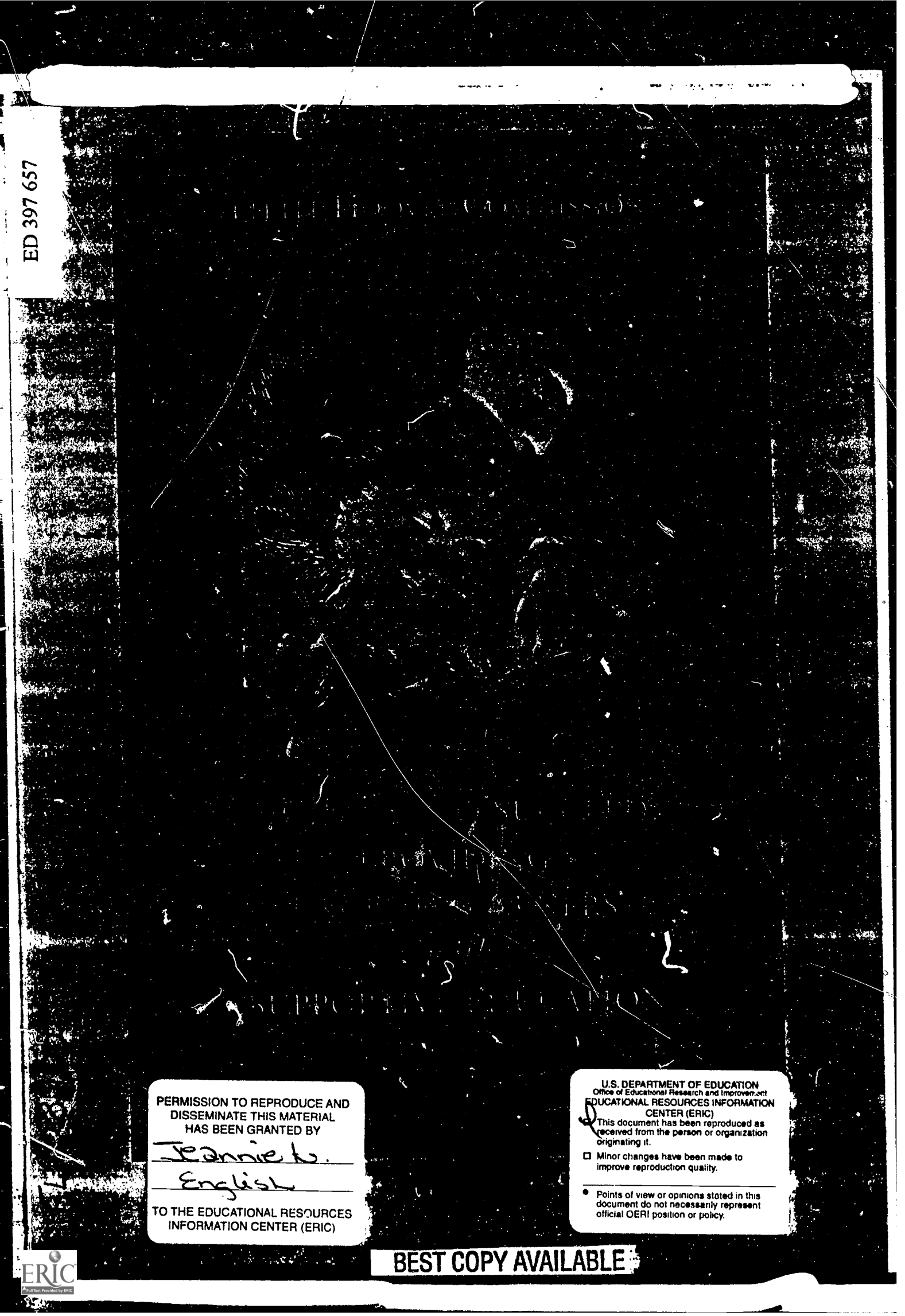
DOCUMENT RESUME

ED 397 657 FL 023 962

TITLE	A Chance To Succeed: Providing English Learners with Supportive Education.
INSTITUTION	Little Hoover Commission, Sacramento, CA.
PUB DATE	Jul 93
NOTE	125p.
AVAILABLE FROM	Little Hoover Commission, 1303 J Street, Suite 270, Sacramento, CA 95814 ($5).
PUB TYPE	Reports - Evaluative/Feasibility (142)
EDRS PRICE	MF01/PC05 Plus Postage.
DESCRIPTORS	*Acculturation; *Bilingual Education Programs; *English (Second Language); Ethnic Groups; Immigrants; *Limited English Speaking; Minority Groups; Non English Speaking; Second Language Instruction; Social Integration; *State Action; *State Departments of Education
IDENTIFIERS	*California

ABSTRACT

This report summarizes the findings of a California commission on how to best teach English to non English speakers in the State. Three findings of the report are highlighted: (1) schools are not meeting the primary goal of education for immigrant students; (2) emphasis on native language education is inappropriate, unwarranted, not feasible, and counterproductive; and (3) there is a severe shortage of teachers with expertise in language acquisition, the training of cultural diversity, and the skills to enhance the classroom learning environment. Recommendations include revising funding mechanisms for schools to help students attain English proficiency rapidly, adapting an explicit State policy of local control and flexibility, focusing on holding school accountable for results rather than methods, documenting the use of funding that is meant to supplement base education funding for English learners, and intensifying efforts to improve teaching skills and teacher awareness of language acquisition needs rather than concentrating on developing a cadre of bilingual teachers. Appendices include a listing of public hearing witnesses, California counties by numbers of English learners, trends in number of English learners in California public schools by language for 1987 through 1991, and a sample of reviewed literature on the subject. (Contains 53 references.) (NAV)



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July 7, 1993

The Honorable Pete Wilson
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and Members of the Assembly

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Dear Governor and Members of the Legislature:

More than one million children in California today do not speak English well enough to understand what is going on in a classroom -- and the number is growing daily at a rate that far exceeds overall school population growth. For almost two decades, the State Department of Education has perpetuated the myth that the language and academic needs of these students could be met if all schools adopted a single program approach and if adequate resources were committed to teaching English learners. This myth has been examined and repudiated by the most recent study of the Little Hoover Commission, which is transmitted with this letter.

The result of the Department's single-minded pursuit of the method known as native-language instruction has been divisive, wasteful and unproductive. Students, trapped in the middle of a political and academic tug-of-war, have suffered the brunt of this failed policy direction:

* Almost one-fourth of the students receive no special assistance at all and are left to sink or swim in daily classes.

* For the past decade, less than 60,000 students each year have been redesignated from English learners to fluent in English -- a figure that indicates that either thousands of children are not making progress in English or assessments are not being done properly.

* The dropout rate for Hispanics, the major component of English learners, leads all other groups in the State. Almost half the total dropouts for the class of 1992 were Hispanic.

* Less than 4 percent of Hispanics (compared to 32 percent for Asians and 13 percent for non-Hispanic whites) in 1990 did well enough academically to qualify for the University of California system.

While students have been cast adrift, the Department has devoted its energy to forcing schools to search for bilingual teachers who do not exist, either because of shortages in some languages or lack of credentialing processes in others. Instead of holding schools accountable for results, the Department has been interested only in accountability in terms of schools conforming to the Department's chosen method. This is particularly evident in two areas:

* **Funding.** The Department, schools, academics and other advocates all have insisted that there is a lack of funding for English learner education. At the same time, the Department has adamantly denied knowing how much is spent on programs for English learners. The Commission notes that schools have almost $1 billion in state and federal funds that may be used at their discretion for at-risk, impoverished and non-English-speaking students. If all of those funds were devoted to English learners, schools would have about $1,000 extra for each child. Although these funds are meant to supplement, rather than supplant, base funding, a recent statewide study found that schools spend little more in English learner classrooms than they do in mainstream classes. In terms of financial accountability, therefore, the Department has failed to properly monitor the schools' use of special funding for English learners.

* **Assessment.** For 17 years, state laws and policies have decreed that English learners should attain English proficiency and achieve academic parity with other students. Yet the Department itself acknowledges that there is no valid assessment system that allows the State to track student outcome. Only recently has the Department created an initiative to develop a proper statewide assessment system. Thus, schools are not held accountable for results in terms of student achievement.

The Commission is well aware of the sensitivity and explosive emotionalism that have surrounded the issue of how best to teach English learners. But an extensive review of academic literature compellingly leads to the conclusion that:

* Most of the studies that have been conducted so far are seriously flawed, making it impossible to transfer conclusions about any single program to all programs.

* Positive results are forthcoming whenever dedicated teachers use the best educational techniques, regardless of the particular language-acquisition method employed.

Based on its investigations, the Commission has put together a report that contains three findings and five recommendations. The recommendations include:

1. Revising funding mechanisms so that schools will be rewarded for helping students attain English proficiency rapidly.

2. Adopting an explicit state policy of local control and flexibility in creating programs to meet the needs of English learners.

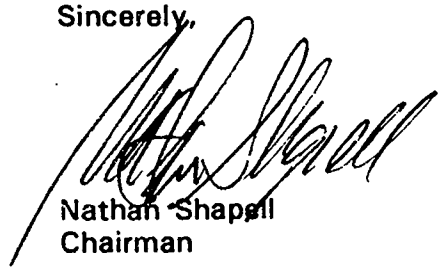
3. Focusing on holding schools accountable for results rather than methods.

4. Documenting the use of funding that is meant to supplement base education funding for English learners.

5. Intensifying efforts to improve teaching skills and teacher awareness of language-acquisition needs rather than concentrating on developing a cadre of bilingual teachers.

Ivory-tower academics may continue to argue and pursue the Holy Grail of a single best language-acquisition approach. But it is time for the State and local school districts to turn their attention to the needs of the children and to concentrate on student achievement. Once the emotion and rhetoric are stripped away, the goal of everyone must be the same: providing children of all linguistic backgrounds the opportunity to learn English and other skills that will allow them to be contributing and functional members of this country and this state. The Commission believes it is imperative for the State to take quick and decisive action on the recommendations in this report.

Sincerely,



Nathan Shapell
Chairman

A Chance to Succeed:

Providing English Learners With Supportive Education

July 1993

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Executive Summary

Executive Summary

California has a responsibility -- legally, morally and in its own future self-interest -- to provide an opportunity for education to all children, not just the "easy" ones who come to school with pre-school polish, involved parents and the kind of high self-esteem that makes achievement routine. But the State's record in meeting that responsibility for one-fifth of the five million students in today's classrooms is spotty at best.

Under federal law and state policy, the one million students who do not speak English fluently are supposed to be taught English as efficiently and effectively as possible. In addition, they are supposed to receive any necessary services to allow them to progress academically in other subjects, just as their English-speaking peers do. Instead, one-quarter of them receive no special services whatsoever -- not even instruction in the English language. The other three-quarters are often caught in a tug-of-war between advocates of different educational theories.

The situation was summed up cogently in a recent newspaper editorial:

> *For the better part of two decades, bilingual education programs -- in California as elsewhere -- have been as much a problem as a solution for the education of*

children who come to school speaking little or no English.

But what had begun as a well-intended and urgently necessary effort -- to provide teaching appropriate to the needs of children who had too often been neglected -- calcified into a self-serving machine that paid less and less attention to the real children it was supposed to serve. Frequently it became an ideologically based program more concerned with the intrinsic virtues of bilingualism and biculturalism -- and with keeping children indefinitely in those programs -- than with its supposed mission: getting them into the English-speaking mainstream as quickly and efficiently as possible.

Not surprisingly, the results have often been precisely opposite to what had been intended -- locking students into separate programs for years on end. And sometimes they run to the absurd: Native English speakers who, because they tested poorly and had Hispanic names, were placed in bilingual classes conducted largely in Spanish; children from Chinese and Russian families who were assigned to the program but who, since no classes in their language were available, ended up in a Spanish bilingual class.[1]

The effectiveness of California's efforts to teach English learners can be gauged by the low number of students who are reclassified as fluent English speakers, the high dropout rates, the lack of college applications and the dissatisfaction often expressed by parents, teachers and administrators. All point to a system that has failed to meet the needs of these at-risk students.

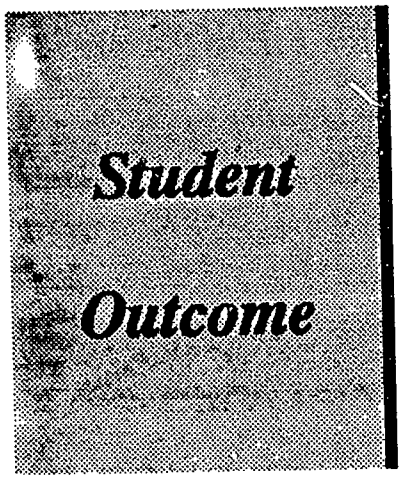
An examination of the facts surrounding the education of English learners by the Commission shows that success comes, not when some particular method is employed, but whenever dedicated individuals within the school system are able to provide the supportive atmosphere that encourages learning and achievement. That this so rarely occurs stems from an educational system that has refused to concentrate on the children themselves, rather than on ideology and bureaucracy. As a result of its study, the Commission believes the blame can be shared by:

* School districts that, in the absence of financial rewards for positive student outcomes, have failed to put together creative and innovative programs that meet local needs.

* The State Department of Education, which has failed to focus its energies and expertise on ensuring outcome accountability by devising statewide assessment tools and performance standards. Instead, it has pursued a single-minded educational strategy ill-suited for the challenge and magnitude of linguistic diversity in California.

* Teachers who have not adapted to changing conditions and who have failed to employ teaching strategies that have proven effective in building self-esteem, achievement and language proficiency.

Those who have placed the interests of the children at the center of their convictions -- rather than protecting turf or serving special interests -- know the present system must be revamped. Towards that goal, the Little Hoover Commission conducted a study of the education of English learners in California and has made the following findings and recommendations:

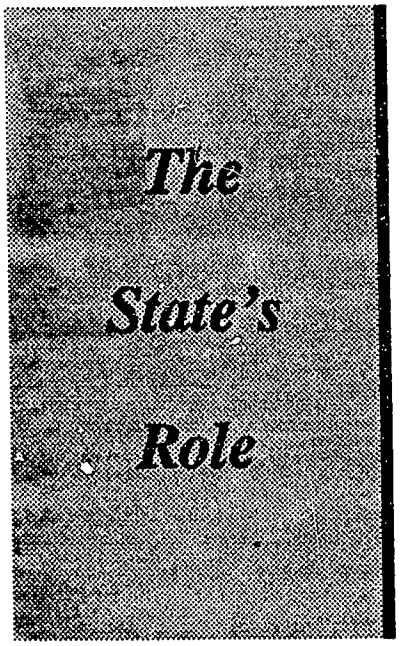


Finding 1: Schools are not meeting the primary goal of education for immigrant students: helping the children to become fluent in English quickly.

The education system is expected to take in young, untutored children and 12 years later turn them out as knowledgeable and skillful budding adults. While this mission is challenging enough with mainstream students, schools find it even more difficult to attain in the face of ever-increasing numbers of children who do not speak English fluently. The schools' first and primary goal with this population is to teach them English effectively and efficiently. Unfortunately, by almost any measure -- fluency transition rates, dropout statistics, college eligibility and community satisfaction -- schools are failing to meet that goal. At least one reason is the failure of schools to dedicate adequate resources to serving the needs of English learners.

Recommendation 1: **The Governor and the Legislature should enact legislation to revise the state funding mechanisms for educating English learners so that schools have an incentive to help students attain English proficiency rapidly.**

Whatever reform is adopted by the State should be targeted at encouraging quality performance by the schools and maximizing incentives for the schools to devote the needed resources to meeting the needs of English learners.



Finding 2: The State Department of Education's emphasis on native-language instruction is inappropriate, unwarranted, not feasible and counterproductive.

The State Department of Education favors native-language instruction as the best method for educating students who do not speak English. This bias permeates all of the Department's policies and procedures, effectively punishing schools that wish to pursue other options. The Department's support for native-language instruction is:

* Inappropriate since federal law, court cases and state policy all recognize that various methods of instruction may be effective in helping English learners become fluent.

* Unwarranted since a multiplicity of academic studies have yielded conflicting results about a single, "best" method of teaching non-English-fluent students. The one conclusion that can be drawn from studies is that a variety of approaches work depending on implementation, demographics and resources.

* Not feasible since about one-fourth of California's non-English-fluent students speak a language other than Spanish and there are relatively few bilingual teachers -- a key

element to native-language instruction -- for languages other than Spanish. In fact, teacher credentialing procedures are not available for the majority of languages spoken in California schools.

* Counterproductive since schools are required to expend energy and resources documenting the success of other options or providing plans on how native-language instruction can be achieved in the future. The Department's energy also is absorbed in enforcing native-language instruction rather than fulfilling its two primary functions of overseeing school districts: ensuring that students are progressing academically and documenting that earmarked funds are being spent to supplement the education of English learners.

Recommendation 2: **The Governor and the Legislature should enact legislation that establishes a state framework for local control of educational methods for non-English-fluent students.**

To be effective, the framework would replicate the three standards established by the federal courts to determine if a school district is making an acceptable program choice:

* The adopted method must be based on a recognized academic theory.

* The school district must dedicate a reasonable amount of resources to make the chosen method viable.

* Students must make academic progress and move toward English proficiency.

Only if a school district failed to satisfy the three criteria would the State step in with a more directive approach to meeting the needs of English learners.

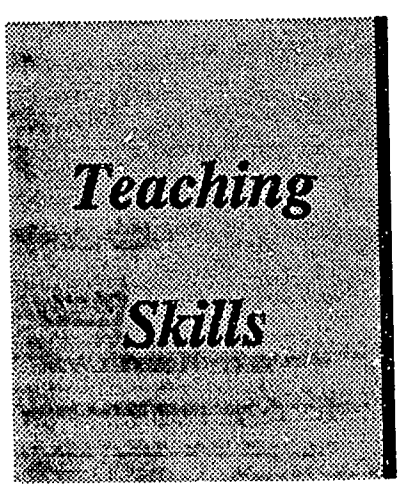
Recommendation 3: **The Governor and the Legislature should enact legislation to direct the State Department of Education to focus on holding schools accountable for student achievement rather than on directing the**

implementation of a single academic approach.

The Department needs to establish immediately a statewide protocol for academic testing for students of all languages. To accomplish this, the Department should devote its considerable energies to identifying and/or creating, if necessary, adequate assessment tools for non-English-fluent students. Once the protocol is in place, the Department should monitor student progress annually and give assistance to districts that are unable to demonstrate student achievement.

Recommendation 4: **The Governor and the Legislature should direct the Department of Education to produce a report examining funding for English learner education and documenting the supplemental use of earmarked funds.**

Understanding the role and magnitude of the present funding system is critical for ensuring accountability. Districts should be spending money allocated for English learners in a way that supplements the general funding received for those same students. In addition, it is futile to argue that more funding is needed -- as the Department, its consultants and advocates have maintained -- without being able to provide policy makers with a clear picture of what is now being spent.



Finding 3: There is a severe shortage of teachers with the expertise in language acquisition, the training in cultural diversity and the skills to enhance the classroom learning environment that are vital for meeting student needs in today's schools.

All students need to be stimulated to think, encouraged to question, and inspired to express their ideas verbally and in writing. The needs of English learners are no less in these important areas -- yet the supply of teachers who understand language acquisition theories, cultural influences on learning styles and specialized techniques to break

through language barriers is far outstripped by the demand represented by 1 million students who are not fluent in English. The state entities responsible for teacher training have responded with new programs that are making progress on solving this problem. Because a diversity of language groups is scattered throughout the State, a key element in any solution is to ensure that all teachers have at least a working knowledge of how to address the needs of English learners.

Recommendation 5: **The Governor and the Legislature should enact a resolution directing the State Department of Education and the Commission on Teacher Credentialing to focus on improving teaching techniques rather than on creating a cadre of bilingual teachers.**

Because sooner or later most of the State's teachers will find students in their class who speak no or limited English, it is important that all teachers have training in language acquisition theory, cultural diversity and techniques that enhance learning ability. The Department and the Commission on Teacher Credentialing should work together to ensure that all teachers have the tools that are needed to meet the challenge of language diversity in California's schools.

The efforts needed and goals envisioned by these recommendations are not so very extraordinary. Advocates have argued that English learners need a supportive learning environment that will enhance self-esteem, encourage respect for cultural diversity, stimulate complex thinking skills and produce knowledgeable, productive members of society. The Commission believes, however, that the same prescription for success is needed for all the State's children. And the strategies for putting such a program together are more similar than dissimilar, regardless of the language spoken when a child enters the classroom door.

The clear need is for Californians -- whether they are parents, school employees or state bureaucrats -- to focus on educational outcomes. Once society's goals for its children are clear and a system of accountability is in place, methods best suited to varying local conditions will emerge. The Commission believes the end result will be a brighter future for all of California's children.

Introduction

Introduction

In a perfect world with plentiful resources, all children would sit in modern, technology-equipped classrooms and be engaged in a curriculum that would prepare them for adult productivity, bolster their self-esteem and promote harmony in a culturally diverse society. In the real world of California education, all too often children are jammed into decaying classrooms while teachers squeeze the most learning they can out of out-dated textbooks and limited supplies. The task of educating 5 million children is daunting in these circumstances -- and greatly complicated by the fact that nearly 1 million of California's students do not speak English fluently enough to understand what is going on in the classroom.

California is not alone in facing such a challenge. In a world of shifting immigration patterns and fleeing refugees, many countries -- such as Israel, England and Germany -- play host to large populations who arrive speaking only their native languages. Many other countries, including Russia and Japan, acknowledge in their schools' curriculum the geo-political and global economic importance of having a citizenry that is multi-lingual. And still other countries, such as Canada and Switzerland, recognize their home-grown cultural diversity by ensuring that children grow up comfortable in more than one language.

Even in the United States, California's non-English-speaking students are not unique, although the size of the population and scope of diversity outstrip the next nine states combined. Chart 1 below compares California to the nation and other states with large populations of English learners.

Chart 1

States with Largest English Learner Populations 1990-91

State	English Learners 1990	English Learners 1991	Percent of Increase
California	**861,531**	**986,462**	**14.5**
Texas	309,862	313,234	1.1
New York	158,007	168,208	6.5
Florida	61,768	83,937	35.9
Illinois	73,185	79,291	8.3
New Mexico	58,752	73,505	25.1
Arizona	60,270	65,727	9.1
New Jersey	43,176	47,560	10.2
Massachusetts	40,057	42,606	6.4
Michigan	33,449	37,112	11.0
All other states	281,055	366,040	30.2
Total	**1,981,112**	**2,263,682**	**14.3**

Source: U.S. Department of Education

As the chart shows, California had the largest number of students who do not speak English fluently in the nation in 1991 and had the largest numerical increase among all individual states of English learners from 1990 to 1991. In fact, California had more of these students then the next nine states combined, playing host to 43.6 percent of the nation's total 2.3 million students who do not speak English fluently.

Ranging from the "entry port" coastal and border states to the country's interior Midwest states, most parts of the United States are attracting immigrant

populations. Integrating these newcomers into the fabric of American life requires innovation and revised approaches by key government institutions, including schools.

Schools have legal obligation to help students who are not fluent English speakers

For almost 30 years, schools have been required by federal law to provide whatever alternative language programs are necessary to ensure that non-English speaking students are not cut off from academic programs. But despite three decades of experience under this mandate, California schools today are clearly ill-prepared to meet the needs of those who are not fluent in English. Criticisms come from many directions:

* Academics who argue vigorously and exhaustively over what single best method will produce English fluency fastest.

* Those in the trenches of the classroom and on the front-line of school administration who charge that not enough dollars or resources are provided.

* Many taxpayers who worry about the already-high cost of schools, lack of quality education, and potential effectiveness of earmarking yet more dollars with no guaranteed return.

* Some established Californian parents who complain about the resources that are diverted to meet the needs of non-English-speaking students and who feel they have no control or rights when schools use their children to balance classes ethnically.

* Immigrant parents who in some instances want their children to learn English more quickly and effectively and who, in other cases, are concerned about retaining their children's existing language and culture.

* The children themselves, whose voices may be least heard but whose actions -- high drop-out rates, poor grades, limited entry into higher education -- are a clear signal of failing programs.

Against a backdrop of increasing numbers of immigrants and a rising crescendo of complaints, the Little Hoover Commission decided to assess how California's schools are meeting the needs of students

who do not speak English fluently. Specifically, the Commission directed its attention to the role played by the State (through the State Department of Education), the problems school districts face and -- most importantly -- the outcome for children.

As part of its study, the Commission conducted a public hearing in Los Angeles in January 1993 (**Appendix A** provides a list of invited witnesses and those who provided verbal and written testimony to be included in the hearing record). In addition, the Commission contacted more than 50 organizations with interests in the education of non-English-speaking children, interviewed dozens of experts, extensively reviewed academic literature, visited multiple school sites with a variety of programs, and obtained information from other states and countries.

Throughout its study and deliberations, the Commission focused on:

* The practical goal of equipping children with the tools they need to be productive citizens in the country that is now their home.

* Real-world constraints on funding and resources.

* Balancing the twin goals of local control (so that programs will be appropriately tailored for local conditions) and accountability to the State (so that taxpayers know their funds have been used efficiently and effectively).

All children deserve educational opportunity to achieve and to appreciate diversity

Finally, the Commission's study does not revisit the issue of the value of learning other languages in a State that teems with diversity and is well-positioned for Pacific Rim trade; many prior works have built a substantial, convincing case for teaching multilingualism and cultural sensitivity to all California children. Instead, the Commission embraces as a given the concept that a premiere education system would provide **all** children with an opportunity for educational achievement, high self-esteem, multilingual capability, an appreciation of America's heritage and cultural diversity, and respect for all members of society. Such goals are evident in the State's curriculum framework -- which, among other things, requires schools to provide all children with the opportunity to learn a second language beginning in kindergarten -- although their attainment unfortunately is rare in classrooms throughout the State.

Rather than addressing the need for schools to meet these goals more aggressively for all children -- an objective that needs to be pursued enthusiastically rather than re-argued -- the Commission's study explores the more narrow issue of what do to for a burgeoning population whose needs are immediate and of crisis proportions.

The result of the Commission's investigations is the following report. The report includes an Executive Summary, this Introduction and a Background, followed by three chapters of findings and recommendations, a Conclusion, Appendices and Endnotes.

Background

* *More than one million children do not understand English well enough to participate in class, a number that is growing faster than the total school population.*

* *By law, schools are required to provide special services to help English learners overcome language barriers.*

* *No single approach is endorsed universally by government, academics and parents. Debate over which system works best is vigorous.*

Background

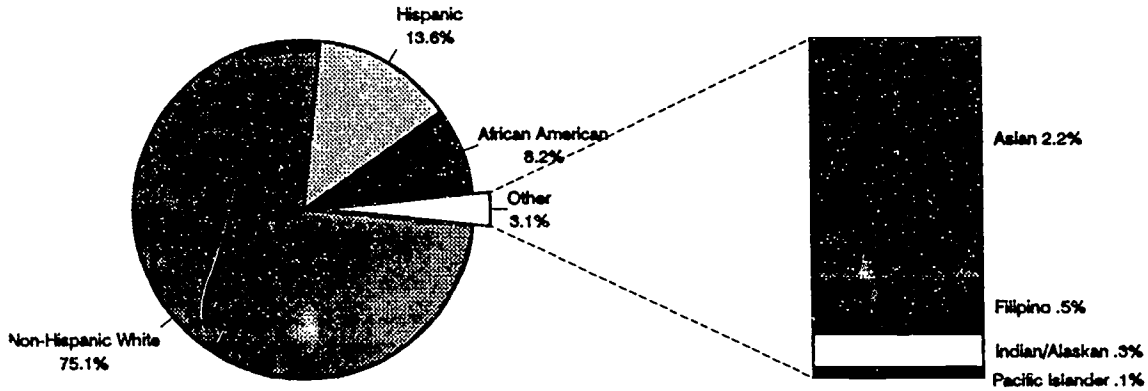
More than 100 different languages and dialects can be heard on any day in California's classrooms, a reflection of the diversity of people choosing to make this their home. How California is handling this challenge is directly affected by shifting demographics, conflicting legal mandates, and entrenched, contradictory academic approaches to teaching children the English language.

That the student population is changing is indisputable. Statistics kept by the California Department of Education track the change in the ethnic makeup of the State's schools in the past 25 years, as shown in Chart 2 on the next page:

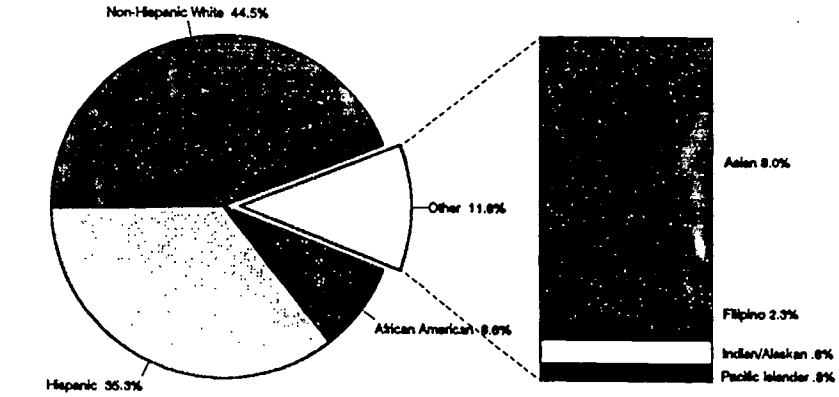
Chart 2

Ethnic Makeup of California Schools

1967-68



1991-92



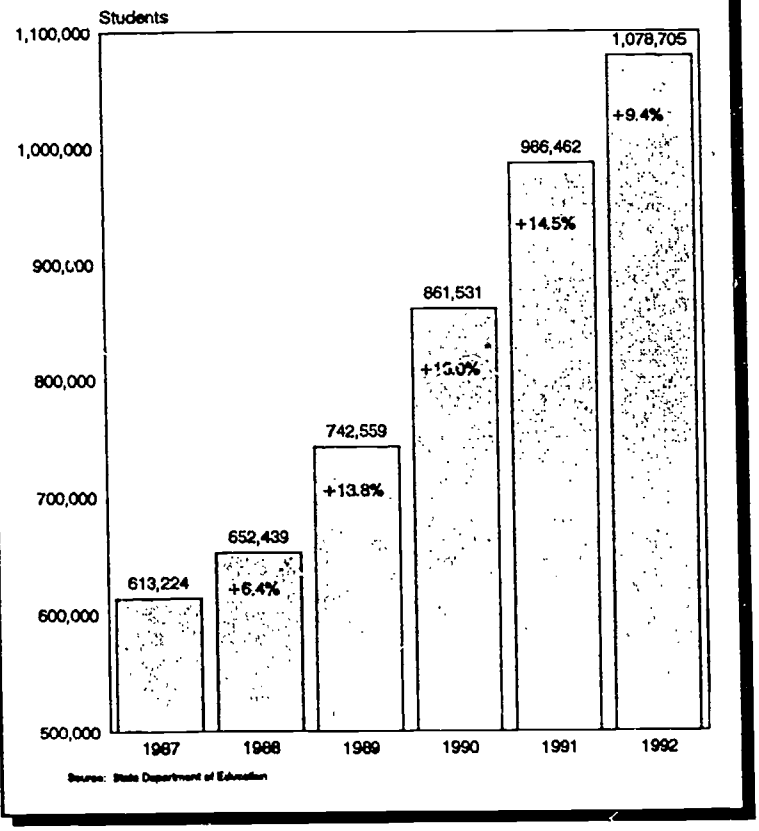
Source: State Department of Education

As Chart 2 indicates, in 1967-68 non-Hispanic whites comprised about three-quarters of all kindergarten through 12th grade students, with Hispanics at 13.6 percent and African Americans at 8.2 percent. By 1991-92, dramatic growth in the proportion of Hispanic students (from 13.6 percent to 35.3 percent) -- and to some extent Asians (from 2.2 percent to 8.0 percent) -- pushed the ratio of non-Hispanic whites to less than half of all students.

Ethnicity does not directly translate into language use, of course. Many children with an Asian or Hispanic heritage are one or more generations removed from their ethnic homeland and were raised with English as their primary language. But much of the change in school-age ethnicity has been accompanied by an increasing number of students who do not speak English fluently. Chart 3 below details the number of non-English-fluent students in California schools for each of the past six years.

Chart 3

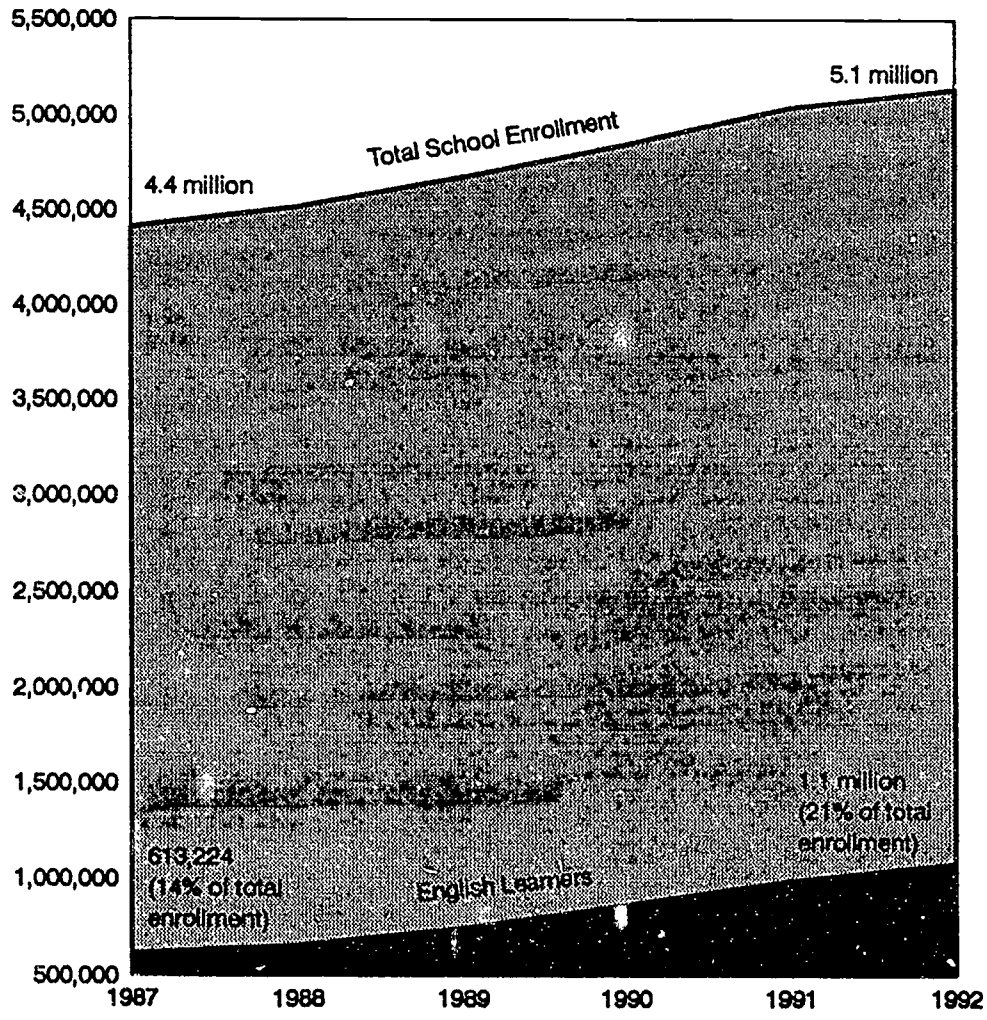
Increase in Number of Students Not Fluent in English, K-12 1987-1992



As Chart 3 shows, the annual growth of students who do not speak English well peaked in 1990 with a 16.0 percent rate of increase. Over the six years, the population increased 75.9 percent, for a total of more than 1 million students in 1992. This growth rate outpaced the increase in English-speaking students, as Chart 4 below demonstrates.

Chart 4

Growth in Proportion of Students Not Fluent in English to School Population 1987 - 1992



Source: State Department of Education

Chart 4 reflects an increase from 1987 to 1992 in the overall student population of 16.7 percent, with total student numbers growing from 4.4 million to 5.1 million during the six years. The proportion of students who do not speak English fluently compared to all other schoolchildren has increased during each of those years, going from 14 percent of the total school population in 1987 to 21 percent in 1992.

Federal law, courts and state policies set parameters for English learner schooling

Thus today one out of every five students in California does not speak English well enough to understand what is going on in a mainstream classroom. How these children receive educational services and the extent to which schools are responsible for meeting their needs is addressed in federal law, court rulings, and state policies and procedures. The parameters defined by all of these entities combined form the backdrop for the choices that are made by schools.

The federal government has compelled schools to meet the needs of non-English-speaking children for the past three decades. Two areas of federal law provide the framework for educating children who do not speak English fluently:

* Title VI of the Civil Rights Act of 1964 ensures equal educational opportunities for students from other countries by requiring that there be no discrimination on the basis of race, color or national origin in the operation of any federally assisted programs. In interpreting the act, the federal Office of Civil Rights in 1970 advised school districts that they had four responsibilities:

  1. Providing children with courses designed to allow them to become proficient in English.

  2. Allowing children who cannot speak English fluently access to the college preparatory and core academic curriculum.

  3. Ensuring that any grouping of non-English-speaking children be based on meeting their language needs and that such separation from the mainstream student population not continue indefinitely or permanently.

  4. Notifying parents in a language they can understand about school policies and events.[2]

These responsibilities were further reiterated in the Equal Educational Opportunity Act of 1974, which echoed the commitment made in the Civil Rights Act and applied it specifically to schools.

* The Bilingual Education Act, also known as Title VII, was established in 1968 as part of the Elementary and Secondary Education Act and was reauthorized in 1974, 1978, 1984 and 1988. The current two-year session of Congress is expected to result in the reauthorization of the entire act, including the bilingual education portion. Under Title VII, federal funding is made available for various education programs to meet the needs of students who do not speak English fluently. As a policy, the law says that it is equally important for schools to provide those who are not fluent in English with the opportunity for both English proficiency and academic achievement.[3]

Court rulings have required performance but also have allowed flexibility

Building from the federal starting point, various courts, both federal and California, have fleshed out the intent of the federal laws by further clarifying what schools must do and what they are allowed to refrain from doing for non-English-speaking students. The rulings most frequently cited include the following:

* *Lau v. Nichols.* In 1974, the U.S. Supreme Court addressed the mechanism for ensuring access to an equal education regardless of race, color or national origin. The court decided in *Lau v. Nichols* that an equal education is not provided if non-English-speaking students cannot understand the teachers, textbooks or curriculum, even if they are the same as those provided to English-speaking students. The court ruled that schools must provide special language instruction to assist students in obtaining an education. The ruling did not, however, specify the form the special assistance must take.[4]

* *Castaneda v. Pickard.* In 1981, a federal court set three guidelines for determining whether a school had met its obligations under federal law by providing adequate special assistance:

  1. The school must create a program for non-English-speaking students based on an educational theory that is recognized as sound by at least some experts in the field

or that is recognized as a legitimate educational strategy.

2. The school must have programs, policies and resources in place that could be reasonably expected to implement effectively the chosen educational theory.

3. The school's program must demonstrate that students are making progress in overcoming language barriers. No matter how reasonable a school's original choice of program may be or how exhaustive are the resources dedicated to the program, the failure of students to make progress obligates the school to revise its program.

This decision also made it clear that while schools must have two goals -- helping students attain English proficiency and ensuring that they make academic progress in the overall curriculum -- the schools are free to pursue the goals sequentially rather than simultaneously. In other words, students may be allowed to fall behind academically in the short term while learning English as long as they reach academic parity with English-speaking students in some reasonable amount of time after entering the school system.[5]

* *Teresa P. v. Berkeley Unified School District*. In 1989, a federal court used the Castaneda standards to determine that Berkeley had met its obligations and that students were overcoming language barriers. The district had been challenged by parents who believed the district had not selected the most effective type of program to teach students English and that the district lacked a sufficient number of bilingual teachers for students to succeed. The ruling, in effect, supported wide latitude and discretion on the part of schools as long as results, as demonstrated by student progress and test scores, are obtained.[6]

The interplay of federal law and the federal court decisions are not the only governing doctrines for California schools. While the education of students who do not speak fluent English is not addressed specifically in state law, it is regulated by state policies and procedures. The lack of a state law is fairly recent; in 1976, the State enacted the Chacon-Moscone Bilingual-

Bicultural Education Act, followed by the Bilingual Education Improvement and Reform Act in 1980. But in 1983, a statute was enacted that required a "sunset" review of bilingual education and established a termination date of June 30, 1986 for the program unless reauthorized by the Legislature and Governor. A succeeding statute extended the sunset date to June 30, 1987.[7]

An effort to reauthorize the program through 1992 passed the Legislature in 1987 but was vetoed by the Governor. The key thrust of those who wanted to see the bilingual education program sunset was that school districts should have flexibility to meet the needs of limited-English-speaking students in ways that did not necessarily comply with the restrictive standards of the state law but that were still believed by many to be educationally sound. The proponents of reauthorizing the program argued that without the prescriptive nature of the state law, students would not be served with adequate programs because schools would not devote enough resources to them.

Despite law sunset, the Department has enforced eight elements of previous program

As the Little Hoover Commission has noted in a prior study,[8] the State Department of Education rendered the sunset of the bilingual education law moot by issuing "advisories" to school districts. The advisories said that under the sunset provisions of the 1983 law, the school districts must continue to comply with the "general or intended purposes" of the sunsetted bilingual education act. The department defined the "general or intended purposes" as those concepts spelled out in the legislative findings and declarations of the original law (Education Code Section 52161). Using this definition, the department set eight requirements that school districts must meet:

1. "The primary goal of all [bilingual] programs is, as effectively and efficiently as possible, to develop in each child fluency in English."

2. The program must "provide equal opportunity for academic achievement, including, when necessary, academic instruction through the primary language."

3. The program must "provide positive reinforcement of the self-image of participating pupils."

4. The program must "promote crosscultural understanding."

5. Districts are required "to offer bilingual learning opportunities to each pupil of limited English proficiency enrolled in the public schools."

6. Districts are required "to provide adequate supplemental financial support" in order to offer such bilingual learning opportunities.

7. "Insofar as the individual pupil is concerned, participation in bilingual programs is voluntary on the part of the parent or guardian."

8. Districts must "provide for in-service programs to qualify existing and future personnel in the bilingual and crosscultural skills necessary to serve the pupils of limited English proficiency of this state."[9]

While advisories are supposed to be non-binding guidelines, the State Department of Education has enforced its bilingual education advisories -- which provide six options for school districts -- with a school-by-school compliance review process tied to continued special funding (as will be examined in detail under this report's Finding 2).

The State Department of Education has not been alone in providing guidance on what California's schools can do. In 1986 and 1987, the State Board of Education adopted and then amended a specific policy regarding programs for limited-English-speaking students. The board, according to the California Constitution, state statutes, court rulings and attorney general opinions, is the key policy-setting body for education matters in the State.

Board of Education policy focuses on outcome, choice and program flexibility

The board's policy is three-fold in thrust, setting parameters for ensuring an equal educational opportunity for students who do not speak English fluently, supporting maximum flexibility for school districts, and granting parental choice on participation in any program, regardless of the child's native language.

Specifically, the State Board of Education policy:

* States that the primary purpose of all special programs for limited-English-speaking students is "to facilitate each student's ability to speak, understand, read and write English as quickly as possible so that they might participate in English-only programs."

* Sets a standard for school districts to provide a curriculum for limited-English-speaking students that is comparable to that provided for students whose primary language is English.

* Directs that "teaching methodologies, instructional strategies and instructional materials ... should be appropriate to each student's special linguistic needs."

* Urges that school districts have maximum flexibility to design programs based on the needs of students and the resources available to the district within parameters of accountability for student achievement and quality programming.

* Recommends that districts be required to obtain written consent from parents of any student -- whether limited-English-speaking or one whose primary language is English -- before placing the student in a special class.

* Declares that included in "viable program options for limited-English-speaking students" are both programs that use the student's primary language and those that do not.

The State Board of Education conducted a hearing on bilingual education early in 1983; however, as this report was being written, the board had taken no new action. Similarly, no outcome had yet been reached on bills pending in the Legislature that would place the State's policy regarding English learners in statute once again.

In addition to coping with directions from legislative, judicial and administrative bodies, schools also are on the receiving end of extensive academic advice. The academic field of education for non-English-speaking children comes fully equipped with researchers, jargon and a range of program approaches, each laden with nuances that may be missed by the uninitiated.

'Bilingual education' is academic jargon for native-language instruction theory

For instance, the phrase "bilingual education" simply means to the lay person the schooling that is provided for anyone who cannot speak English. This common usage -- frequently seen in media reports -- ignores the academic definition of bilingual education, namely an approach to teaching children English that includes a significant component of academic instruction in the child's native language. Recognizing that the

imprecise use of this phrase is the source of miscommunication and misunderstanding in many circles, the Little Hoover Commission in this report has avoided the generic use of "bilingual education," instead reserving it for reference to native-language core-curriculum instruction (except in unavoidable, direct citations).

Another troublesome area is the label affixed to children who do not speak English as a native language. The commonly accepted jargon sets the following acronyms:

* LEPs, or Limited English Proficient students, for those who either speak no English or do not speak English well enough to understand what is going on in a mainstream classroom.

* FEPs, or Fluent English Proficient students, for those whose native language is not English but who understand English well enough to be in mainstream classrooms without assistance.

There is some movement in favor of replacing these labels with the phrase "English learners," based at least partially on the belief that children's self-esteem and the perception of them by others suffer when they are tagged with the word "limited." Based on a distaste for acronyms in general and a belief that "LEP" is not a label well-recognized by the general public, the Commission has chosen for the most part to use phrases like "English learners" or "children who do not speak English fluently," except when quoting material from other sources.

Different approaches include submersion, immersion and bilingual education

The precision of terminology becomes even more important when discussing the various options that schools may use to teach children who do not speak English fluently. These include:

* ***Submersion.*** This "sink or swim" approach gives students special instruction in English but otherwise simply places them in mainstream English-only classes with no assistance for the bulk of the school day. While the Commission could find no academic support for submersion as the best teaching method, statistics indicate that submersion is exactly what many students who do not speak English fluently end up with (as will be further discussed in Finding 1).

* ***Immersion.*** Students are taught the entire curriculum in English but educational techniques

are employed that help students understand what is going on. This may include exaggerated facial expressions and body language, cooperative group learning and hands-on experiences. Also known as "sheltered English."

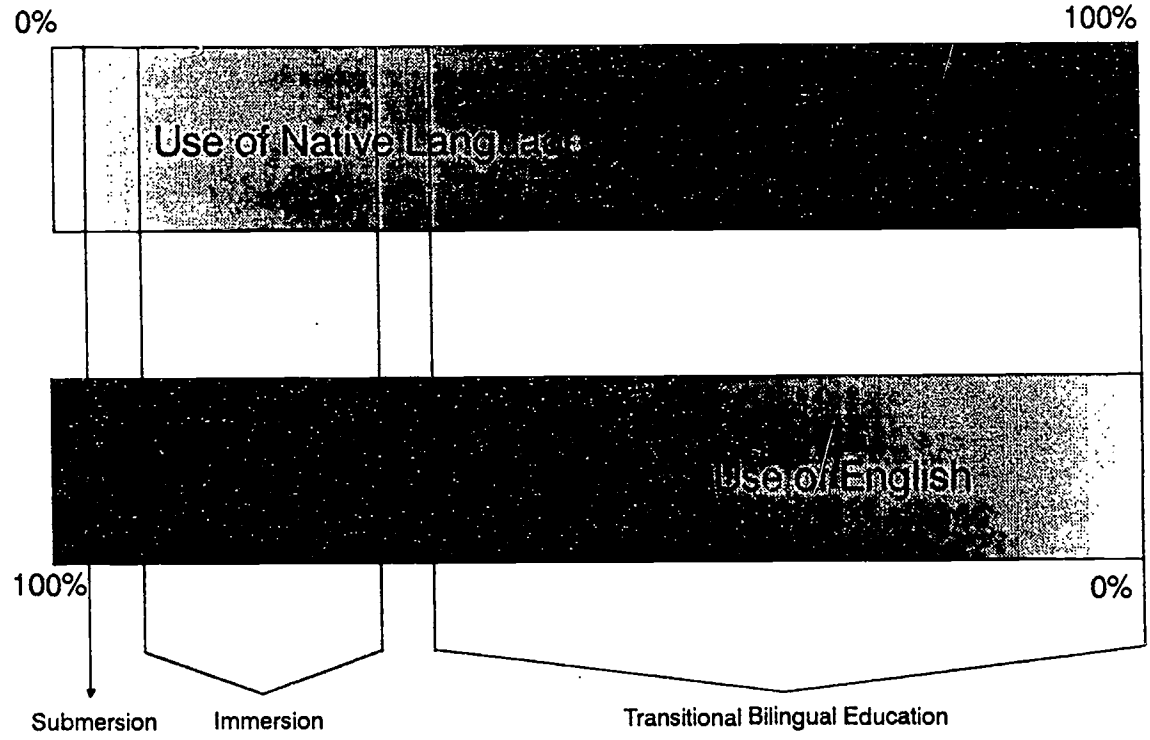
* ***Transitional bilingual education.*** This approach is fashioned around the concept of having students continue to progress in academic areas while they are learning English by teaching the main curriculum in their native language until they are ready to "transition" into mainstream classes. "Early exit transitional bilingual education" programs introduce more classes in English earlier and do not anticipate the student becoming fully literate in his or her native language. "Late exit transitional bilingual education" programs focus on developing academic excellence and literacy in the native language before making the transition to English. Students are expected to transition in three or four years in early exit programs, compared to a four- to six-year transition time for late-exit programs.

The definitions often lose clarity once the programs are employed in the classroom. Academicians evaluating the studies that have been conducted to try to prove that one mode of instruction is superior to others have frequently found the research methodology of studies wanting because programs have been poorly or incorrectly identified. For instance, native-language instruction is not "pure" transitional bilingual education if in the early years a large percentage of the core curriculum is conducted in English and only a small portion is taught in the child's native language. And immersion approaches lose their non-native-language dimension when classrooms aides assist teachers through the use of native language, as is often the case in schools using sheltered English programs.

Each of the approaches has the goal of providing English proficiency, so all have some element of English language instruction. The key difference between each is whether and to what degree the student's native language is used in the on-going curriculum that has nothing to do with language acquisition -- courses such as math, science and social studies. One useful way to understand the different options is to place them on a continuum that addresses how much English and how much native language are used to teach the core curriculum, as Chart 5 does on the next page.

Chart 5

Teaching Options:
Differing Proportions of Language Use



As Chart 5 indicates, submersion involves no use of the child's native language, immersion may involve none or a very limited amount, and transitional bilingual education relies heavily on native language. An individual school may select one approach but may soon find itself with a program spanning the continuum because of factors -- such as lack of qualified teachers or incoming students with primary languages new to the school -- over which the school has very little control.

The selection of an academic approach by a school often takes place in the midst of vigorous emotional debate, little of it concerning whether a method is effective in equipping children with English skills. For instance, some advocates for native-language instruction charge that children who are pushed into English and deprived of their cultural heritage lose their self-esteem and become alienated under-achievers. Their parents are cut off from participating in school activities or helping

with homework because of language barriers and this, too, is a recipe for a child's failure in school.

On the other side, those who oppose native-language instruction argue that students are stigmatized by being trapped in special classes instead of integrated with mainstream students. Some believe it is unfair to divert the extra resources needed to hire bilingual teachers away from other programs that benefit all students, and that taxpayers should not be responsible for paying to preserve a cultural heritage that has been left behind due to immigration.

Controversy revolves around choice to use or ignore native language

The argument over educational approach usually is couched in terms of pro and con native-language instruction. The reason for this is that the key bone of contention is whether or not native-language instruction is a necessary element of a good English-acquisition program. Techniques from the "other" method -- immersion or sheltered English -- are also used in bilingual transitional education programs at the point when students are transitioning from native-language instruction to English-only instruction. So the academic argument is not over whether immersion is a good method, but over whether it should be used alone or put in a secondary, complementary position to native-language instruction.

The Commission received and reviewed dozens of testimonials from people and schools on both sides of the issue. Among the anecdotal evidence from pro-native-language-instruction advocates:

* The principal of Hollywood High School told the Commission that students at her school speaking 22 languages make up 66.3 percent of the student body. "Students enrolling in our school not only face the challenge of learning a new language and new curriculum in a limited amount of time but also face the daily challenges of learning a new way of life, new customs, traditions and at the same time continuing to be proud of their own language, culture and traditions....The [school's program] allows these students to be able to face both academic and societal challenges by providing the students with content classes in the student's primary language and communicative-based instruction to learn English."[10]

* Los Angeles Unified School District staff involved with the Eastman Avenue Elementary School

project (also known as MORE -- Model Organization Results of Eastman) provided the Commission with test comparisons indicating that students in this model native-language-instruction program dramatically outscore comparable non-English-fluent students elsewhere in the district and eventually do better on standardized tests than the district's average mainstream students.

* The California Association for Bilingual Education gave the Commission more than a dozen profiles of students who are success stories, including an eighth grader who spoke no English when he entered kindergarten and now is an honor student and part of the Gifted and Talented Education (GATE) program. "I might have failed without bilingual education. I couldn't have learned what I didn't understand. Bilingual instruction gave me a chance to succeed."[11]

Anecdotal evidence from those who oppose native-language instruction included:

* A woman with 15 years experience as an Hispanic aide in an English-as-a-Second-Language program who told the Commission of the disparity she had seen between Hispanic children who were taught in their native language and Asian refugees ("boat people") who were taught in English. "The children from the Orient were learning how to speak English, without being taught in their own language. The demand for speaking English was there and they jumped at the chance to learn our language. The [Hispanic] children were not progressing. They instead were confused by being taught in their native Spanish language and being forced to try to learn English after the fact. I was truly amazed when I encountered the Oriental children learning their reading, writing and arithmetic in English without so much as a hint that there was a language barrier. I asked myself, 'Why can't my kids do that?'"[12]

* The story of two elementary schools in Inglewood that were identified in a study as inner-city schools that have outstanding test scores. Among other things, both teachers have not implemented native-language instruction. "There is no bilingual education at either school, in part [the principals said] because parents do not want it. That was fine with the two principals because they believe

the approach does not work. 'Our goal is not to teach them Spanish,' says one. 'Our goal is to make them English literate.' "[13]

* The opinion of the first Hispanic student ever to be named to the State Board of Education, who spoke no English when she arrived in California -- but seven years later spoke flawlessly without an accent. "I'm glad I wasn't taught in a bilingual class," she said. "I have seen Spanish-speaking students who don't advance because they rely too much on bilingual classes. They don't learn English, as they must in order to be successful."[14]

Schools face tough challenge, hard decisions amidst conflicting advice on choices

Cutting across all of the federal, court, state and academic directives described above is the common goal of equipping children who do not speak English with the knowledge and skills necessary for them to take their places as fully functioning and productive members of this country and society. But behind the plain, black-and-white words of the laws, rulings and policies are strong and conflicting undercurrents of beliefs about how these children's needs can best be met. The lack of agreement cuts across all constituencies involved; it is not a case of academics pushing one solution, administrators some other, and parents and students yet another. Thus, schools face a tough challenge and hard decisions in the atmosphere of clamoring debate rather than in the quiet of certainty. The result is explored in the next three chapters of findings and recommendations.

Student Outcome

* *The range of languages spoken and the distribution of English learners throughout the state place a strain on schools' ability to meet the linguistic challenge.*

* *Low fluency transition rates, high dropout statistics and poor college eligibility figures demonstrate the failure of current school efforts.*

* *Schools control how much funding is dedicated to English learner programs; a statewide study shows that schools are spending about the same for English learner classrooms as for mainstream courses.*

Recommendations:

* *Revise funding formula to maximize incentives for schools to help English learners achieve.*

Student Outcome

Finding #1: Schools are not meeting the primary goal of education for immigrant students: helping the children to become fluent in English quickly.

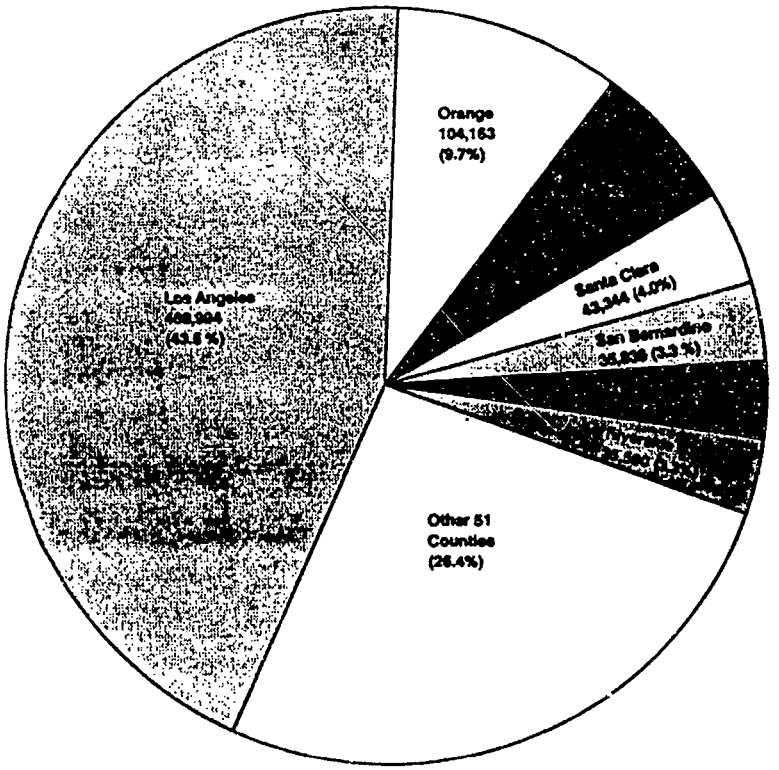
The education system is expected to take in young, untutored children and 12 years later turn them out as knowledgeable and skillful budding adults. While this mission is challenging enough with mainstream students, schools find it even more difficult to attain in the face of ever-increasing numbers of children who do not speak English fluently. The schools' first and primary goal with this population is to teach them English effectively and efficiently. Unfortunately, by almost any measure -- fluency transition rates, dropout statistics, college eligibility and community satisfaction -- schools are failing to meet that goal. At least one reason is the failure of schools to dedicate adequate resources to serving the needs of English learners.

To understand the magnitude of the challenge faced by California schools, it is helpful to delve into statistics about where the impact of non-English-speaking

children is felt and the variety of languages these children bring to school with them. Chart 6 below shows that almost 60 percent of the students who do not speak English fluently are in three Southern California counties -- Los Angeles, Orange and San Diego. (**Appendix B** is a complete county-by-county breakdown.)

Chart 6

Number of Students Not Fluent in English by Counties, 1991



Source: State Department of Education

With 468,994 or 43.5 percent, Los Angeles County has the lion's share of the State's 1 million children who do not speak English well, as Chart 6 indicates. Altogether, seven counties account for about three-quarters of the children who need language assistance. At the other end of the scale, 17 counties each have fewer than 500 students and another seven counties have fewer than 1,500 students -- each of these 24 counties having less than one-tenth of 1 percent of the State's total. Typically, these counties are in far northern California and along the Sierra Nevada mountain range.

While the numerical bulk of the non-English-fluent children are in urbanized counties, their proportionate impact on smaller counties is sometimes great. For instance, even though only a small blip on the statewide chart, San Benito County's 1,714 non-English-fluent students (two-tenths of 1 percent of the state total) represent 20.7 percent of that county's total 8,283 students. Similarly, Colusa County has 695 (one-tenth of 1 percent of the state total), 18.7 percent of the county's 3,723 students. The county with the highest percentage of non-English-fluent students compared to mainstream students is Imperial County (13,735 out of 29,695 students, or 46.3 percent).

English learners are found in both urban and rural areas

Geographically, then, students who do not speak English fluently are spread throughout the State, congregating in urbanized counties but also heavily represented in smaller, rural areas in the Central Valley and Southern California.

Specific education programs and decisions are largely driven by local school districts, so statistics broken down to the district level are also relevant to assessing the impact of language barriers. Of California's 1,009 school districts, 864 have at least one student who does not speak English fluently, 554 have at least 50 and 398 report having 200 or more. Chart 7 on the next page shows the 24 districts with the largest number of these students, which together account for a little more than half (51.6 percent) of non-English-proficient students in the State.

Chart 7

School Districts Ranked By Number of Non-English-Fluent Students (1992)

School District (County)	Non-English-Fluent Students	% of State's Non-English-Fluent	District's Total Students	% of District Who Are Non-Fluent
1. Los Angeles Unified (LA)	263,908	24.5	636,964	41.4
2. Santa Ana Unified (Orange)	31,517	2.9	47,700	66.1
3. San Diego Unified (San Diego)	27,808	2.6	123,591	22.5
4. Long Beach Unified (LA)	24,093	2.2	74,048	32.5
5. Fresno Unified (Fresno)	20,937	1.9	74,693	28.0
6. San Francisco Unified (SF)	17,566	1.6	61,689	28.5
7. Garden Grove Unified (Orange)	14,699	1.4	39,764	37.0
8. Glendale Unified (LA)	13,890	1.3	26,996	51.5
9. Oakland Unified (Alameda)	13,684	1.3	51,698	26.5
10. Montebello Unified (LA)	13,565	1.3	33,241	40.8
11. Pomona Unified (LA)	12,065	1.1	28,483	42.4
12. Stockton Unified (San Joaquin)	11,294	1.0	33,457	33.8
13. Compton Unified (LA)	10,810	1.0	28,282	38.2
14. Sacramento City Unified (Sac.)	9,335	0.9	50,804	18.4
15. Anaheim Elementary (Orange)	8,163	0.8	15,874	51.4
16. East Side High (Santa Clara)	8,088	0.7	22,187	36.5
17. Anaheim Union High (Orange)	7,629	0.7	24,538	31.1
18. San Bernardino City Unified (SB)	7,625	0.7	43,016	17.7
19. Ontario Montclair (San Bernardino)	7,261	0.7	21,749	33.4
20. Pajaro Valley Unifd. (Santa Cruz)	6,982	0.6	16,490	42.3
21. San Jose Unified (Santa Clara)	6,774	0.6	30,261	22.4
22. Lynwood Unified (LA)	6,716	0.6	15,089	44.5
23. Lodi Unified (San Joaquin)	6,025	0.6	24,607	24.5
24. Chula Vista City Elemen. (SD)	5,936	0.6	18,120	32.8

Source: State Department of Education

As Chart 7 indicates, Los Angeles Unified School District has far and away the largest number of non-English-fluent children. with almost 264,000. The next closest district, Santa Ana Unified, has less than 32,000. The chart also confirms that not just one part of the State is affected; counties with the top 24 districts range from Southern California to the San Francisco Bay Area and inland valley regions.

Chart 8 returns to the concept that districts feel a disproportionate impact when their mainstream student bodies are small compared to the number of students who do not speak English fluently. The chart shows the top 10 districts in the State in terms of percentage of non-English-fluent students compared to total student bodies.

Chart 8

School Districts With the Largest Proportion of Students Who Do Not Speak Fluent English, 1991

School District (County)	Non-English Fluent Students	District's Total Students	% of District Who Are Non-Fluent
1. San Ysidro Elementary (San Diego)	3,406	3,8[illegible]2	88.0
2. Heber Elementary (Imperial)	480	549	87.4
3. Lennox Elementary (LA)	4,654	5,783	80.5
4. Calexico Unified (Imperial)	4,994	6,346	78.7
5. Richgrove Elementary (Tulare)	400	534	74.9
6. Chualar Union Elementary (Monterey)	249	333	74.8
7. Lost Hills Union Elementary (Kern)	293	425	68.9
8. Livingston Union Elementary (Merced)	1,297	1,899	68.3
9. Holt Union Elementary (San Joaquin)	94	140	67.1
10. Planada Elementary (Merced)	527	786	67.0

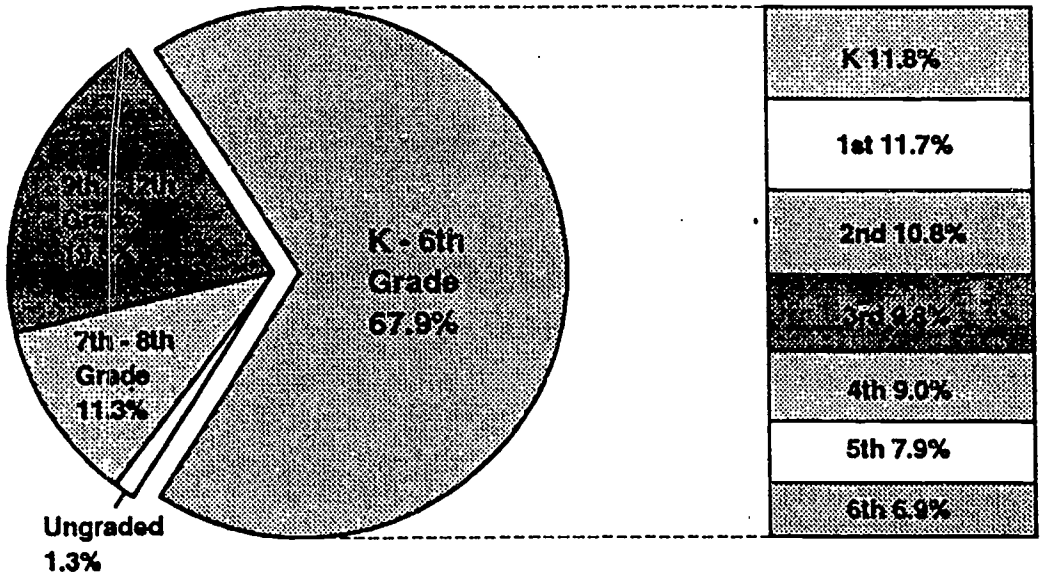
Source: State Department of Education

As Chart 8 shows, a San Diego County elementary school district has the highest percentage of non-English-fluent students in the State, with 88 percent of the student body needing language assistance. Other school districts in urbanized, coastal and valley areas also have ratios exceeding 65 percent. Altogether, 29 school districts have proportions greater than 50 percent of students who do not speak English fluently, according to State Department of Education figures.

State statistics also show that students who do not speak English well tend to be young. Chart 9 gives a breakdown by grade level.

Chart 9

Grade Level of Students Not Fluent in English, 1992



Source: State Department of Education

As Chart 9 shows, more than two-thirds of students who do not speak English fluently are in elementary school. A further breakdown shows that slightly more than one-third (34.3 percent) are in the critical kindergarten through 2nd grade classes, the years when many education experts believe student achievement patterns are set.

Overall, the statistics reviewed above show a rapidly exploding non-English-speaking student population that is scattered over many parts of California. The impact is felt in large and small school districts, urban and rural settings, and across all grade levels.

Schools have three-fold duty: legal, social and academic

Regardless of the logistical problems inherent in meeting the need quantified by these statistics, schools have legal obligations -- as well as academic and social goals -- in carrying out programs to meet the needs of the many students who come to class without understanding English.

As described in the Background, the legal obligations of school districts with regard to English learners are spelled out in federal law, court rulings and state policies. The general thrust of all of these sources is that schools must provide special services to help students become proficient enough in English to understand the academic curriculum and obtain an education.

While federal law (as amended in 1988) holds that teaching the students English and helping them advance academically are obligations that carry equal weight, both court rulings and state policy (as outlined in legislative intent and as adopted by the State Board of Education) emphasize English instruction as the primary goal that schools should fulfill first. State policymakers use the words "quickly," "effectively" and "efficiently" in mandating how schools will provide English proficiency.

In addition to the legal obligation, schools have the academic goal of ensuring that children graduate with a satisfactory degree of literacy, knowledge and skill, as well as English proficiency. Fulfilling this goal is an important step toward creating a society of people who are productive, happy and responsible for themselves.

Finally, schools have an often unstated but important social goal of creating integration in place of alienation. By providing children with a common background of respect for cultural diversity and common understanding of issues, schools serve to bring people closer together, generating the respect for self and others that is critical to social harmony.

If schools were meeting these legal, academic and social missions, their success would be reflected in a variety of ways:

- In statistics that show the rate of transition from the status of non-English-fluent to English proficient.

- In statistics that demonstrate language assistance efforts for all children who need to learn English.

- In dropout and college eligibility rates.

- In the general level of satisfaction expressed by immigrants, their children and mainstream school populations.

Just as school districts are expected annually to identify children who do not speak English fluently, they are also expected to redesignate the children as "fluent English proficient" once the students are capable of understanding enough English to thrive academically in mainstream classrooms. Language acquisition experts are not in agreement as to a reasonable length of time it takes to become proficient in English, although there is common acceptance of the concept that learning and thinking in a foreign language takes much greater understanding of the language then conversational skills require. Some experts believe that English can be academically comprehensible for children in as little as two years, while others believe six or more years of assistance is necessary.

State policy is silent when it comes to attaching a time frame to "quickly" and "efficiently." Federal law, however, requires students to leave federally funded programs within three years, unless specific, individual justification is made -- and even then, only an additional two years is allowed.

By whatever time-frame standard is used, statistics show that schools are not transitioning students quickly, efficiently and effectively. Chart 10 on the next page gives transition statistics for 11 years.

Chart 10

Number of Students Transitioning From Non-Fluent to Fluent Status 1982 - 1992

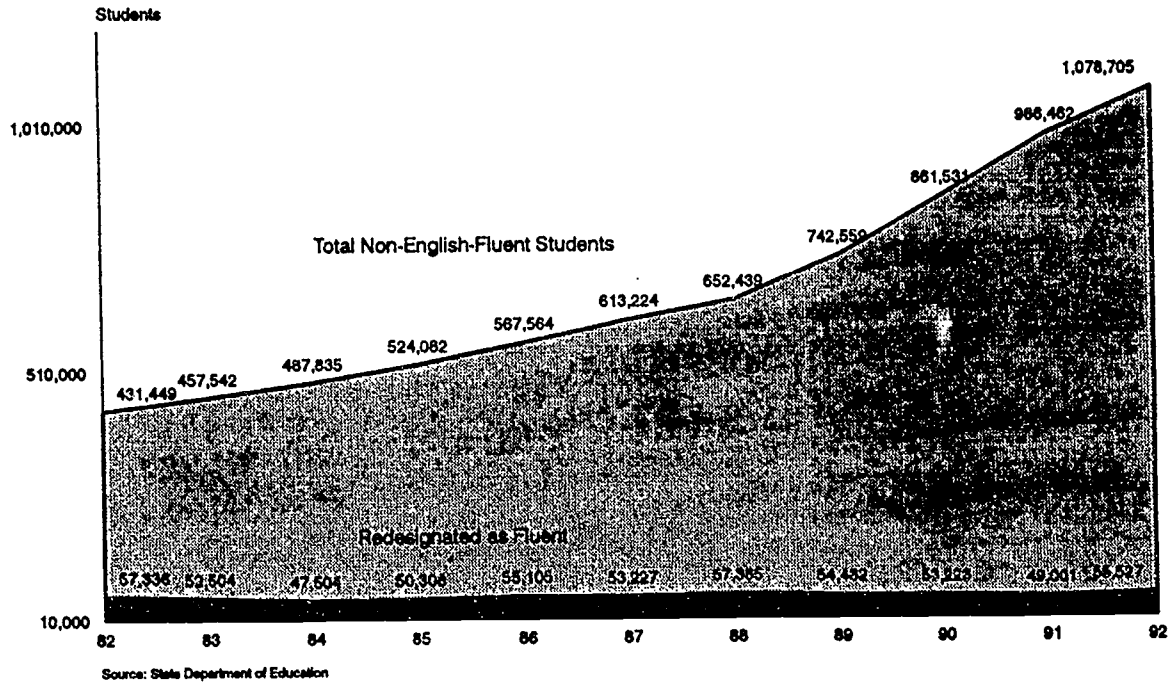


Chart 10 shows that the number of students redesignated as fluent in English has remained fairly constant at a bit more than 50,000 each year for the past decade -- dipping as low as 47,500 in 1984 and peaking at 57,400 in 1988. For purposes of comparison, the chart also shows the total number of English learners for each year, a number that has steadily increased from 431,500 to more than one million. Whether one expects students to transition in two, three, four, five or even six years, there is no "bulge" in the redesignation figures that accounts for the eventual transition of the hundreds of thousands of students who are not fluent in English.

Unknown number of students are never redesignated as English fluent

To understand how far the redesignation rate lags behind, one can look at the 431,449 students counted as not fluent in English in 1982. If students from this group began transitioning two years later in 1984 and continued through 1991, only 420,285 would be accounted for in the redesignation figures -- and that involves the hypothetical presumption of ignoring all

the increased numbers of incoming students for 1983 through 1991. Thus, some unknown proportion of students than entered the school system in 1982 as English learners continue to be non-fluent in 1991 despite eight years of education.

Another measure of whether schools are meeting their obligations is how many students are served by special programs. Chart 11 gives a breakdown.

Chart 11

Number of Students Served By Different Language Assistance Programs, 1992

Type of Program	Students
Instruction in English as a language	161,689
English and specially designed academic instruction in English	117,650
English, academic instruction in English, and primary language support	182,343
English and academic instruction in the primary language	359,829
Not enrolled in the instructional programs described above	**257,185**
Statewide Total	**1,078,705**

Source: State Department of Education

The statistical breakdown in Chart 11 will be examined more fully in Finding 2, which deals with different program options. But for this discussion the key figure in the chart is the 257,185 students who are served by no program at all -- not even instruction in English as a language to be acquired. This figure represents 23.9 percent of all students in the State who are assessed to be not fluent in English.

One quarter of English learners are not receiving special services

In other words, almost one out of four students who are legally entitled to receive special services are not being reached. (It is impossible to tell if these are students who desperately need services and are just being left to sink in the system -- or if some substantial

number of them need no assistance but have not been reclassified as fluent in English.)

Other statistics are not directly linked to students who do not speak English fluently when they arrive in school. But many academic experts believe these statistics are telling signs that the system designed to meet the needs of these children is not working. Among these statistics are dropout rates and college application rates.

The rate for Hispanics who leave high school in the 10th, 11th or 12th grade has dropped during the last five years, from 35.1 percent to about 24.6 percent, according to statistics from the State Department of Education. However, the number of Hispanics dropping out of the class of 1992 was 27,902 -- almost half the total number of dropouts for that class statewide. In raw numbers, far more Hispanics drop out of school than any other ethnic group.[15]

The California Postsecondary Education Commission has examined college eligibility as it relates to race and ethnicity. In 1990, 32.3 percent of Asians and 12.7 percent of non-Hispanic whites were eligible to enter the University of California system, which requires students to rank in the top 12 percent of their high school. Only 3.9 percent of Hispanic students qualified. The test scores of Hispanic high school graduates taking the Scholastic Aptitude Test were far lower than other ethnic groups.[16]

High dropout rate, low college applications point to problem of language barrier

Different academic analysts have suggested different causes for these discouraging statistics, ranging from lower socio-economic status and cultural disinclination to place a high value on schooling to a system that undermines self-esteem and devalues the students' Hispanic heritage. But in a state where three-quarters of the students with a primary language other than English speak Spanish, it is not unreasonable to conclude that some portion of the dropout and college ineligibility problems stem from language difficulties that are never adequately addressed by schools.

The picture painted by Chart 10, Chart 11 and the dropout and college eligibility rates is bleak:

* Students are not learning English well enough to take their place in mainstream classes no matter how long they remain in school.

* About one-quarter of the students who do not speak English fluently are not being helped at all.

* The result is young people abandoning the education system and entering a working world in which they are poorly prepared to succeed.

Reality of figures: assessment tools are poor, incentives skew classifications

The statistics point to a system that is not working for English learners. Reality, however, may not be properly reflected in some of these statistics for at least three reasons:

* Assessment of students as not proficient enough in English to succeed academically is an art rather than a science. Different standards and evaluation processes are used by different schools and, in most cases, the subjective opinion of the evaluator is an influential factor in how a student is defined. Thus, not all students counted as non-English-fluent may actually be hindered academically when left in English-only classes.

* Schools have great incentive to classify students as not fluent in English. The number of such students in a school district is a factor in the added funding that is received from the federal and state governments. This may mean that in borderline cases students who could be judged fluent may be counted as non-fluent instead, inflating the size of the population requiring extra services.

* Finally, the schools have no particular incentive -- and, in fact, a disincentive -- to reclassify students and transition them into mainstream classes. There is no financial reward for lowering the number of defined English learners or placing them into English-only classes. Instead, as the school reduces its population of non-English-fluent students, it reduces the demonstrated need that is pivotal in obtaining state and federal funding.

While the quantifiable impact of these three factors is very difficult to assess, the Commission did receive substantial anecdotal testimony about the refusal of schools to redesignate students and suffer funding loss. These ranged from teachers who claimed to have been told to not reclassify students to outside, lay observers of the educational system.

Similarly, anecdotal evidence is the basis for many of the conclusions to be reached in another difficult-to-quantify area, namely the degree of societal satisfaction with the performance of schools in helping students who do not speak English fluently. The Commission gathered comments from immigrant parents, the students themselves and parents of English-only students, including:

- Parents who wrote in praise of native-language instruction programs in Los Angeles Unified School District and said that for the first time their children were interested in school and achieving academically.

- Parents who did not want their children segregated from the mainstream and who wanted an early emphasis on English. One example from the many letters: "Because we are Vietnamese, my son is put on the 'Asian' track. We did not come to American to have our children isolated on a specific 'Asian' track. Isn't the success of American going to be based on cultural sensitivity and awareness fostered through the various cultures working together versus in isolation?"

- Students who said they felt lost when they were dumped without assistance into English-only classes. Many applauded programs structured around the use of native-language instruction, but others said they were trapped in such classes and never allowed to transition into mainstream classrooms.

- Parents of English-only children placed in native-language-instruction classes without their permission and despite their complaints. Many of these parents believe their rights to have a say in their children's education are ignored -- to the detriment of their children's learning -- in favor of providing ethnic balance in native-language-instruction classes.

- Parents of non-Hispanic children who are not fluent in English who say their children are often placed in inappropriate native-language-instruction courses. A child whose primary language is Cantonese or Armenian gains no more (and probably far less) from a core academic course taught in Spanish than he would from a mainstream course taught in English.

* Parents of English-only children who decry the shifting of resources to instruction programs for those who do not speak English when their own children's programs are being cut back. Particularly criticized was the extensive use of aides in native-language and immersion classes when mainstream classes -- often larger than one teacher can comfortably handle -- are forced to do without aides.

In addition, the Commission noted the diverse and conflicting results of various surveys. For instance, a national survey of Hispanic parents showed a clear preference for native-language instruction and a survey cited in the Berkeley court case showed that, while Hispanic parents preferred native-language instruction, Asian parents and others tended to prefer programs emphasizing immediate acquisition of English language skills.[17] Another study conducted by Princeton's Educational Testing Service, however, found that 78 percent of Mexican Americans and 82 percent of Cubans oppose teaching in the native language if it takes time away from learning English.[18]

Widespread unhappiness among parents, students points to failure of programs

The conclusion that can be drawn from these various sources is that there is a large degree of dissatisfaction with the way schools are handling their obligation to teach students who are not fluent in English. When combined with the poor transition-to-mainstream-classes rate, the lack of services for one-quarter of the students who need them, and the dropout and college application statistics, this dissatisfaction level adds up to only one conclusion: Schools are not meeting the primary goal of assisting students to become proficient in English.

There are many outside factors that lead to this lack of success -- factors over which the schools have no direct control. Those will be examined in Findings 2, 3 and 4 of this report. In one area, however, schools do have control -- the funding and resources that are dedicated to programs for English learners.

State study shows cost for English learners is close to mainstream cost

On its surface, this is a surprising statement for two reasons: 1) schools do not set the overall amount of money they receive to provide services for English learners and 2) schools consistently complain that they are not given enough resources to do the job adequately. But schools are given large blocks of funds to meet a variety of needs that go beyond the base cost of teaching mainstream students. They are expected to

use the additional funds to provide the extra, needed services, rather than using them to supplant the normal funding allocated for each student. Yet a major statewide study commissioned by the State Department of Education has concluded that the cost of programs currently used by schools to educate English learners is little more than the cost of normal classroom instruction.[19] The specialized funding is not showing up as a resource beyond normal class funding.

A complete understanding of this phenomena should begin with an examination of how much is being spent on education for children who do not speak English fluently -- or at the very least, how much schools are receiving for this population. Such statistics are difficult to come by for two reasons: 1) English learners often have needs that cut across several categories of funding, and 2) the very nature of block grants is to allow individual schools flexibility to meet local needs, therefore leaving the State without any solid financial tracking mechanism. But there are general categories of funds that are available for educating English learners. These include:

* The State's Economic Impact Aid (EIA) program, which delivers a single block of money to serve educationally disadvantaged students (EIA-State Compensatory Education) and students who are not fluent in English (EIA-Limited English Proficient). Schools receive the funds based on how many disadvantaged and English-learning students they count in their classrooms. English learners often also have needs that would classify them as educationally disadvantaged. In 1991-92, EIA funding totalled $304,571,000.[20]

* Federal "Chapter 1" funds, which since 1988 have included the former Educational Consolidation and Improvement Act Chapter 1 program and the Elementary and Secondary Education Act Title I program. Funds are funneled to districts based on a complicated formula that determines need. The targets for this program are at-risk students, poverty areas and under-achieving students. In 1991-92, Chapter 1 funding totalled $624,055,000 for California.

* The federal Emergency Immigrant Education Assistance program and the National Origin Desegregation Assistance program. Each specifically targets the need to provide additional

assistance to immigrant children. In 1991-92, these federal programs provided $15,448,000 to California.

* The federal Bilingual Education program, also known as Title VII of the Elementary and Secondary Education Act. This program provides short-term grants to school districts for special programs to meet the needs of English learners. In 1991-92, California schools had 308 grants for a total of $43,544,231.

Funds available for students not fluent in English average $1,000 each

If California's schools had chosen to spend all the funding from these sources on students who do not speak English fluently, then the education of these students would have been enhanced by $987,618,231 -- almost $1,000 extra per student.

Studies in various parts of the nation have estimated the cost of different educational programs for English learners. A 1977 New Mexico study found the additional cost of educating non-English-fluent students to be about $200 per student. A 1978 study by the Intercultural Development Research Association looked at "minimally adequate" programs and found added costs of 30 to 35 percent in Texas, 17 to 25 percent in Utah and 15 to 22 percent in Colorado. In 1981, Rand looked at six California school districts and estimated the added costs at between $85 and $504.[21]

Thus a stipend that ranged up to $1,000 per student should have a large impact on schools' ability to meet the needs of English learners. But that schools are not devoting a large share of these funds to the classrooms of English learners is evident from a review of five program models carried out at five different schools by consultants hired by the State Department of Education to evaluate the State's efforts to educate English learners. While cautioning that their statistics did not represent averages across the State, the consultants did note that schools making similar choices about providing programs would probably incur similar costs. They wrote in their report:

> *A suggestive finding can be gleaned from comparing the classroom cost of [English learner] classrooms to the cost of non-[English learner] classes. These differences are very small indeed -- and are not significant. Only the Bilingual Late Exit programs show a difference of about*

> *$2,000 more for their [English learner] classes -- a four percent difference -- compared to instruction in the non-[English learner] classrooms; this difference is due to the somewhat higher cost for a bilingual aide compared to a regular aide. Notwithstanding this small difference, the data show that for the programs at schools in our intensive sample* ***the classroom cost for delivering instruction in a program designed for [English learner] students was about the same as the classroom cost for the regular instructional program.*** *[Emphasis in original text]*[22]

The consultants theorized that costs were roughly equal because the majority of classroom spending comes from staff salaries and, in the schools examined, staffing levels were much the same, regardless of class type and student classification.

'Supplemental' funds are not showing up as extra spending for English learners

At least one conclusion may be drawn from this data: Funding that is supposed to be supplemental to the basic per-pupil education allowance so that special services may be provided to English learners is actually disappearing, in many instances, into the total education funding pool as each school struggles to educate all the students that come to its classes. The advantage of this method is that it allows schools to make decisions based on local needs, a position long advocated by the Commission. The disadvantage is that schools have a difficult time making the case for needing more resources earmarked for English learners when it is clear they are not now using fully the available funding for this population's needs.

The consultants for the State Department of Education recommended that the State increase funding levels, although they did not quantify the additional need or justify it statistically. More importantly, the consultants also recommended a complete restructuring of how English-learning education is funded, recognizing that the current system operates as a disincentive to properly categorizing and serving the needs of those who do not speak English fluently.[23]

While schools are obligated to meet the needs of English learners irrespective of funding levels, there is a clear need for a system that rewards schools for helping students achieve English proficiency and provides an

incentive for them to meet the needs of these students quickly, efficiently and effectively.

Recommendation #1: The Governor and the Legislature should enact legislation to revise the state funding mechanisms for educating English learners so that schools have an incentive to help students attain English proficiency rapidly.

One model the State could consider would borrow techniques from the health care world's managed care systems. A "capitated" multi-year subsidy could be set aside for each individual student classified as not fluent in English. Schools that were able to help the student attain proficiency, as documented by standardized tests, in less than the pre-set number of years would still receive the subsidy and could use it for general purposes.

For instance, the State might design a program that would attach a six-year stipend to each student when he or she was designated not fluent in English. If the school used the stipend for intensive assistance, the student might be able to transition into a mainstream class after four years -- giving the school the use of the fifth- and sixth-year subsidies for other needs. Because the English-learner population is often migratory, the limited six-year stipend would travel with the student to whatever school he or she attended (a requirement that would necessitate the State creating a centralized student-tracking database, as has been recommended by the Commission and many others for other reasons).

Another model that could be explored would use the "carrot" approach, granting a bonus to schools for each student transitioning to mainstream classes, once again only when the student's English proficiency was clearly documented by standardized tests. The bonus could be used by the school for any program or need.

A third model might try the "stick" approach instead, requiring schools to pay a penalty out of their

general fund for children designated not fluent after a certain number of years unless case-by-case documentation justified the need to continue providing services. This would force schools to transition students rather than leaving them on the rolls long after they have become fluent, a practice that many believe now contributes to the large number of supposedly non-fluent students who are receiving no services.

Whatever reform is adopted by the State should be targeted at encouraging quality performance by the schools and maximizing incentives for the schools to devote the needed resources to meeting the needs of English learners.

The State's Role

* *The Department of Education advocates a single approach to English learner education, a stance that is inappropriate, unwarranted, not feasible and counterproductive.*

* *The most compelling conclusion that can be drawn from academic literature is that most studies of English learner programs are flawed.*

* *A variety of techniques can be successful in teaching English and meeting academic needs.*

Recommendations:

* *Adopt a state framework that allows local control and flexibility.*

* *Direct the Department of Education to concentrate on accountability for results rather than methods.*

* *Require an analysis of the use of English learner funding.*

The State's Role

Finding #2: The State Department of Education's emphasis on native-language instruction is inappropriate, unwarranted, not feasible and counterproductive.

The State Department of Education favors native-language instruction as the best method for educating students who do not speak English. This bias permeates all of the Department's policies and procedures, effectively punishing schools that wish to pursue other options. The Department's support for native-language instruction is:

* ***Inappropriate*** since federal law, court cases and state policy all recognize that various methods of instruction may be effective in helping English learners become fluent.

* ***Unwarranted*** since a multiplicity of academic studies have yielded conflicting results about a single, "best" method of teaching non-English-fluent students. The one conclusion that can be drawn from studies is that a variety of approaches work depending on implementation, demographics and resources.

- ***Not feasible*** since about one-fourth of California's non-English-fluent students speak a language other than Spanish and there are relatively few bilingual teachers -- a key element to native-language instruction -- for languages other than Spanish. In fact, teacher credentialing procedures are not available for dozens and dozens of the languages spoken in California schools.

- ***Counterproductive*** since schools are required to expend energy and resources documenting the success of other options or providing plans on how native-language instruction can be achieved in the future. The Department's energy also is absorbed in enforcing native-language instruction rather than fulfilling its two primary functions of overseeing school districts: ensuring that students are progressing academically and documenting that earmarked funds are being spent to supplement the education of English learners.

Department policies, manuals declare native-language instruction is best

That the Department favors native-language instruction is not in dispute. In testimony to the Commission, the Department's representative said that the Department believes academic research proves that native-language instruction is the best method of teaching immigrant children English.[24] In the Department's "Bilingual Education Handbook: Designing Instruction for LEP Students," issued in 1990, the then-Superintendent of Public Instruction wrote:

> *In effective bilingual programs ... the language the child is familiar with from his or her upbringing is used to expand the student's general knowledge of the world and higher-order thinking skills until a command of English is developed sufficiently to allow a transition to the mainstream program. ... The main responsibility of a bilingual program, as defined by the California Legislature, is to help limited-English-proficient students become fluent in English and strive toward academic parity. Modern research has found that the fastest and most effective way for most students to retain both fluency and parity is through development al instruction in the home language supplemented by English-as-a-second-language classes.*[25]

In "Schooling and Language Minority Students: A Theoretical Framework," the Department compiles several academic papers about language acquisition principles -- all firmly pointing toward native-language instruction as the key to teaching English learners effectively and efficiently. The book is an attempt, according to the Department's Introduction, to provide "empirical" evidence that native-language instruction is the best choice. In the Introduction, the Department writes:

> *Most educators, government officials, parents and community members would agree that the goal of educational programs designed for language minority students is to allow such students to develop the highest degree possible of language, academic and social skills necessary to participate fully in all aspects of life. More specifically, as a result of an instructional treatment, language minority students should attain: 1) high levels of English language proficiency, 2) normal cognitive and academic achievement, 3) adequate psychosocial and cultural adjustment, and 4) sufficient levels of primary language development to promote normal school progress. ... To accomplish this, educators must rely upon empirical evidence rather than "folk remedies" as a guide to professional decisions for selecting and implementing instructional programs for language minority children.* [26]

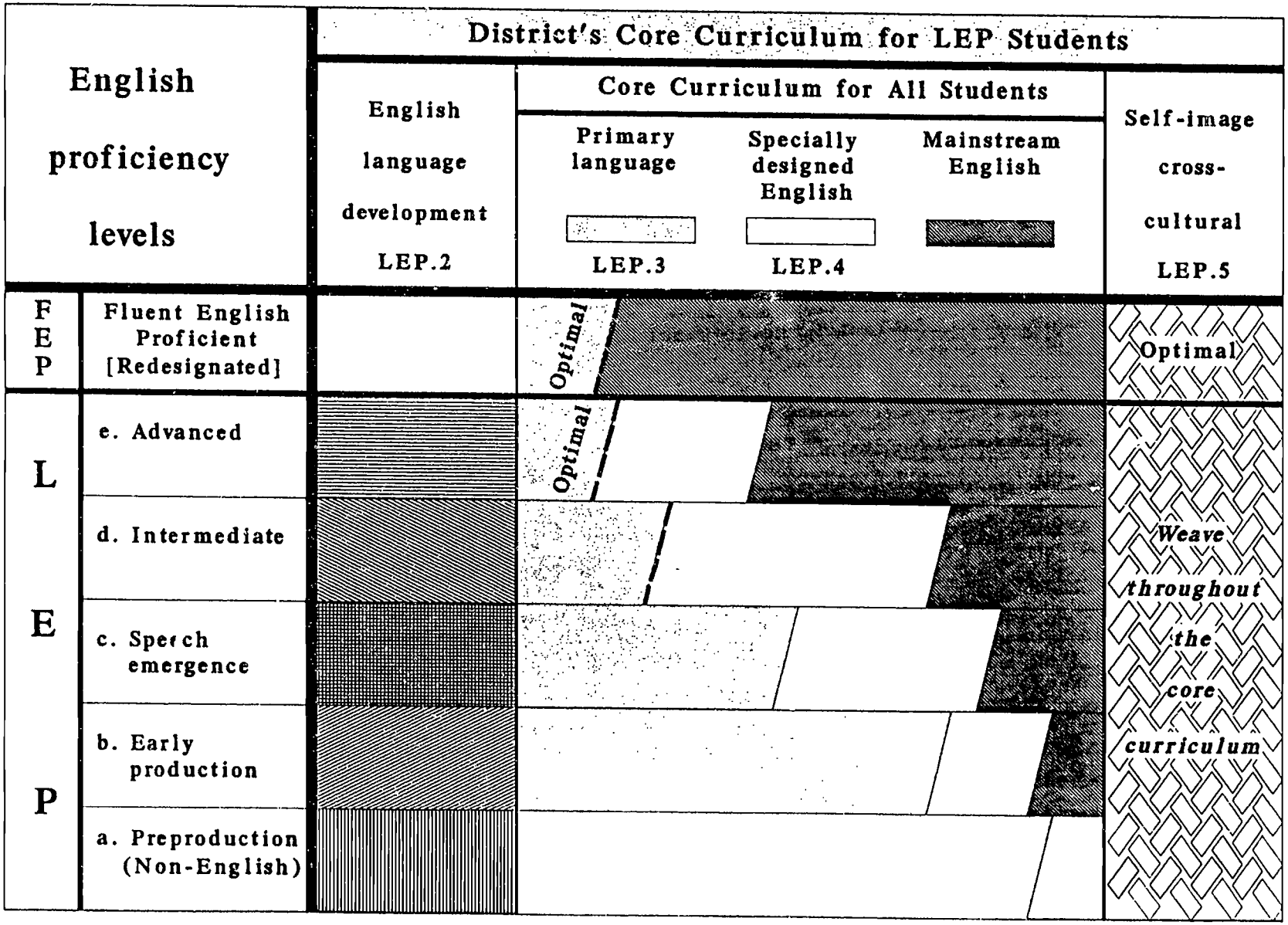
And in a handout entitled "Building Bilingual Instruction: Putting the Pieces Together," the Department makes it clear that schools should provide native-language instruction in varying degrees, depending on the individual student. The Department says that an assessment of the student's primary language proficiency -- in addition to the assessment of their fluency in English -- is important to determine the correct mix of academic instruction in English and in the native language. Students who are literate and proficient in their own language:

> *...may be able to progress more rapidly to specially designed and mainstream instruction. Primary language instruction may no longer be required after students have reached advanced proficiency levels in English. ... Nevertheless, continued use of the primary language for some aspect of*

> *content instruction is optimal and contributes to the goals of reinforcing a positive self-image for LEP students and ensuring that they enjoy the personal, social, academic and professional benefits of additive bilingualism.*[27]

The diagram on the next page, taken from the same handout, illustrates the Department's viewpoint of what each school's program for English learners should look like.

Figure 1. General Program Design for LEP Students



This is a pictorial representation of how the compliance items, LEP.2, 3, 4, and 5 fit together programmatically. For program requirements please refer to these items in the *Coordinated Compliance Review Manual (CCR).*

As Chart 12 indicates, the Department expects the core curriculum for students to be taught in the student's primary language almost exclusively in the early stages of learning English and to a diminishing -- yet ever-present -- degree over time.

Coordinated Compliance Review enforces Department's perspective

The Department enforces its viewpoint through its Coordinated Compliance Review process, which includes a section on programs for students not fluent in English. To pass this review, school districts must demonstrate that they have fulfilled 12 requirements. These requirements are that the district has:

1. Properly identified, assessed and reported all students who have a primary language other than English and who do not speak English proficiently.

2. Placed students who do not speak English fluently into a program of instruction in English language development.

3. Given each student primary language access to the core curriculum (based on the level of proficiency in their own language and in English).

4. Made specially designed academic instruction in English available for those students who are advanced enough in English to warrant it.

5. Promoted positive self-image and cross-cultural understanding throughout the curriculum.

6. Assigned an adequate number of "qualified" teachers to implement the English language development program.

7. Assigned an adequate number of "qualified" teachers to implement the primary-language-instruction program.

("Qualified" means that teachers for primary language classes must be bilingual, while those for English language development and specially designed classes must be language development specialists. When it is impossible to meet this criteria because of a lack of available qualified teachers, the district must have a plan to remedy the shortage.)

8. Created an in-service training program to provide existing and future teachers with the skills needed to meet the needs of English learners.

9. Used general funds for program support for English learners and have used earmarked special funding only to supplement the general funds, not to supplant them.

10. Notified all parents of students whose native language is not English about the results of language capability assessments.

11. Adopted a procedure to ensure that participation in the bilingual education program is voluntary on the part of the parent or guardian.

12. Set up a legally required bilingual advisory committee.[28]

Six options exist for schools not providing full native-language plans

Districts with programs meeting all of the requirements are given a clean bill of health by the Department. For those that do not meet the requirements, the department has six options that districts may use as alternatives to strict compliance, three of them dealing with the "qualified teacher" requirements. They are:

* ***Option 1: Demonstration of educational results.*** This paper-intensive procedure allows a school district to adopt a completely different approach to the curriculum for English learners -- but only if it can prove that the present students or students formerly in the alternative program are performing at a level that is equal to or greater than the statewide average of all students. The proof must be present for each language group for which the district wants to adopt the alternative program.

* ***Option 2: Assignment of teachers with CTC authorizations.*** A district can qualify for having complied with the teacher requirement by demonstrating that all of its staff dealing with English learners have special certificates issued by the Commission on Teacher Credentialing (bilingual certificates for primary-language instruction and language development specialty certificates for other courses).

* ***Option 3: Local designation of other qualified teachers.*** Districts may set up their own rigorous,

Department-reviewed criteria for determining that teachers are "qualified" to teach English learners.

* ***Option 4: Plan to remedy shortage of qualified teachers.*** When the school district has demonstrated that it has tried everything to obtain the proper number of properly certified teachers and has still been unsuccessful, the district may create a plan that shows the steps it will take over some definitive time period that could be reasonably expected to remedy the shortage.

* ***Option 5: General waiver authority.*** If a district's good-faith efforts to obtain the human and material resources it needs to run a Department-approved program have failed, the district may seek a waiver from the State Board of Education covering specific requirements or for the authorization to run an alternative program. The waiver does not relieve the district from the federally mandated responsibility to provide special language services to each non-English-fluent student.

* ***Option 6: Small and scattered LEP populations.*** If a district has fewer than 51 and no single school has more than 20 students in a particular language group, the district is exempt from meeting the compliance review items for that language group.

It is not a simple matter to categorize how each of the 864 districts that have one or more students who do not speak English fluently is meeting the language need. A district that has a fully Department-sanctioned program for one language group may need to use one of the options to satisfy the legal requirements for other language groups. For instance, a hypothetical district might have a program of native-language instruction appropriately staffed for its Hispanic and Korean students, but may have 75 Farsi students for whom certified teachers cannot be obtained (thus requiring Options 3, 4 or 5) and 15 Urdu students (Option 6).

From a statistical perspective, Options 2, 4, 5 and 6 are the most frequently employed. The Department says that in 1991-92, approximately 500 districts were using teachers qualified through the Commission on Teacher Credentialing (Option 2). Under Option 4, 490 districts have filed Department-approved plans to remedy the shortage of teachers -- which means that more than half of the school districts are operating Department-

approved programs without the staff that the Department believes is critical to the success of the programs. The State Board of Education has granted waivers to approximately 300 school districts (Option 5). And about 850 school districts are covered by Option 6, which pertains to "scattered" language populations. Of those, approximately 400 have so few English learners from each language group that Option 6 is the only mechanism they need to meet state requirements.

The least-used options are the ones that have the potential to provide districts with the most flexibility in designing programs. But obtaining Department approval for these options has proven procedurally difficult. Option 1, which only 12 districts used in 1991-92, requires a school district to prove annually that its alternative program works at least as well as the English-only curriculum works for English-native students by showing that former English learners are scoring average or above average compared to students statewide on standardized tests. Schools that simply adopt the Department's native-language focus are not required to document that -- or any -- level of success.

The process for using Option 3, when a local district has received state approval to determine on its own who is a qualified teacher, has been followed by only three school districts. The clue to the lack of Option 3's use may come in the Department's technical assistance manual for the option, which warns of the disadvantages:

> *Among the possible disadvantages of local designation are the costs of development of local assessments, the difficulty of establishing their validity and reliability, the probable legal exposure to allegations of bias or unfairness, the administrative burden and costs of test administration, scoring and security, and the costs of management-bargaining unit negotiations on evaluations. ... The use of the local designation option may result in a permanent employment and personnel responsibility which must be exercised with a great deal of care.*[29]

Process favors schools that follow Department philosophy, punishes those that do not

Thus, the Department has not only been vocal about its support for native-language instruction but it has also constructed a process that rewards schools that follow its favored methodology and punishes schools that do not. The punishment comes in the form

of procedural barriers and requirements for extensive documentation -- all repeated annually.

In addition, school districts that fail to comply with the 12 requirements or to win approval for one of the six options can be deprived of state funding that is apportioned based on the number of English learners in the district. The Department says no district has lost funding, but some have been threatened with the loss and others have had funding delayed until an agreement with the Department was reached.

Is the Department's pro-native-language activism appropriate? The Department endorses a single academic approach despite the absence of such a directive from either federal or state policy makers. As indicated in the Background section, the responsibility of schools to meet the needs of English learners is laid down in Title VI of the Civil Rights Act of 1964 and the Equal Educational Opportunity Act of 1974. Repeatedly courts have ruled that federal law dictates no particular method of meeting this obligation -- only that schools must provide special services designed to overcome the language barriers confronting those not fluent in English.

The *Castaneda* ruling specifically says a school district may use any educational approach that is recognized by at least some experts as sound or legitimate. Further, the *Berkeley* ruling stated that the Equal Educational Opportunity Act "does not require school districts to adopt a specific educational theory or implement an ideal academic program." Both rulings note that Congress, in directing school districts to take "appropriate action" rather than "to use bilingual education," intended to ensure that districts would make good-faith efforts, consistent with local circumstances and resources, to remedy language barriers.

While Title VII of the Elementary and Secondary Education Act says it is the policy of the federal government to encourage the use of native-language instruction, the act clearly endorses the use of other methods when appropriate because of lack of resources, multiplicity of languages or student needs. The law specifically leaves it to states and local school districts to select the curriculum that is most appropriate for students and conditions locally.

In the legal world, states typically may enact laws that are more restrictive than federal mandates. In other words, a state could choose to more narrowly define how

services are delivered to students as long as the federal government's broad mandates are met. This means that the Department could enforce a specific curriculum approach if it were taking its direction from the State's policy makers -- that is, the Legislature and the body that the Legislature has delegated education policy to, the State Board of Education. Neither body has directed, however, that native-language instruction is to be the method of choice in California schools.

Although the State no longer has a law directly pertaining to education for English learners, the Legislature did describe the mission of schools in serving students not fluent in English in statutes that were later sunsetted. The Legislature said that the primary goal of education for students not fluent in English "is, as effectively and efficiently as possible, to develop in each child fluency in English." Relegating all other functions to a secondary status with the use of the word "also," the Legislature said the educational programs also should provide positive self-images, promote cross-cultural understanding and provide equal opportunity for academic achievement -- "including, ***when necessary,*** [emphasis added] academic instruction through the primary language."[30]

The State Board of Education has been more specific in its adopted policy about leaving program choices up to school districts. The Board establishes a framework of school district flexibility in designing a program to meet local needs and in determining appropriate staffing levels to meet those needs. In addition, the Board policy states: "Viable program options for [English learners] shall include instructional programs that use the student's primary language and those that do not."

Department policy inappropriate in light of federal, state and court flexibility

While the Department can argue that it does not preclude districts from using methods other than native-language instruction, the preponderance of evidence shows that the Department's energies and procedures are devoted to making it difficult for schools to make any other choice. The Department's systematic enforcement of a single method, namely native-language instruction, is inappropriate for a body that is supposed to implement policy established in federal and state directives.

Is the Department warranted in backing native-language instruction as the single best choice? The Department justifies its favoritism by insisting that the

solid body of empirical evidence is on the side of native-language instruction. But a review of the literature reveals that studies have yielded conflicting results and the quality of research in this area has been extensively criticized.

Time on task, facilitation are two differing language theories

Academic theorists in general break down into two camps. The broad outline of one camp is capsulized in the phrase "time on task" -- the more time you spending hearing, speaking and learning a language, the faster you will acquire proficiency in it. This camp tends to support immersion concepts and intensive English development classes. The other camp believes instead in "facilitation" -- the more literate and proficient you are in your first language, the easier it will be for you to acquire a second language because you will not have to learn basics, like what grammar is, what a paragraph is, what a sentence is, etc. For this reason, this camp believes native- language instruction should be used until a child is literate in the first language.

There are some areas of agreement by academics. There appears to be general consensus, for instance, that "concurrent translation" -- teaching classes in English while someone translates into the native language -- does not work. Instead of learning English, the student blocks the words out until they are repeated in the language he or she already understands. Similarly, no one thinks that submersion -- throwing students into English-only classes with no help whatsoever -- is a viable option.

But there are just as many areas of disagreement. For instance, native-language-instruction advocates maintain that proficient conversational knowledge of a language takes only one or two years, while the ability to use and understand a language academically takes between four and six years (or five and seven years, depending on the theorist). Time-on-task supporters believe students may become academically proficient in two to four years.

The Commission reviewed dozens of academic studies and papers on both language acquisition theory and transitional bilingual education. While professing no expertise of its own with which to judge the conflicting claims, the Commission examined many critiques -- research on the research, so to speak -- and found compelling evidence that experts in the field have not reached agreement on many essential elements of language acquisition theory.

Krashen is the leading proponent of native-language instruction programs

For instance, University of Southern California professor Stephen Krashen's theory of language acquisition is the underpinning for the California push for native-language instruction. His writings can be found in State Department of Education publications, he helped design the model Eastman bilingual program that has been extensively showcased by the Department, and the California Association for Bilingual Education has published his work. Krashen's paradigm for language acquisition centers on the following concepts:

* Language is acquired subconsciously.

* Acquisition occurs when students receive "comprehensible input" -- when they understand the message being conveyed. This is more easily accomplished when students are literate or knowledgeable in their first language.

* The part of the brain responsible for language acquisition will not receive comprehensible messages if the student is anxious, has low self-esteem or does not consider him or herself to be a potential member of the group that speaks the language (the "Affective Filter" factor).

* The use of native-language instruction allows students to have a broader knowledge base and eventually have an easier time of receiving "comprehensible input" in the new language.

* The use of native-language instruction also heightens self-esteem and respect for the student's cultural heritage, decreasing the affective filter factor.[31]

Putting the elements of his theory to work in practical terms, Krashen argues strongly for native-language instruction:

> *A powerful means of making input comprehensible, and thereby helping language acquisition, is providing background knowledge. ... When students learn subject matter in the primary language, they gain knowledge, knowledge of the world as well as specific subject matter knowledge. This knowledge in turn makes English input more comprehensible, and thus speeds second-language acquisition.*[32]

Not all academics accept the validity of Krashen's language acquisition theory

While Krashen's overall theory is well-regarded by many educators, it has not received universal acceptance by academic theorists. In a paper for a 1990 conference, University of California, Santa Cruz, professor Barry McLaughlin writes:

> *Krashen's theory clearly represents the most ambitious theoretical account of the second-language learning process that we have. Indeed, Krashen has argued that his paradigm provides a general or "overall theory" of second-language acquisition with important implications for language teaching. The theory has achieved considerable popularity among second-language teachers in the United States. This is due in large measure to Krashen's ability to package his ideas in a way that makes them readily understandable to practitioners. On the other hand, the theory has been seriously criticized on various grounds by second-language researchers and theorists (Gregg 1984, Long 1985, McLaughlin 1978, Taylor 1984). Indeed, "Krashen-bashin'" has become a favorite pastime at conferences and in journals dealing with second-language research.*
>
> *...Krashen has made broad and sweeping claims for his paradigm, claims that would be disputed by most researchers in the field today. For instance, in advocating the Natural Approach to second-language teaching, Krashen ... argued that this approach "is based on an empirically grounded theory of second-language acquisition, which has been supported by a large number of scientific studies in a wide variety of language acquisition and learning contexts."*
>
> *This is, at best, a controversial statement. Many of Krashen's critics would maintain that he has not defined his terms with enough precision, that the empirical basis of the theory is weak, and that the theory is not clear in its predictions.*
>
> *This is not to say that Krashen is wrong in all of his prescriptions about teaching. I*

and many researchers working in the field agree with him on basic assumptions, such as the need to move from grammar-based to communicatively oriented language instruction, the role of affective factors in language learning, and the importance of acquisitional sequences in second-language development. But I and most other researchers would stress the need for more research on each of these topics. We are uncomfortable with general all-inclusive theories at this stage of our knowledge.

Nonetheless, many practitioners accept Krashen's theory as the word of God and preach it to the unenlightened. In their enthusiasm for the Gospel according to Krashen, his disciples do a disservice to a field where there are so many unresolved theoretical and practical issues and where so many research questions are unanswered.[33]

Cummins' facilitation theory also attracts criticism from other academics

Krashen is not a unique target for criticism. James Cummins of the Ontario Institute for Studies on Education has been the key figure behind facilitation theory, another important underpinning of native-language instruction, and he has come in for his share of controversy. To explain conflicting results of early studies of native-language-instruction programs, Cummins hypothesized that there is a "common underlying proficiency" threshold in the native language that, when reached, allows the student to make dramatic leaps forward in acquiring the second language. Studies where results were poor came from students who had not yet reached the common underlying proficiency stage in their native language.

Keith Baker, a harsh critic of bilingual education research, writes of Cummins:

More than a decade of research and literally thousands of studies since Cummins first proposed his theory have confirmed neither the theory nor the effectiveness of bilingual education programs in the long run. There have been a number of reviews and discussions of the effectiveness of bilingual programs on performance in English and other academic subjects (Troike 1978; Baker & de Kanter 1981, 1983; Rossell &

Ross 1986; Rotberg 1982; Willig 1985; Yates & Ortiz 1983; Peterson, Berry, Abbott, Kruvant, Sundusky, Chow & Ortega 1976; Holland 1986; Ravitch 1983; Dulay & Burt 1978) and the following conclusions can be drawn from this literature:

- *Poor study design and poor methodology abound.*
- *Bilingual educators and program advocates reach far more positive conclusions when reviewing the literature than do reviewers from outside the bilingual education field.*
- *Reviewers from outside the bilingual education field ... are quite pessimistic about the effectiveness of bilingual education.*
- *The most positive thing that can be said about bilingual education from these reviews is that its effectiveness in meeting the special needs of [English learners] remains to be proven.*
- *Most bilingual programs have no effect on raising performance levels of English and other academic subjects. Some programs have a positive effect; some programs have a negative effect.*

In spite of the lack of empirical support for Cummins' post-hoc theorizing, the facilitation supposition has been overwhelmingly accepted as fact by bilingual educators.[34]

Research reviewers find very few studies that are free of flaws

The contentious atmosphere surrounding research in the language acquisition academic field is captured neatly in the prelude to a study by Ann C. Willig of the University of Texas at Austin:

> *With regard to quality, the inadequacy of research on bilingual education is evidenced by the fact that in each major attempt to review the research evidence,*

> *reviewers rejected a majority of the studies on methodological grounds. ... For example, Troike (1978) reports that only seven of 150 research and evaluation reports surveyed at the Center for Applied Linguistics were adequate for inclusion in a review. Dulay and Burt (1978) surveyed 180 studies and found only 12 to be acceptable for review. Likewise, Baker and de Kanter (1981) found that only 28 of 300 studies met their criteria for methodological adequacy. Inadequacies of the research studies in general were reflected in research design, in the failure to document or describe the educational programs under scrutiny, in the statistical treatments of the data, and in the failure to equate the experimental and comparison groups on such characteristics as language proficiency and socio-economic status....*
>
> *The problems inherent in unraveling the tangled mass of evidence from the large variety of programs that have been studied have been addressed by Swain (1979), who points out that it is necessary to take into consideration differences in the various programs, in the children attending the programs, in the communities in which the programs operate, and in the research strategies employed in the studies themselves. As Swain points out, that is a rather large order. "Attempting to come to grips with all the literature, and the contradictory conclusions reached in the various research and evaluation studies, quite simply, boggles the mind."*[35]

A study by the Congressional Research Service in 1986 similarly found that research had yet to produce a definitive answer about educating English learners. "There is no consensus on a single successful instructional approach. ... Well-trained sensitive teachers who individualize their instructional approach...are successful in improving the academic achievement of [non-English-fluent] students."[36]

A General Accounting Office (GAO) report in 1987 did little to settle arguments. The GAO selected a panel of 10 linguistic experts, purportedly balanced in viewpoint about bilingual education, and provided them with

selected reviews of academic research on programs to educate English learners. The GAO then asked the panelists a series of questions about what the research indicated.

Panel of 10 experts split on questions about methods that work best

Six out of 10 of the experts believed that there is enough research evidence to warrant using native-language instruction to facilitate English proficiency and five out of 10 believe there is enough evidence to back the method for learning other educational material. Seven out of 10 felt there was no clear-cut evidence to either support or reject methods of instruction other than native-language courses. The GAO concluded from its selective "opinion" poll that the U.S. Department of Education was remiss in characterizing research as too ambiguous to allow definitive conclusions. The GAO admitted, however, that selecting a panel of 10 different experts might yield different results.[37]

The U.S. Department of Education's reply was scathing:

> *In short, GAO neither conducted a satisfactory opinion poll (since those polled were not a representative sample of anything, their collective views have no greater statistical significance than their individual views); nor did it conduct a full-scale research review, synthesis or meta-analysis; nor did it furnish its readers with enough information on the basis of which to form their own conclusions.*
>
> *...Let us be clear on this crucial aspect of the Department's position. We have never suggested that "transitional bilingual education" ought to be forbidden or eradicated, much less that the federal government should ban it. We have simply maintained that there is no sound basis in research for requiring local school districts to employ only this among the many possible approaches to bilingual education. In general, American society entrusts to local and state processes important choices among curricular and pedagogical strategies. Especially where the research presents no conclusive evidence as to the superior effectiveness of one method, let us permit diversity, innovation,*

experimentation and local options to flourish.[38]

Panel results called puzzling by participant who said evidence shows weak research

One of the participants on the GAO panel -- a professor of history and therefore not a direct participant in the normal academic battles over language acquisition methods -- wrote a blunt assessment of the study:

> *...I was frankly puzzled by the results you reported. You polled ten scholars and came up with a judgment favoring bilingual education; I was one of the minority who saw very clearly in the material you circulated the repeated statement that the research available is too weak, too inconclusive and too politicized to serve as a basis for national policy. The paucity of the available research was noted in several of the articles you sent us. If the majority of the panel chose to ignore this, then I must say that I am not much impressed by the majority's vote. Perhaps the majority drew upon research that was not contained in the packet you distributed. Based on what we were asked to judge, I find the conclusions you report to be insupportable. I have no doubt that you accurately reflect those polled, but I am at a loss to understand on what evidence their judgments were based.*[39]

Another panel participant was also highly critical of the objectivity of the panel specifically and of all native-language-instruction research in general:

> *Actually, even the total population of opinion is likely to be biased because most of the research and synthesis in this field has been carried by those who have been funded by "true believers" within and outside government intent on showing the superiority of a single approach. Even the opinions of teachers and others funded in such programs are suspect because their jobs depend on such programs. Getting information from such source is like asking your barber if you need a haircut.*

Second, much of the research is wretchedly planned and executed, and little can be concluded from it.[40]

None of this is to indicate that the federal and state governments have not tried to obtain definitive research results. The federal government's latest large-scale attempt is the 1991 "Longitudinal Study of Structured English Immersion Strategy, Early-Exit and Late-Exit Transitional Bilingual Education Programs for Language-Minority Children" by Aguirre International (known as the Ramirez report for lead author J. David Ramirez). California's entry in this class is the five-volume, 1992 "Meeting the Challenge of Language Diversity" by BW Associates. These two studies and the academic community reaction to them are summarized below.

Federal Ramirez study found all three types of programs effective

As its title suggests, the Ramirez report looked at immersion and two types of native-language instruction programs to compare their effectiveness. Data was collected for four school years (1984-85 through 1987-88) on about 2,000 Spanish-speaking students in nine school districts across the country (three in California, two in Texas, one in Florida, one in New York and two in New Jersey). Among the study's major findings were that:

* All three programs are effective in meeting the needs of students who do not speak English fluently.

* The students all reached comparable skill levels in mathematics, language and reading when tested in English and were increasing those skills at about the same rate from kindergarten through third grade.

* Students in the late-exit program showed a continued acceleration in the rate of learning growth from fourth to sixth grade, suggesting that they were closing the gap with students in the general population. (However, fifth- and sixth-grade statistics were not gathered for students in the other two programs, which were designed to end no later than the fourth grade. This means there is no data comparable to the late-exit program data.)

The study's authors warned against generalizing the findings to programs outside of those studied, despite

the fact that the federal government paid for the study precisely to be able to draw conclusions that would drive policy affecting all programs to teach English learners. The authors wrote:

> *First, study results are relevant only to those programs serving Spanish-speaking language-minority students. Research suggests that second language learners of English with a primary language other than Spanish acquire English language skills differently.*
>
> *Secondly, study results are applicable only to those instructional programs exhibiting the same characteristics as those in the study. The research objective was to examine three specific instructional treatments. ... In effect, these programs represented the optimal (and not the range of) implementation of each instructional model.*[41]

Rival theorists all find support in results from Ramirez study

Looking much like participants in a county fair's greased pig contest, both sides of language-acquisition academia have tried to grab different portions of the Ramirez study to prove their points -- but for the most part the study has proven to be a slippery animal. Those who support intensive native-language instruction make much of the facts that 1) children in immersion classes -- who supposedly were exposed to the most English -- did no better than students in other programs in the early years and 2) long-term native-language instruction appeared to increase academic achievement over time. James Cummins of the Ontario Institute for Studies on Education and Michael Genzuk of the University of Southern California write of the Ramirez study:

> *...it has achieved at least two important outcomes: first, it has demonstrated that sustained promotion of children's primary language can be an effective route both to academic excellence and literacy in two languages; second, it has unequivocably refuted the notion that intensive exposure to English is the best way of teaching language minority children.*[42]

Those who support immersion programs, however, view the Ramirez report as showing that non-native

students do well if they are taught from the first day in English only, as long as they are given adequate structure and support and as proving that native-language instruction is not the single, best method of teaching English learners.

The National Academy of Sciences found Ramirez study poorly designed

Shortly after the release of the Ramirez report, the *Bilingual Education Journal* devoted an entire 250-page edition to the report and extensive critiques of the report's shortcomings. But perhaps more significant was the National Academy of Sciences assessment of the study, since the academy is the country's key arbiter of scientific rigor. The U.S. Department of Education sought the academy's opinion of the Ramirez study (and one other more minor study contracted for by the Department), specifically asking whether additional analysis of the data would be productive. The Department reported that the academy's findings included:

> * *The formal designs of the studies were ill-suited to answer the important policy questions that appear to have motivated them. Because of the poor articulation of study goals and the lack of fit between the discernible goals and the research design, it is unlikely that additional statistical analyses of these data will yield results central to the policy questions to which these studies were originally addressed.*
>
> * *The absence of clear findings in the studies that distinguish among the effects of treatments and programs relating to bilingual education does not warrant conclusions regarding differences in program effects -- in any direction.* ***The studies do not license the conclusion that any one type of program is superior to any other nor that the programs are equally effective (emphasis added).***[43]

California's BW study appears to have left just as many partisans unhappy as did the Ramirez study. BW Associates focused on five models of education for English learners:

Despite this clear statement by the authors of the study, native-language advocates have insisted that the study proves their method is the most effective ("The research showed that a bilingual program is more effective in English acquisition than a pullout program," the California Association for Bilingual Education told the Commission) and supporters of immersion have attacked the study as pro-native-language instruction.

The in-depth discussion above focuses on the quality of research and the lack of agreement among reputed experts on what various studies have proven or not proven. That is because the Commission's purpose at this point is to demonstrate that the Department's persistence in supporting native-language instruction as the best method is unwarranted because the "solid, empirical evidence" that the Department has claimed exists is simply not there with any consistency or acknowledged legitimacy.

The Commission notes that there are dozens of studies that show a variety of methods working, some well and some poorly. The studies, reviews and papers examined by the Commission beyond those discussed above are summarized in **Appendix D**.

Department stance is unwarranted since research shows a variety of methods work

The Commission reiterates that it has neither the expertise nor the desire to evaluate each of the academic writings, listed in **Appendix D** to demonstrate the Commission's awareness of the breadth of work that has been carried out. The point is not for the Commission to prove that native-language instruction does or does not work; studies show that in many instances it does. But in addition, studies show that other techniques work and, in California, at least 12 school districts have "proven" their success through test scores with alternative methods to the satisfaction of the Department of Education. In light of the array of results, the Ramirez-BW posture is reasonable -- various methods work -- and the Department's choice of one singular method -- native-language instruction -- is clearly unwarranted.

Is the Department's vision of native-language instruction for English learners feasible? There are at least two reasons to suspect it is not feasible:

* Despite the Department's pursuit of a native-language policy since the mid 1970s, only about one-third of English learners in California receive this kind of schooling.

85

- English as a Second Language, where students attend mainstream classes but are pulled out of the regular classroom at regular intervals to have English language instruction.

- Sheltered English, a form of immersion that teaches a specially created core curriculum in English and has English instruction occur within the classroom setting.

- Bilingual Late Exit, where students are expected to become fully literate in the native language before transitioning to mainstream classes.

- Bilingual Early Exit, which modifies the Late Exit approach by transitioning the students earlier and not expecting full literacy in the native language.

- Double Immersion, specialized programs that offer both English learners and native English speakers the opportunity to become fully functional in two languages.

State study echoed Ramirez finding: Different methods are effective

BW sought and studied five schools that they believed operate optimum models of each of these approaches. Although the study produced volumes of material, the conclusion was very similar to Ramirez: all of the options work, and the success of each is greatly dependent on how they are implemented by the individual school. The Executive Summary posed the question: Is there a single model or approach to educating [English learners] that is the most effective and cost-effective method of teaching? The answer:

> *The public debate about this question has too often been cast as a choice between bilingual or English-only programs. The challenge of educating [English learners] is much too complex to be reduced to such a simplistic formulation.*
>
> *...The literature suggests that students can learn English with any of these approaches, but it does not resolve the deeper issue of which model is more appropriate for students to become literate and skilled in core subjects. Our study, which necessarily relied on existing data, could not resolve this issue...*[44]

* Due to the diversity of languages -- scattered in some instances and concentrated in small pockets in other instances -- throughout the State, there are simply no teachers who speak many of the languages that would be required (as will be explored further in Finding 3).

Chart 13 below shows how many students are served by the different types of programs used in California schools.

Chart 13

Number of Students Served by Different Language Assistance Programs, 1992

Type of Program	Students
Instruction in English as a language	161,689
English and specially designed academic instruction in English	117,650
English, academic instruction in English, and primary language support	182,343
English and academic instruction in the primary language	359,829
Not enrolled in the instructional programs described above	257,185
Statewide Total	**1,078,705**

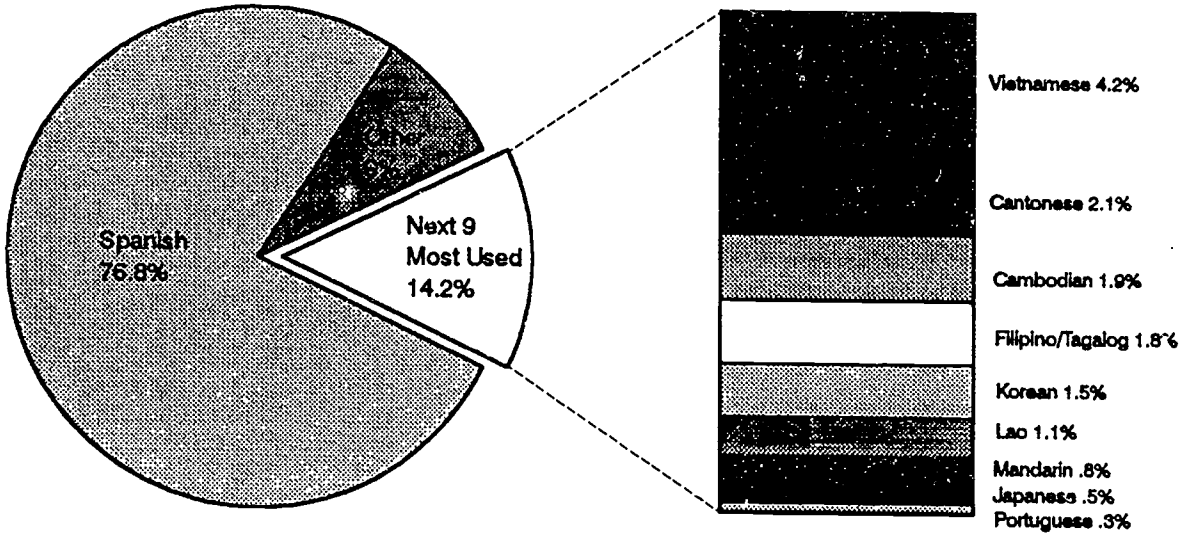
Source: State Department of Education

As the shaded area of Chart 13 indicates, 359,829 students are enrolled in programs that offer academic instruction in the primary language. Another 257,185 receive no special assistance at all, while the remaining 461,691 are in other types of language acquisition and academic programs. Thus, despite the Department's intensive push for native-language instruction, only about one-third of the English learners attend academic courses in their primary language.

Chart 14 shows the most common languages in schools in 1992. (**Appendix C** is a more complete breakdown of different language groups for the years 1987 through 1991, along with the percentage of five-year growth for each language group.)

Chart 14

Primary Languages for Students Not Fluent in English, 1992



Source: Department of Education

Spanish is the primary language of more than three-quarters of the students who do not speak English fluently, as Chart 14 indicates. Various Asian languages are responsible for most of the next nine largest language groups, with Vietnamese (4.2 percent) and Cantonese (2.1 percent) leading. But the statewide statistics are not always reflected in the patterns at individual school districts. Chart 15 on the next page shows the breakdown for Los Angeles Unified School District.

Chart 15

Enrollment By Language Groups
Los Angeles Unified, 1991-92

Language Group	Enrollment	% of Total Non-English
1. Spanish	238,548	90.39
2. Armenian	5,267	2.00
3. Korean	4,339	1.64
4. Cantonese	2,571	.97
5. Vietnamese	2,090	.79
6. Pilipino	2,062	.78
7. Farsi	1,448	.55
8. Russian	1,145	.43
9. Cambodian	937	.36
10. Hebrew	634	.24
11. Thai	482	.18
12. Arabic	459	.17
13. Japanese	328	.12
14. Mandarin	259	.09
15. Chiu Chow	243	.09
16. All others	3,096	1.17

Source: Los Angeles Unified School District

As Chart 14 shows, more than 90 percent of the non-English-speaking students at Los Angeles Unified School District have Spanish as their primary language. Los Angeles Unified's next biggest language group, Armenian, is not even on the statewide top-ten list, nor are Farsi, Russian, Hebrew, Thai, Arabic and Chiu Chow. In addition, two languages on the state top-ten list -- Lao and Portuguese -- are not present in any significant numbers at Los Angeles Unified.

The principal of one elementary school in Los Angeles Unified School District -- Alexandria Avenue Elementary School -- told the Commission that her

student body of 1,750 included 74 percent Spanish-speaking students and 18 other languages: Tagalog, Korean, Pilipino, Thai, Vietnamese, Lao, other Philippines languages, Twi, Urdu, Punjabi, Arabic, Hindi, Indonesian, Bengali, Portuguese and Sinhalese.

The Elk Grove School District in Sacramento County has 4,200 English learners who speak 50 different languages, among them Spanish, Russian, Vietnamese, Cantonese, Mandarin. Hmong, Mien, Lao, Romanian, Hindi, Punjabi, Pilipino, Korean, Arabic, Cambodian, Thai, Portuguese, Urdu and Farsi.

Different districts face the challenge of a variety of non-Spanish languages

Thus, while statewide statistics give an indication of the diversity of languages faced by schools, they tell little about the individual language "pockets" that different districts and schools may face because of localized groupings of immigrants. For instance, the largest number of Hmong students is in Fresno County (7,789), the most Cantonese are in Los Angeles (6,845) and San Francisco counties (5,649), and the largest number of Vietnamese are in Orange (9,843) and Santa Clara counties (7,812).[45]

In addition to core language groups, there are a variety of dialects. In Chinese, for instance, there are more than 300 dialects and Spanish varies from the Castillan formal to Cuban, Puerto Rico and Mexican.

None of these statistics and factors make it easy to put together a native-language program for each individual student who is not fluent in English. Problems arise when schools attempt to implement native-language instruction without regard to different language groups that may be present. This was demonstrated when a newspaper discovered that the schools in San Francisco:

* Placed 325 children who spoke a language other than English in "native-language" classes in yet a third language. Many students were bounced from year to year between Chinese native-language, Spanish native-language and regular classrooms -- none of which matched their native language.

* Disproportionately placed English-speaking African Americans in bilingual classes. While making up only 18 percent of the student body, African American's represented 50 percent of the English-only students in native-language instruction classes.[46]

The district denied neither finding. But officials said the goal of integration requires them to place English-only students in bilingual classes, and they said that often there is not enough space in appropriate native-language classes for English learners.

With so many languages spread throughout State, native-language methods are not feasible

Thus, school districts face logistical limitations when they implement wholesale native-language instruction programs without regard to specific student populations. While three-quarters of the English-learners speak Spanish and could be served by native-language programs if enough bilingual teachers were certified, the remaining one-quarter -- roughly 250,000 students -- speak other languages and could not be expected to benefit from so-called "native-language" instruction in Spanish. For these students, the Department's emphasis on native-language instruction is simply not feasible.

Is the Department's single-minded pursuit of native-language instruction counterproductive? Districts that have completed the Department's rigorous Option 1 (alternative-method program) and those who have wished they could told the Commission that the extensive documentation required diverts resources and energy from school district programs. Many districts find it easier to go along with the Department, regardless of the individual needs of the districts' specific language groups.

One district that had been an Option 6 district in the past (only small, scattered populations of non-English-fluent students) was unhappy to find that the program it had developed over the years would not satisfy the Department once the English learner population grew large enough to meet state guidelines. The teachers' association president wrote:

> *Now, as we are coming to grips with ever increasing numbers of immigrant children, we find that our program has worked out the inevitable kinds to the point where these children are developing a functional vocabulary in English surprisingly fast. Because of this success, we are dismayed to learn that we are not in compliance because we do not have a bilingual teacher in charge! How ridiculous! We deal with children of several languages, so in reality a teacher of multi-languages would be ideal. However, having a single language staff is actually more consistent with our*

program of total immersion in English language experiences. How can you justify that we are being forced to throw out this highly successful program to institute a bilingual situation that cannot be successful?[47]

In addition, critics complain that the excuse of not having enough bilingual teachers to run a native-language-instruction program takes the pressure off schools to find ways to succeed in educating English learners. As long as the school district has an approved Plan to Remedy the shortage of teachers, the district is in compliance, regardless of the effect on the students.

Department not focusing on student outcome, appropriate funding allocations

More important, perhaps, than the strain on school district resources is the diversion of energy on the part of the Department itself that may be better employed in other ways. As noted previously, the Department has not been directed by anyone to promote native-language instruction. The Department, however, does have two specific duties regarding oversight under federal law and state statutes: ensuring that student needs are met and ensuring that funds are spent appropriately. From all appearances, neither duty is taken as seriously as the Department's crusade for native-language instruction.

The Department's obligations under federal law were spelled out in a 1981 federal court case, according to the California Attorney General in an opinion issued in 1987: "As for each state, the federal law imposes an obligation to supervise its local school districts to ensure that the needs of students with limited English proficiency are addressed (*Idaho Migrant Council v. Board of Ed.* 9th Cir. 1981 647 F.2d 69,71)." Since federal law holds learning English and progressing academically as equal goals for students not proficient in English, it follows that the State Department of Education could best determine that needs were being met if test scores showed that students were acquiring English skills and were achieving academically at rates on par with mainstream students.

The Department, however, neither tracks student progress nor requires school districts to assess students regularly -- unless a district is trying to prove that an alternative to native-language instruction is effective. In testimony to the Commission, the Department admitted that "after more than 15 years of implementation of state-mandated programs, there continues to exist a serious shortage of adequate curricular materials and

assessment instruments in languages other than English. ... [This] has prevented educators from adequately measuring the language and academic standing of language minority pupils."

BW Associates also found this shortcoming in their study, noting that a shortage of reliable data made it impossible to hold schools accountable for results:

> *The study found that comparable student outcome data to judge one model versus the others do not exist in California. The research team collected student outcome data on English language proficiency and on academic achievement from reportedly exemplary sites, reasoning that such sites would offer the best opportunity to obtain comparable outcome data. We found that most oral proficiency language tests had questionable validity, were subject to sources of unreliability, and were generally not comparable. Moreover, the standardized scores in academic achievement administered by California schools could not be used for comparison of effectiveness: All but a few schools in our sample either did not consistently test their [English learners] or did not have accumulated data on many students over the life of a program because of poor attendance and high transiency.*[48]

Department's role should be to set standards, hold schools accountable

Setting statewide standards for assessment and then monitoring the outcome as a means of holding schools accountable is exactly the role for the Department envisioned by the California Commission on Educational Quality in its June 1988 report. The report said:

- "Goals and standards are meaningless without measurement. The methods that currently exist for formal assessment of K-12 education in California are inadequate and sometimes entirely lacking."
- The state system should become more efficient, including changing "the role of the State from prescribing teaching methods to setting broad policies directed toward student success."

* The key to giving local districts program authority linked to responsibility is to develop adequate tools for monitoring their success. "The Commission recommends that the system of monitoring student performance be modified to provide for the measurement of outcomes against established standards for all students, including special categorical student populations."

When pressed by the Little Hoover Commission about the lack of assessment procedures for non-native students, the Department responded that "recently, as part of a larger initiative, the Department has begun efforts to identify and develop a statewide protocol for assessing [English learners]." The Department did not indicate why it had not done so earlier -- in 1976 when the State first adopted a bilingual education law, in 1987 in response to the sunset law (which required monitoring of the progress of each student), or in 1988 when the California Commission on Educational Quality made its recommendations.

The Department's other primary responsibility is in the area of auditing the use of funds. Under the law that allowed the Bilingual Education Act to sunset but continued the funding for program objectives (Education Code Section 62002), the Department is to track whether funds have been spent on the appropriate population. Money is to be used to supplement general fund spending rather than to supplant it.

Department checks funding but does not delve into school-to-school details

The appropriate use of funding is one of the compliance items on the Department's checklist. However, there are troubling implications to be drawn from fiscal realities:

* The Department has repeatedly stated that it has no idea how much is spent on educating English learners since school districts may draw resources from a variety of funds. It is difficult to understand how the Department can be sure funds are being spent appropriately -- as supplements to general funding -- if the Department does not have a better understanding of the total funding picture.

* The BW report found that cost for delivering services to English learners was about the same as for mainstream classrooms. The Department viewed this finding as a possible indication "that services for these students are seriously underfunded since [English learners] represent one

of the most educationally at-risk groups in the State." But another indication that the Department apparently has overlooked is that districts must be supplanting, rather than supplementing, general funds if they are receiving extra money for non-English-fluent students but are not spending an above-average amount on their educational program.

The Department, under the direction of the State Board of Education, should be providing leadership by setting outcome standards, monitoring the success in meeting those standards and holding school districts accountable both for academic and fiscal performance. Instead, the Department is pushing the use of a single academic approach, a posture that is inappropriate, unwarranted, not feasible and counterproductive.

Recommendation #2: The Governor and the Legislature should enact legislation that establishes a state framework for local control of educational methods for non-English-fluent students.

In the absence of a specific state statute, the Department has assumed authority and given direction that no state policy makers have authorized. To clarify the State's policy, a statute should lay out a framework for local control that specifically acknowledges that different instructional methods have varying degrees of success, depending on cultural influences, socio-economic factors, and the individual learning style and academic status of the child.

To be effective, the framework would replicate the three standards established by the federal courts to determine if a school district is making an acceptable program choice:

- The adopted method must be based on a recognized academic theory.

* The school district must dedicate a reasonable amount of resources to make the chosen method viable.

* Students must make academic progress and move toward English proficiency.

Only if a school district failed to satisfy the three criteria would the State step in with a more directive approach to meeting the needs of English learners.

Recommendation #3: The Governor and the Legislature should enact legislation to direct the State Department of Education to focus on holding schools accountable for student achievement rather than on directing the implementation of a single academic approach.

The Department needs to establish immediately a statewide protocol for academic testing for students of all languages. To accomplish this, the Department should devote its considerable energies to identifying and/or creating, if necessary, adequate assessment tools for non-English-fluent students. Once the protocol is in place, the Department should monitor student progress annually and give assistance to districts that are unable to demonstrate student achievement.

Recommendation #4: The Governor and the Legislature should direct the Department of Education to produce a report examining funding for English learner education and documenting the supplemental use of earmarked funds.

Understanding the role and magnitude of the present funding system is critical for ensuring accountability. Districts should be spending money allocated for English learners in a way that supplements the general funding received for those same students. In addition, it is futile to argue that more funding is needed -- as the Department, its consultants and advocates have maintained -- without being able to provide policy makers with a clear picture of what is now being spent.

Student Outcome

- *The range of languages spoken and the distribution of English learners throughout the state place a strain on schools' ability to meet the linguistic challenge.*

- *Low fluency transition rates, high dropout statistics and poor college eligibility figures demonstrate the failure of current school efforts.*

- *Schools control how much funding is dedicated to English learner programs; a statewide study shows that schools are spending about the same for English learner classrooms as for mainstream courses.*

Recommendations:

- *Revise funding formula to maximize incentives for schools to help English learners achieve.*

Teaching Skills

Finding #3: There is a severe shortage of teachers with the expertise in language acquisition, the training in cultural diversity and the skills to enhance the classroom learning environment that are vital for meeting student needs in today's schools.

All students need to be stimulated to think, encouraged to question, and inspired to express their ideas verbally and in writing. The needs of English learners are no less in these important areas -- yet the supply of teachers who understand language acquisition theories, cultural influences on learning styles and specialized techniques to break through language barriers is far outstripped by the demand represented by 1 million students who are not fluent in English. The state entities responsible for teacher training have responded with new programs that are making progress on solving this problem. Because a diversity of language groups is scattered throughout the State, a key element in any solution is to ensure that all teachers have at least a working knowledge of how to address the needs of English learners.

To meet the terms of the Department's Coordinated Compliance Review, teachers in native-language-instruction programs must be bilingual and teachers in English as a Second Language or immersion programs must be Language Development Specialists. Certifications for this expertise are provided by the Commission on Teacher Credentialing (CTC) or the local school district, in the case of the three districts that have their own Department-approved certification process. In addition, teachers who are undergoing training towards certification may teach with the assistance of appropriate aides.

Chart 16 below breaks down the primary language teaching force by language and indicates the number of aides available in each language group, as well as the number of students needing services.

Chart 16

Staff Providing Primary Language Instruction
1992

Language	English Learners	Bilingual Teachers	Teachers Training	Total Teachers	Total Aides
Spanish	828,036	8,759	7,807	16,566	22,989
Vietnamese	45,155	47	70	117	685
Cantonese	22,262	218	105	323	523
Korean	16,078	32	23	55	148
Pilipino/Tagalog	19,345	49	8	57	199
Portuguese	2,924	21	5	26	54
Mandarin	8,999	3	4	7	110
Japanese	5,734	8	8	16	62
Cambodian	20,752	4	31	35	447
Lao	12,332	0	11	11	145
All Others	97,088	40	54	94	1,066
Total	**1,078,705**	**9,181**	**8,126**	**17,307**	**26,428**

Source: State Department of Education

As Chart 16 demonstrates, there are more Spanish-speaking bilingual teachers than any other language (8,759 with an additional 7,807 in training). Cantonese is the next largest group (218 teachers with 105 in training). Similarly, there are far more Spanish-speaking aides -- 22,989 -- than aides with skills in any other language, with Cantonese once again ranking second -- 523. When examined in terms of how many English learners there are in each language group, none of the numbers represent an adequate staffing level if each student were to be served by an instructor who understood his or her primary language. The Department testified to the Commission that there is a statewide shortage of 20,000 bilingual teachers, ranging from 60 percent for Spanish-speakers to 95 percent for groups such as Cambodian and Lao.

School districts pursuing the implementation of native-language instruction programs often are frustrated not only by a shortage of teachers with the needed language fluency but also by a system that requires certification but in many instances has no mechanism for providing the certification. For instance, Los Angeles Unified School District told the Commission that its classrooms need bilingual teachers in Russian, Farsi and Korean -- all languages for which there are no teacher competency assessment processes. A school district in Torrance has 20 Japanese bilingual teachers, but they cannot be certified because Japanese is not among the nine languages that the CTC has developed tests for. Those languages are Spanish, Portuguese, Armenian, Cantonese, Hmong, Khmer, Lao, Pilipino and Vietnamese.

Methods that rely on other techniques than native-language instruction are less reliant on the use of bilingual teachers. But even the addition of language specialist teachers does not meet the entire need represented by 1 million English learners. Chart 17 on the next page shows the total teaching force providing services to those not fluent in English.

Chart 17

Teachers Providing Instruction to English Learners
1992

Type of Instruction	CTC Certified	District Certified	Teacher Training	Total
Primary Language	9,177	4	8,126	17,307
English Instruction	6,449	164	12,231	18,844
Total	15,626	168	20,357	36,151

Source: State Department of Education

As Chart 17 indicates, there are 15,794 teachers certified by either the CTC or a local district and there are another 20,357 teachers in training. With a total of 1,078,705 English learners in the school system, the proportions are 1 certified teacher for each 69 students. If all teachers in training became certified, the proportion would drop to one 1 teacher for each 30 students. According to education experts, a better proportion for this at-risk population would be 1 teacher to 20 students, requiring 17,784 teachers in addition to those already certified and those in training (and even that number would not account for the optimum number of teachers since students in different language groups are often spread in different geographical locations).

Progress is being made, however. Chart 18 shows the number and types of credentials issued in 1991-92.

Chart 18

Credentials Issued in 1991-92 Authorizing English Learner Instruction

Credential Type	Issued
Language Development Specialist	2,518
Bilingual Certificate of Competence	810
Bilingual/Cross-Cultural Specialist	204
Single Subject Bilingual Emphasis	132
Single Subject Emergency Bilingual	19
District Intern Bilingual Emphasis	68
Multiple Subject Bilingual Emphasis	1,305
Multiple Subject Emergency Bilingual	310
Total	**5,366**

Source: Commission on Teacher Credentialing

As Chart 18 indicates, more than 5,000 teachers earned credentials in 1991-92 that certified them as having the specialized knowledge to meet the needs of English learners. Those numbers are expected to climb further as other steps envisioned by the CTC and the Department, authorized by the Legislature or funded by the budget are taken. Those steps include:

* The creation of a California Paraprofessional Training Program that assists aides by creating a career ladder for them to become bilingual teachers.

* The funding of more training sites for bilingual teachers and language development specialists.

* The creation of a new Cross-Cultural, Language and Academic Development (CLAD) credential to take the place of the current certificates for bilingual specialists, bilingual emphasis and language development specialists. The new credential will also come with a bilingual emphasis (BCLAD). The new credential will bring together

all teachers who serve English learners and allow for better integration of training.

* The revision of standards for all teacher preparation programs to require that candidates have cross-cultural training and education in language acquisition theories.

* The inclusion in the proposed 1993-94 budget of $2 million for grants to school districts to set up district-centered alternative teacher preparation and certification programs.

Progress seen on numbers of certified teachers — but skills in classroom lacking

All of these solutions are geared toward increasing the number of teachers certified to address the needs of English learners. However, numbers are not the only measurement of success in matching teachers to students. What the teachers are learning and how they will, in turn, teach students is critical. This was particularly demonstrated in the federal Ramirez study when researchers realized that none of the three language acquisition programs under review provided an ideal learning environment.

> *Consistently across grade levels within and between the three instructional programs, students are limited in their opportunities to produce language and in their opportunities to produce more complex language. Direct observations reveal that teachers do most of the talking in classrooms, making about twice as many utterances as do students. Students produce language only when they are working directly with a teacher, and then only in response to teacher initiations.*
>
> *Of major concern is that in over half of the interactions that teachers have with students, students do not produce any language as they are only listening or responding with non-verbal gestures or actions. Of equal concern is that when students do respond, typically they provide only simple information recall statements. Rather than being provided with the opportunity to generate original statements, students are asked to provide simple, discrete close-ended or patterned (i.e., expected) responses. This pattern of teacher/student interaction not only limits a student's opportunity to create and*

manipulate language freely, but also limits the student's ability to engage in more complex learning (i.e., higher order thinking skills).

In sum, teachers in all three programs do not teach language or higher order cognitive skills effectively. Teachers in all three programs offer a passive language learning environment, limiting student opportunities to produce language and develop more complex language and thinking skills.[49]

The Ramirez study is not the first or only project to reveal poor teaching methods. Robert Rueda of the University of Southern California writes as part of the Linguistic Minority Research Project that numerous reports have found recitation teaching to be common not only in classes for English learners but in the education world in general.

Recitation teaching is instruction characterized by highly routinized and/or scripted interaction, teacher domination and a focus on isolated and discrete skills. In contrast, recent research suggests the efficacy of what we have termed instructional conversations or, more general, responsive teaching... As Cummins (1989) and others have suggested, at least a portion of low achievement of language minority students can be attributed to poor pedagogy.[50]

Requiring students to answer open-ended questions and encouraging them to link new information to previously learned material are techniques already being encouraged by general education theorists. Their use in language acquisition settings -- where studies have found a student's natural inclination is to avoid the use of a new language -- are especially helpful in moving students toward fluency.

In addition, researchers have noted the utility of other general education methods that are gaining currency in mainstream classrooms. Writing about a project sponsored by the University of California at Santa Barbara, one team of researchers pointed out:

> *Substantial evidence is now available that students working together in small cooperative groups can master material better than can students working on their own. ... As with other at-risk students, cooperative learning has often been proposed for use with language minority children. ... However, very few implementation efforts have been documented.*[51]

Small group and cooperative learning techniques are effective with English learners

The Santa Barbara project brought students together in small groups to read together, discuss story ideas and produce written projects. The success of the approach was demonstrated not only in higher test scores but in oral fluency, peer interaction and other areas.

Similar success was found in a project near Santa Cruz that sought to emphasize cooperative learning, maximize heterogeneous skill groupings and focus on higher order thinking and communication skills by integrating instruction in reading, writing, social science, science and mathematics. The strategies pursued by that program included:

* Use of thematic, integrated curriculum.

* Emphasis on small group activities incorporating heterogeneous language grouping and peer tutoring.

* Emphasis on higher order linguistic and cognitive processes (in which learning proceeds from the concrete to the representational and then to the symbolic).

* Emphasis on literary activities: interactive journals, silent reading followed by small group discussion, individual and group-authored literature.

* Use of cooperative learning strategies, emphasizing the systematic participation of each student.[52]

All of these strategies already have been embraced as the best techniques for educating mainstream populations. This can be seen in school movements away from tracking students (grouping them by achievement levels) and toward "noisy" interactive classrooms that

keep pupils involved with hands-on activities and cooperative projects. The techniques are also those heavily used in sheltered English classes in schools using immersion methods.

The point brought out by the studies and the theorists is that good teaching techniques are a must when teaching a population that has extraordinary needs. This lends credence to the statement made by the judge in the Berkeley case, who said in his decision, "Good teachers are good teachers no matter what the educational challenge may be."

Good teaching skills, knowledge about theories more important than speaking language

Some have borrowed this statement to try to show that any teacher should be able to teach English learners. But the judge's point, documented in a long recitation of the in-service training and experience brought by the teachers in Berkeley who had no special credentials, is that a teacher who uses good educational techniques and has a solid background of knowledge will be successful in helping students achieve. In Berkeley, students with teachers who were not certified achieved at the same levels as students with teachers who were. In fact, one review of 108 studies showed that only six studies found a positive correlation between teacher education and student outcome, while five actually found a negative effect.[53]

With the criticism from the Ramirez study in front of them and with the straightforward assessment of the Berkeley judge as an example, the State needs to ensure that teachers are better prepared to meet the needs of English learners. Rather than concentrating on finding teachers who can speak another language, the focus should be on creating teachers who know how to assist the development of fluency and proficiency in English, critical thinking skills and integrated knowledge.

Recommendation #5: The Governor and the Legislature should enact a resolution directing the State Department of Education and the Commission on Teacher Credentialing to focus on improving teaching techniques rather than on creating a cadre of bilingual teachers.

Because sooner or later most of the State's teachers will find students in their class who speak no or limited English, it is important that all teachers have training in language acquisition theory, cultural diversity and techniques that enhance learning ability. The Department and the Commission on Teacher Credentialing should work together to ensure that future teachers (and through in-service training, existing teachers) have the tools that are needed to meet the challenge of language diversity in California's schools.

Conclusion

Conclusion

The success of any program should be defined by the outcome. In the case of the one million children who come to California schools speaking a language other than English, one measurement of success should be how swiftly and well students learn to speak English. In this report, the Commission has outlined solid evidence and statistics that demonstrate the failure of California's efforts to meet the needs of English learners. Instead of focusing on the accomplishments of the children, the State Department of Education has been intent on enforcing the wholesale adoption of a particular method and schools have been led astray by a backwards formula that gives them a greater share of funding by demonstrating failure.

Throughout its examination of programs for English learners, the Commission kept in mind what the goal should be: Children who will learn and achieve skills throughout their school years so that they may take a productive and fulfilling place in society when they are adults. In its leadership role, the State Department of Education should be holding schools accountable for the achievement of that goal -- not for the number of teachers who speak Urdu or Tagalog that a school is able to hire. In their position on the frontlines, schools should be implementing programs designed to transition students into English proficiency, not keeping children trapped in programs that effectively cut them off from their English-speaking peers for years. And in the classroom, teachers of English learners need to use the same sensitivity and

skills that are beneficial for all students: respecting cultural heritage, enhancing self-esteem, encouraging achievement and promoting healthy social interaction.

An ongoing academic argument over what method of instruction is best for English learners has stunted the growth of practical, flexible programs that are based on individual and localized needs. After reviewing extensive academic literature, the Commission has reached no conclusion as to what method of instruction is best. Instead, the conclusion that is inescapable is that if student achievement were assessed and schools were held accountable for students reaching a standard of achievement, the "best" methods would emerge because schools would be focused on outcome rather than on theories.

The Commission is not insensitive to the difficulty of learning a new language. Of the 13 Commissioners, several arrived in this country speaking languages other than English; others are the first generation of their families born on American soil; and others are multi-lingual, speaking as many as six languages. From this base of experience as well as the research conducted during the study, the Commission believes it is vital to emphasize English instruction services and to provide support that will move students quickly into mainstream classrooms, enhancing their ability to take full part in life in their adopted homeland.

The State's children are too important to be lost in the political shuffle stirred by academic arguments. To build the best future for California with its diverse citizenry, the Commission urges the Governor and the Legislature to take immediate action on the recommendations in this report.

Appendices

APPENDIX A

Witnesses Appearing At
Little Hoover Commission
Bilingual Education Public Hearing

January 19, 1993, Los Angeles

Sally Mentor, Deputy Superintendent
Department of Education

Robert Rossier
Research in English Acquisition and Development (READ)

Gloria Tuchman, Teacher
Santa Ana School District

Sidney A. Thompson, Superintendent
Los Angeles Unified School District

Geraldine Herrera, Coordinator, Eastman Project
Los Angeles Unified School District

Sally Peterson, Teacher
Los Angeles Unified School District

PUBLIC COMMENT

Mrs. Teresita Saracho de Palma
District Bilingual/Bicultural Advisory Committee
Los Angeles Unified School District

Mr. Manual Ponce, Director
Mexican-American Education Committee
Los Angeles Unified School District

Ms. Silvina Rubinstein, Bilingual Coordinator
Montebello Unified School District

Sigifredo Lopez
District Bilingual Bicultural Advisory Committee

Flora Cole
District Bilingual Bicultural Advisory Committee

Francisco Anguamo
District Bilingual Bicultural Advisory Committee

Lucia Vega-Garcia
California Association for Bilingual Education

David Kendrick
Parents of Students at Dysinger Elementary School
Buena Park

Bill Leeson
Alexandria Avenue School

Carol Labrow
Alexandria Avenue School

Barbara Shuwarger
Alexandria Avenue School

Jose Lopez
El Monte School District

Dr. Jeanne E. Hon, Principal
Hollywood High School

Jesus Jose Salazar
Cal State University, Long Beach

APPENDIX B

COUNTIES RANKED BY ENROLLMENT OF ENGLISH LEARNERS

County Name Ranked by Number of English Learners	Number of English Learners Enrolled Spring 1992	Total County Enrollment Fall 1991	English Learners as % of County Enrollment	English Learners Enrolled as % of State English Learners Enrolled
1. Los Angeles County	468,994	1,441,228	32.5	43.5
2. Orange County	104,163	390,908	26.6	9.7
3. San Diego County	70,080	403,654	17.4	6.5
4. Santa Clara County	43,334	230,726	18.8	4.0
5. San Bernardino County	35,836	307,064	11.7	3.3
6. Fresno County	35,773	158,135	22.6	3.3
7. Riverside County	35,590	235,777	15.1	3.3
8. Alameda County	29,786	187,811	15.9	2.8
9. San Joaquin County	21,680	97,990	22.1	2.0
10. Ventura County	20,509	116,230	17.6	1.9
11. Sacramento County	19,623	184,481	10.6	1.8
12. San Francisco County	17,591	62,516	28.1	1.6
13. Monterey County	17,036	62,440	27.3	1.6
14. Kern County	16,462	123,504	13.3	1.5
15. San Mateo County	14,955	82,943	18.0	1.4
16. Tulare County	14,648	75,839	19.3	1.4
17. Imperial County	13,735	29,695	46.3	1.3
18. Stanislaus County	13,171	81,641	16.1	1.2
19. Santa Barbara County	12,349	54,908	22.5	1.1
20. Merced County	11,783	43,847	26.9	1.1
21. Contra Costa County	10,262	131,466	7.8	1.0
22. Santa Cruz County	8,307	35,888	23.1	0.8
23. Sonoma County	5,215	63,047	8.3	0.5
24. Solano County	4,963	65,274	7.6	0.5
25. Yolo County	4,026	23,690	17.0	0.4
26. Madera County	3,691	18,838	19.6	0.3
27. Kings County	2,711	21,880	12.4	0.3
28. Butte County	2,273	30,511	7.4	0.2
29. Sutter County	2,230	13,448	16.6	0.2
30. Yuba County	2,204	12,936	17.0	0.2
31. Napa County	2,179	16,949	12.9	0.2
32. San Luis Obispo County	2,177	31,947	6.8	0.2
33. San Benito County	1,714	8,283	20.7	0.2
34. Marin County	1,678	25,491	6.6	0.2
35. Mendocino County	1,396	15,124	9.2	0.1
36. Glenn County	904	5,738	15.8	0.1
37. Placer County	867	32,921	2.6	0.1
38. Shasta County	843	26,166	3.2	0.1
39. El Dorado County	825	24,376	3.4	0.1
40. Colusa County	695	3,723	18.7	0.1

County Name Ranked by Number of English Learners	Number of English Learners Enrolled Spring '92	Total County Enrollment Fall 1991	English Learners as % of County Enrollment	English Learners Enrolled as % of State English Learners Enrolled
41. Tehama County	679	10,373	6.5	0.1
42. Humboldt County	470	13,161	3.6	0.0
43. Lake County	266	9,543	2.8	0.0
44. Del Norte County	256	4,830	5.3	0.0
45. Modoc County	220	2,247	9.8	0.0
46. Siskiyou County	122	6,164	2.0	0.0
47. Mono County	116	1,597	7.3	0.0
48. Inyo County	106	3,110	3.4	0.0
49. Lassen County	57	5,274	1.1	0.0
50. Plumas County	38	3,871	1.0	0.0
51. Tuolumne County	38	6,530	0.6	0.0
52. Amador County	27	4,363	0.6	0.0
53. Calaveras County	19	6,302	0.3	0.0
54. Nevada County	15	10,808	0.1	0.0
55. Mariposa county	8	2,670	0.3	0.0
56. Alpine County	0	178	0.0	0.0
57. Sierra County	0	779	0.0	0.0
58. Trinity County	0	475	0.0	0.0

Source: State Department of Education

APPENDIX C

TRENDS IN NUMBER OF ENGLISH LEARNERS IN CALIFORNIA PUBLIC SCHOOLS BY LANGUAGE, 1987 THROUGH 1991

Language	Number of English Learners					% increase, 1987 to 1991
	1991	1990	1989	1988	1987	
Spanish	755,359	655,097	553,493	475,001	449,308	68.1
Vietnamese	40,477	34,934	32,454	32,055	30,906	31.0
Cantonese	21,498	21,154	20,780	20,291	19,781	8.7
Hmong	21,060	18,091	15,506	12,311	10,780	95.4
Cambodian	20,055	19,234	18,111	17,274	15,665	28.0
Pilipino	18,146	16,338	15,735	14,945	14,381	26.2
Korean	14,932	13,389	12,193	11,632	10,738	39.1
Lao	12,430	12,177	12,016	11,452	10,283	20.9
Armenian	11,399	9,046	6,727	3,851	2,660	328.5
Mandarin	8,386	7,201	6,809	6,907	7,334	14.3
Farsi	5,843	4,875	4,652	4,564	3,881	50.6
Japanese	5,810	5,505	4,947	4,541	4,125	40.8
Other Chinese	4,808	3,293	3,147	3,215	2,963	62.3
Arabic	4,414	2,771	2,539	2,210	2,139	106.4
Mien	3,577	2,834	2,439	1,936	1,561	129.1
Russian	3,236	1,510	400	157	173	1770.5
Portuguese	2,871	2,830	2,734	2,663	2,641	8.7
Punjabi	2,764	2,093	1,584	1,383	1,298	112.9
Hindi	2,571	1,754	1,688	1,511	1,230	109.0
Samoan	1,815	1,490	1,569	1,665	1,657	9.5
Thai	1,495	852	813	828	735	103.4
Ilocano	1,268	1,041	948	807	813	56.0
Rumanian	1,253	820	721	785	759	65.1
Hebrew	1,166	904	710	692	674	73.0
Other Filipino	1,156	584	755	770	786	47.1
Tongan	1,149	956	905	794	685	67.7
Urdu	948	396	313	275	263	260.5
Taiwanese*	881	560	--	--	--	n/a
Gujarati	830	501	439	381	312	166.0
Indonesian	714	295	199	180	163	338.0
French	562	265	290	294	279	101.4
Assyrian	556	415	332	248	246	126.0
German	532	307	297	272	314	69.4
Polish	482	247	185	168	163	195.7
Pashto	388	375	292	254	163	138.0
Italian	315	153	163	203	255	23.5
Burmese	277	79	82	96	90	207.8
Hungarian	252	99	76	72	62	306.5
Greek	235	103	118	155	171	37.4
Lahu*	201	--	--	--	--	n/a
Visayan	176	148	61	68	96	83.3
Guamanian	91	48	52	62	100	-9.0
Dutch	88	58	51	46	66	33.3
Turkish	81	27	27	29	53	52.8
Croatian	62	30	28	24	31	100.0
Native American	51	61	47	31	30	70.0
Serbian	49	13	15	10	13	276.9
Marshallese*	40	--	--	--	--	n/a
All other languages	9,713	16,578	15,058	14,331	12,398	-21.7
State Totals	986,462	861,531	742,559	652,439	613,224	60.9

*Languages not collected in prior years.

Source: State Department of Education

APPENDIX D

Sampling of Academic Literature
Reviewed by the Commission

- **"Bilingual Immersion: A Longitudinal Evaluation of the El Paso Program,"** by Russell Gersten and John Woodward, University of Oregon/Eugene Research Institute, March 1992. This study found that bilingual immersion -- a program that limits native language use to about an hour a day and relies heavily on sheltered English concepts -- worked just as well as traditional native-language instruction. Unfortunately, neither program brought students up to national norms.

- **"Bilingual Education: A Reappraisal of Federal Policy,"** by Keith Baker and A. de Kantar, 1983. A review of various studies, this report found that in 23 cases bilingual education was as effective as other methods, in eight cases it was more effective and in eight cases it was less effective.

- **"A Meta-Analysis of Selected Studies on the Effectiveness of Bilingual Education,"** by Ann C. Willig, University of Texas at Austin, Fall 1985. Using sophisticated analytical techniques to filter out different inconsistencies, Willig re-examined most of the studies looked at by Baker and de Kantar and reached a different conclusion: that in all cases there is a statistically significant edge for native-language instruction in producing better results.

- ***On Course: Bilingual Education's Success in California,*** by Stephen Krashen and Douglas Biber, California Association for Bilingual Education, 1988. This book examines results of native-language instruction programs in six elementary schools and one pre-school, concluding that well-designed and implemented programs are successful in terms of student achievement.

- **"Bilingual Education: A Focus on Current Research,"** by Stephen D. Krashen, National Clearinghouse for Bilingual Education, Spring 1991. Krashen cites a C. Rossell and J.M. Ross 1986 study as showing that in 14 studies bilingual education was as good as other methods, in eight it was better and in eight it was worse. He is critical of a separate study conducted by Rossell

that showed that there was no difference in Berkeley students' achievement regardless of whether they were in pull-out or native-language-instruction classes. And he defends his own studies, which have consistently shown high success for native-language-instruction programs in California schools.

- **"Effectiveness of Bilingual Education: A Comparison of Various Approaches in an Elementary School District,"** by Linda Gonzales. This study examined the effects of native-language instruction, team-taught immersion classes and English as a Second Language programs in San Diego County. It concluded that native-language instruction improves the acquisition of English and is academically beneficial to non-native students. Students in the native-language program acquired English proficiency in 44.8 months compared to 46.6 months for students in other types of programs.

- ***Studies on Immersion Education: A Collection for United States Educators,*** California State Department of Education. This book contains articles about immersion programs in Canada and elsewhere. Overall, the thrust of the book is to support immersion techniques as a useful component of native-language instruction programs. The notable success of Canadian immersion programs is found to be largely irrelevant because the students there are of the majority population and come from middle-class families, whereas English learners in the United States usually have a minority and low-income status.

- **"Sheltered Subject Matter Teaching,"** by Stephen Krashen, University of Southern California. Krashen reviews more than a dozen studies on sheltered methods (inspired by the Canadian immersion program), all pointing to significant success in students learning both a second language and core subject matter.

- **"The Effectiveness of a Model Bilingual Program,"** by Barbara J. Merino and Joseph Lyons, California Policy Seminar, February 1990. This paper reports on a specific aspect of a study of native-language instruction in a Calexico school -- that is that examining only group average scores shows

positive results for native-language instruction but masks individual children whose needs are not met. Despite the overall success of the program, 20 percent of the children showed a drop in academic performance level over three years.

- **"Ramirez et al: Misled by Bad Theory,"** by Keith Baker, Bilingual Research Journal, Winter/Spring 1992. In this article, Baker argues that native-language instruction provides a much-needed break for children from the constant learning mode required by immersion. "In short, it is a waste of time to teach anything, including English, for six solid hours to little kids. ... By using the native language to introduce periods of rest, learning English is made more effective..."

- **"Why Try? Towards a More Pelagian Approach to Second-Language Theory and Practice,"** by Barry McLaughlin, *Research for the 1990s: Proceedings of the Linguistic Minority Research Project,* April 1990. McLaughlin contends that English learners should not be viewed as empty vessels that will acquire language painlessly if they are provided with enough services. Language acquisition also depends on the motivation and efforts of the learner, he says, citing research.

- ***Beyond Language: Social and Cultural Factors in Schooling Language Minority Students,*** by Shirley Brice Heath, Stanford University, 1986. In a chapter entitled "Sociocultural Contexts of Language Development," Heath writes about the differences in how children are raised in Chinese American, Mexican American and Indochinese American families and how these differences affect their ability to do well in school and in language acquisition.

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Endnotes

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