ruling, Breyer wrote, "will make it more difficult for federal courts to enforce . . . those federal standards." ■

CURRENT SITUATION

Lagging Indications

English-language learners (ELLs) are lagging behind other students on math and reading achievement tests, and one-fourth are failing to make progress toward language proficiency, according to state data collected by the federal Department of Education.

Opposing camps in the bilingual versus English-immersion debate predictably blame the achievement and language-proficiency gaps on school districts' failure to adopt their differing prescriptions on the best instructional model to use for English learners. Some experts with less partisan views, however, point to other factors, including the concentration of English learners in high-poverty, lower-resourced schools. English learners score far below the national average for fourth-graders in both reading and math on the National Assessment of Educational Progress (NAEP), often called the nation's report card. The gap widens in test scores for eighth-graders, according to a recent analysis by the Pew Hispanic Center.²⁷

The center's analysis of the 2005 NAEP showed, for example, that nearly three-fourths of fourth-grade English learners (73 percent) scored below "basic" on reading — double the national average of 36 percent. For eighth-graders, the national average of below-

basic scores fell to 27 percent, but the percentage of English learners scoring below basic remained almost unchanged at 71 percent.

A similar pattern was seen on math scores. Among English learners, 46 percent of fourth-graders scored below basic, compared to the national average of 20 percent. For eighth-graders, the gap widened markedly: 71 percent of English learners below basic compared to a national average of 31 percent.

On all four tests, only small fractions of English learners were rated as proficient or advanced, scores attained by roughly one-third of the students nationwide. The center's analysis, by senior researcher Richard Fry, found that English learners' scores were far below the average of white students and measurably below the averages for blacks and Hispanics.

Language-proficiency testing required of the states by the No Child Left Behind Act shows more directly the achievement gap for English learners. The federal law requires all public school students, including English learners, to meet reading and math proficiency standards by 2014. In tests administered in 2006 and 2007, however, only one-sixth of English learners nationwide were listed as having attained proficiency. One-fourth of the English learners were shown as not making progress.²⁸

Both Fry and Barth at the school boards' Center for Public Education point to some precautions in interpreting the statistics. They both note, for example, that — in contrast to ethnic and racial groupings — students classified as English learners at one point can be reclassified as language-proficient later and no longer be included in the group.

Barth also stresses that English-language learners "are not a monolithic group." The vast majority are Spanish speakers, she says, but the others represent more than 400 different languages. Family backgrounds vary greatly as well: Some come from homes with

well-educated parents, while others have parents with limited education and literacy. As a result, Barth says, "the range of performance between the high- and low-performing ELL students is greater than the gap between ELLs and their English-speaking peers."

Despite those precautions, bilingual-education advocates decry what they see as the lagging achievement scores for English learners. "Most U.S. schools are dramatically under-educating" English learners, Collier and Thomas write.²⁹ Both they and journalist-author Crawford blame in part the popularity of English-immersion programs. English-only programs "continue to spread," and enrollment in bilingual programs declines, Crawford says, despite what he calls "increasing" evidence that bilingual programs are more effective.

From the opposite perspective, author Porter of the Center for Equal Opportunity says English-immersion programs are best-suited to the English learners who present the biggest challenges for schools: students from immigrant families typically poor and often headed by parents with limited education. "These children have to be given a priority education," Porter says. "What is important? First, give them English-language skills."

The Pew Center's Fry suggests, however, that English-learners' gaps may be related to the characteristics of the schools that most attend. In a second, recent report, Fry found that in the states with the largest concentration of English learners, the ELL students were concentrated in central city schools with higher average enrollment and higher student-to-teacher ratios than other public schools in the state. The schools with concentrated ELL populations also had a "substantially greater proportion" of students who qualified for free or reduced-price school lunches.³⁰

Significantly, Fry found that the English learners' achievement gap was narrower in schools that had "at least a minimum threshold number of white

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At Issue:

Is bilingual education best for English-language learners?



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bilingual education, perhaps the least understood program in our public schools, also turns out to be among the most beneficial. Its effectiveness — both in teaching English and in fostering academic learning in English — has been validated in study after study.

Yet U.S. media rarely report such findings. All too often, bilingualism is portrayed as a political controversy rather than a set of pedagogical challenges, a conflict over immigration instead of an effort to turn language “problems” into classroom resources.

In education, of course, there is no one-size-fits-all. What works for one student or group of students will not necessarily work for others. All things being equal, however, a large and consistent body of research shows that bilingual education is a superior way to teach English-language learners. Building on — rather than discarding — students’ native-language skills creates a stronger foundation for success in English and academics.

This is a counterintuitive finding for many Americans, so it needs some explaining. Why does bilingual education work? Three reasons:

- When students receive some lessons in their native language, the teacher does not need to “dumb down” instruction in simplified English. So they have access to the same challenging curriculum as their English-speaking peers, rather than falling behind.
- The more these students progress in academic subjects, the more contextual knowledge they acquire to make sense of lessons in English. And the more “comprehensible input” they receive in English, the faster they acquire the language.
- Reading provides a foundation for all learning. It is much more efficiently mastered in a language that children understand. As they acquire English, these literacy skills are easily transferred to the new language. Once you can read, you can read!

Finally, let’s consider the alternative: all-English “immersion.” Independent studies have shown that after several years of such programs in California and Arizona, there has been no benefit for children learning English. In fact, the “achievement gap” between these students and fluent English speakers seems to be increasing.

Unfortunately, so is the gap between research and policy. Bilingual education has fallen out of favor politically for reasons that have nothing to do with its academic effectiveness. If we seriously hope to integrate immigrants as productive members of our society, that will have to change.



ROSALIE PEDALINO PORTER
BOARD MEMBER, CENTER FOR EQUAL OPPORTUNITY

WRITTEN FOR *CQ RESEARCHER*, DECEMBER 2009

bilingual education is the least effective method for teaching English-language learners. To meet the stated goals of federal and state laws of the past 40 years — that students would learn the English language rapidly and master school subjects taught in English — the experimental, theoretical model called bilingual education is a demonstrable, documented failure.

As a Spanish-English bilingual teacher in Massachusetts — the first state to mandate bilingual education — I saw firsthand the model’s inadequacies. Our students were taught all subjects in Spanish most of the school day and provided brief English lessons. They were segregated by language and ethnicity in substantially separate classrooms for three to six years. The costs to school districts for this separate program are not as damaging as “the negative effect on English-language learner achievement,” as documented in the 2009 study by the Texas Public Policy Foundation.

Reliable research was never the strong point in reporting on bilingual education in its first two decades. Valid studies of student achievement both in learning English and school subjects began to be published in the 1980s. Reliable studies must include two similar groups of students (socioeconomic status, level of English fluency), one enrolled in a bilingual program, one enrolled in an English-immersion program. At the end of two, three or four years, an objective assessment of which group of students showed measurable success in English language and academic learning can be determined.

From Dade County, Fla., in 1988, El Paso, Texas, in 1992, New York City in 1995, and numerous reports from California and Arizona over the past 10 years, English-immersion students outscored their counterparts in bilingual programs both in rapid acquisition of English language and literacy and on state tests of reading and math. The evidence for the superiority of English immersion surely influenced public opinion in the initiative referenda that legally threw out bilingual teaching by citizen vote in California (1998), Arizona (2000) and Massachusetts (2002). Of the 10 states that originally mandated native-language instruction bilingual programs, only four remain: Illinois, New Jersey, New York and Texas.

The debate is effectively over. A high accolade comes from the U. S. Supreme Court’s recent ruling in the *Flores* case, which found “documented academic support for the view that structured English immersion is significantly more effective than bilingual education.”

BILINGUAL EDUCATION VS. ENGLISH IMMERSION

Continued from p. 1044

students.” Barth similarly sees what she calls “linguistically isolated” schools as a substantial cause of the achievement gap.

“We sometimes give the least to the kids and the schools that have the least to begin with,” Barth says. “Those schools have greater challenges and aren’t being given much to work with in terms of resources.”

Fighting in Court

Civil rights lawyers in two states with substantial Latino populations are waging legal battles begun decades ago to improve English-language instruction for Spanish-speaking students.

Lower federal court judges issued broad rulings in both cases telling state officials in Arizona to increase spending on English learners and in Texas to improve services and monitoring for English learners in secondary schools. But plaintiffs in both cases suffered setbacks earlier this year.

The 5th U.S. Circuit Court of Appeals issued a stay of the lower court judge’s January 2008 order in the Texas case in February pending its own review of the decision. A three-judge panel is currently deliberating on the case following oral arguments on June 2.³¹

The Supreme Court’s June 26 decision in the Arizona case (*Horne v. Flores*) sent that 17-year-old lawsuit back to federal district court in Phoenix. The ruling requires Judge Collins to reconsider the effort by Superintendent of Instruction Horne either to modify or dissolve the injunction re-

quiring more funding first issued by Judge Marquez in 2000 and reaffirmed by Collins in 2006.

Today, plaintiffs’ lawyers in both cases say the state education systems are failing the public schools’ English learners, who number more than 600,000 in Texas and nearly 170,000 in Arizona.

Roger Rice, an attorney who has worked on the Texas case since the early 1970s, blames poor performance and high dropout rates for English learners in secondary schools in part on lack of monitoring by state officials. “The Texas language program, particularly at the secondary level, is failing,” says Rice, founder of the Massachusetts-based advocacy group META (Multicultural Education Training

State officials are defending their programs in both cases. Lawyers for the Texas Education Agency told the appeals court in June that a computerized tracking system adequately monitors performance of English learners. They also urged the appeals court to dismiss the entire case, originally filed by the Justice Department as a desegregation suit in 1970 and expanded by Latino advocacy groups in 1975 to specifically address English-learners’ rights under the federal Equal Educational Opportunities Act.

Lawyers representing Horne and state legislative leaders told Supreme Court justices that the mandate for increased funding originally issued in 2000 had been superseded by the voter-approved decision to shift from bilingual to Eng-

lish immersion and by the passage of the federal No Child Left Behind Act. Since the ruling, Horne has continued to defend the new system. “Kids who come to this country need to learn English quickly,” he says.

The Texas case lay dormant for a quarter-century after the 5th Circuit appeals court in 1982 reversed a ruling by U.S. District Judge Wayne Justice two years earlier that the state was not providing equal opportunities to English learners as the federal law required.

The appeals court noted that the Texas legislature had passed a bilingual-education law and held that the state was entitled to time to bring schools into compliance.

With assistance from MALDEF, Rice moved to reopen the Texas case in 2006 after education officials decided to drop active monitoring of classes and materials for English learners. Justice initially ruled in 2007 that state officials were complying with the ruling, but he reversed himself in 2008 in an 88-page



Lourdes Carmona teaches Spanish pronunciation to first-graders at Birdwell Elementary School in Tyler, Texas. She was recruited from Spain, along with her husband, to teach Spanish-speaking youngsters in their native language.

Getty Images/Mario Villafuerte

decision sharply critical of poor performance and high dropout rates for English learners in secondary schools.

In the Arizona case, Collins ruled in 2007 that the changes in educational policy and the additional funding approved by the legislature in 2006 did not solve what he termed the “resource” problem. The 9th U.S. Circuit Court of Appeals upheld his decision to leave the injunction in place, but the Supreme Court’s conservative majority said Collins had given inadequate consideration to the various changes.

Significantly for the plaintiffs in Arizona and in other cases, however, the justices rejected the state’s argument that compliance with the No Child Left Behind Act was sufficient to establish compliance with the earlier law requiring equal opportunities for English learners. The act’s funding and its reporting and assessment schemes could be relevant, Alito explained, but not necessarily determinative under the 1974 act.

Appeals court judges closed the hearing in the Texas case in June by cautioning lawyers not to expect a quick ruling. In Arizona, opposing lawyers submitted new filings to Collins earlier in the fall; Collins is to hold a hearing on Dec. 14 to determine whether to limit further proceedings to Nogales schools or to apply any ruling statewide. ■

OUTLOOK

Getting Results?

Two well-regarded school districts in the Washington, D.C., suburbs take different approaches to teaching English learners. Administrators in Montgomery County, Md., and Arlington, Va., both say they practice “immersion” as the best way to teach English to Latino students who enter their school systems more familiar with Spanish than with the nation’s dom-

inant tongue. But immersion has different meanings for the two systems.³²

In Montgomery County, Spanish-speaking students at Sargent Shriver Elementary School — about half the student body — are immersed in English. ESL teachers “plug in” to mainstream classrooms to help English learners along or “pull out” students for individualized or group tutoring. Karen Woodson, the school district’s head of ESL programs, says flexibility is important but stresses that the system strongly opposes use of native-language instruction to help students acquire English-language proficiency.

Across the Potomac River in Arlington, some Latino students are immersed in two languages: Spanish and English. At Francis Scott Key Elementary School (“Escuela Key”), each class is divided between Spanish and English speakers, and instruction is equally divided between the two languages. Principal Marjorie Myers says she favors dual-language immersion as the best long-term strategy for English learners even at the expense of short-term gains on language-proficiency tests.

In its influential *Castañeda* decision on the rights of English learners almost three decades ago, the federal appeals court in New Orleans said that courts ruling on such cases should examine three factors: whether a school system was using a program based on “sound educational theory,” whether adequate resources were being provided and whether the program was proving to be effective.

In the intervening decades, many school systems picked one educational theory — bilingual education — or another — English immersion. The issue of adequate resources is muddy, with bilingual-education advocates claiming their approach is both better and cheaper. But the question of results appears less ambiguous. English learners lag in academic performance and in graduation rates, and the gaps do not appear to be narrowing.

With the number of English learners in public schools rapidly increasing — projected to be one-fourth of the school population by 2025 — the need to close that gap will only increase.³³ “It’s going to be a long-term persistent problem,” says Stanford professor Hakuta. “The number of English learners has increased to the point where it’s no longer an issue like special education, a small subset. In many districts, it’s a majority of the students.”

Since the 1980s, teaching English learners has been an intensely political issue. English-immersion advocate Porter notes that former Boston University president John Silber, a critic of bilingualism and multiculturalism, once called English-language learning a “third-rail” issue — dangerous for politicians to touch.

In recent years, however, the politicization of the issue appears to be ebbing somewhat. “The black and white distinctions that existed before 1998 are no longer there,” says Don Soifer, education analyst with the pro-English Lexington Institute.

In California, for example, the state’s English-only initiative — Proposition 227 — remains on the books but has not stopped the Ventura County Unified School District from creating dual-language immersion programs at eight elementary- and middle-school campuses. “I think parents throughout the state recognize the value of having their kids be bilingual and biliterate,” says associate superintendent Roger Rice.³⁴

Bilingual-education advocates are hoping for support for their view from the Obama administration. The administration’s stated agenda supports “transitional bilingual education” and promises to help English learners by “holding schools accountable for making sure these students complete school.” The administration’s education initiatives since January have given no emphasis to the issue, however, and the Education Department’s Office of English Language Acquisition is operating with an interim director.

For educators, the next big event in Washington is the anticipated fight in Congress over reauthorizing the No Child Left Behind Act. Experts and advocates on both sides of the language-instruction issue applaud the act's goal — and 2014 deadline — of requiring language proficiency for English learners. But the National Education Association, the powerful teachers' union, wants more testing to be done in students' native language. Testing English learners in English "may be setting these students up for more failure," the NEA says in a policy brief.³⁵

Despite the political controversies, some experts are predicting progress for English learners. "What we have now is good methodology about what works," says Barth with the school boards' Center for Public Education. "As we're collecting more data, we're seeing gains among English-language learners, and we're finding out more and more about what propels those gains. The more that information gets out, the politics will quiet down." ■

Notes

¹ Flores was interviewed in Spanish by *CQ Researcher* staff writer Peter Katel. See also Eddi Trevizo and Pat Kossan, "Mom at Head of Suit Still Worried About English Learners," *The Arizona Republic*, June 26, 2009, p. 15.
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⁶ Virginia P. Collier and Wayne P. Thomas, *Educating English Learners for a Transformed World* (2009), pp. 3-4. The authors, professors emeriti at George Mason University, in Fairfax, Va., identify themselves as educational consultants on their Web site, www.thomasandcollier.com.

⁷ *Ibid.*, p. 48. Statistical chart appears at p. 55.

⁸ "What research shows about English language learners: At a glance," Center for Public Education undated, www.centerforpubliceducation.org/site/apps/nlnet/content3.aspx?c=lvXliN0JwE&b=5127871&content_id={DE9F2763-8DA4-4C2A-B3D1-9AEF8B3AEDA1}¬oc=1.

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¹² *Horne v. Flores*, *op. cit.*, p. 24 of slip opinion and footnote 10.

¹³ Kelly Torrance, "Immersion Not Submersion: Converting English Learner Programs from Bilingual Education to Structured English Immersion in California and Elsewhere," October 2005; and "Immersion Not Submersion: Volume II: Lessons from Three California School Districts' Switch from Bilingual Education to Structured Immersion," March 2006, www.lexingtoninstitute.org/library/resources/documents/Education/immersion-not-submersion-converting-english.pdf.

¹⁴ Stephen Krashen, "Proposition 227 and Skyrocketing Test Scores in California: An Urban Legend," *Educational Leadership*, December 2004/January 2005, www.sdlkrashen.com/articles/prop227/index.html.

¹⁵ See Arizona Department of Education, "The Effects of Bilingual Education Programs and Structured English Immersion Programs on Student Achievement: A Large-Scale Comparison," July 2004, http://epsl.asu.edu/epru/articles/EPRU-0408-66-OWI.pdf. The report is identified as a draft, but no later version was prepared.

¹⁶ Kate Mahoney, Jeff MacSwan, Tom Haladyna and David Garcia, "Castañeda's Third Prong: Evaluating the Achievement of Arizona's English Learners Under Restrictive Language Policy," in Patricia Gandara and Megan Hopkins, *Forbidden Language: English Learners and Restrictive Language Policies* (forthcoming January 2010).

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¹⁸ The decision is *Lau v. Nichols*, 414 U.S. 563 (1974). San Miguel writes erroneously at one point that the court decided the case on constitutional grounds.

¹⁹ Quoted in Crawford, *op. cit.*, p. 120.

²⁰ The citation is 648 F.2d 989 (5th Cir. 1981). Despite the favorable legal standard, the de-

About the Author



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fendant Raymondville Independent School District, in south Texas near the Mexican border, ultimately won a ruling that it was providing adequate bilingual education to the Mexican-American students in the system. See Richard R. Valencia, *Chicano Students and the Courts: The Mexican American Struggle for Educational Equality* (2008), pp. 187-191.

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²³ Quoted in *ibid.*, p. 355.

²⁴ All three quoted in Mary Ann Zehr, "Guides Avoid Bilingual versus English-Only Issue," *Education Week*, Nov. 8, 2006, p. 20.

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³¹ The case is *United States v. Texas*, 08-40858. The Latino advocacy groups GI Forum and League of United Latin American Citizens (LULAC) intervened in 1975 in what was originally a school desegregation case to raise English-language learning issues under the Equal Educational Opportunities Act of 1974.

³² Reporting by editorial intern Emily DeRuy, University of California, San Diego.

³³ See Goldenberg, *op. cit.*, p. 10.

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³⁵ "English Language Learners Face Unique Challenges," National Education Association, fall 2008, www.nea.org/assets/docs/mf_PB05_ELL.pdf.

FOR MORE INFORMATION

American Unity Legal Defense Fund, P.O. Box 420, Warrenton, VA 20187; www.americanunity.org. An educational organization that promotes conservative immigration reform in the legal arena.

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Asian American Legal Defense and Education Fund, 99 Hudson St., 12th Floor, New York, NY 10013; (212) 966-5932; www.aaldef.org. Promotes the civil rights of Asian Americans through litigation, advocacy, education and community organizing.

Center for Equal Opportunity, 7700 Leesburg Pike, Suite 231, Falls Church, VA 22043; (703) 442-0066; www.ceousa.org. Promotes color-blind public policies and seeks to block the expansion and use of racial preferences in employment, education and voting by promoting the assimilation of immigrants and opposing teaching in students' native languages.

Congressional Hispanic Caucus Institute, 911 2nd St., N.E., Washington, DC 20002; (202) 543-1771; www.chci.org. Helps increase opportunities for Hispanics to participate in the American policy-making process by offering educational and leadership-development programs.

English First, 666 Fu Zhou Rd., Shanghai, China 200001; +86 21 6133 6262; www.englishfirst.com. The world's largest private education company, specializing in language training, educational tours and cultural exchange.

Institute for Language and Education Policy, P.O. Box 5960, Takoma Park, MD 20913; www.elladvocates.org. Promoting research-based policies in serving English and heritage language learners to ensure that policies for serving children reflect the latest research about language and education.

Mexican American Legal Defense and Education Fund, 1016 16th St., N.W., Suite 100, Washington, DC 20036; (202) 293-2828; www.maldef.org. Promotes equality and justice through advocacy, litigation, public policy and education in the areas of employment, immigrants' rights, political access, voting rights and language rights.

National Association for Bilingual Education, 1313 L St., N.W., Suite 210, Washington, DC 20005; (202) 898-1829; www.nabe.org. Represents both English-language learners and bilingual education professionals through affiliate organizations in 23 states.

National Clearinghouse for English Language Acquisition, 2011 I St., N.W., Suite 300, Washington, DC 20036; (202) 467-0867; www.ncela.gwu.edu. Supports the U.S. Department of Education's Office of English Language Acquisition.

NCLR (National Council of La Raza), 1126 16th St., N.W., Washington, DC 20036; (202) 785-1670; www.nclr.org. The largest national Hispanic civil rights and advocacy organization in the U.S. works to improve opportunities for Hispanic Americans through applied research, policy analysis and advocacy.

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Office of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient Students, 400 Maryland Ave., S.W., Washington, DC 20202; (202) 401-1423; www.ed.gov/about/offices/list/oela/index.html. Provides national leadership to help English-language learners and immigrant students attain English proficiency.

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The Next Step:

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