# bilingual education reading, writing, and rhetoric

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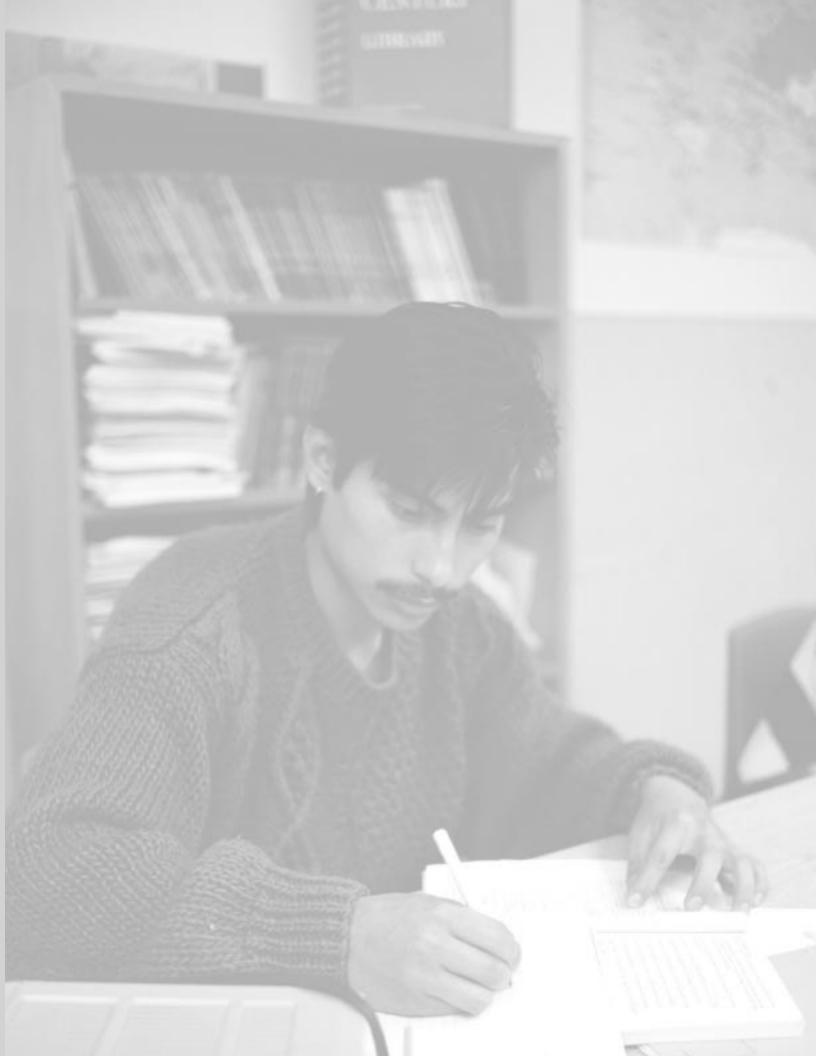
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#### about the author

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Obscured in the political rhetoric is the term **Background** bilingual education. What constitutes bilingual education instruction? The various sides of the debate clutch to their anecdotal and empirical evidence that *definitively* proves that bilingual education is either a rousing success or a dismal failure. Estimates of the expenditures on providing special services range from not-nearly-sufficient to an extraordinary and growing burden on state and local resources.

Can both sides of the argument be correct in their assertions?

What is clear in the debate is the need to meet the special circumstances of this diverse and growing population.1 Both bilingual education proponents and opponents agree that accountability in the current system is almost nonexistent. Both sides agree that poorly implemented programs are resulting in the failure to provide a meaningful education to these students.

This policy brief provides a brief overview of:

- the status of limited-English proficient stu-
- the nature and definition of services being administered;
- the policies that govern how these students are served; and
- a synopsis of research evaluating the effectiveness of special instructional services provided to LEP students with an emphasis on California.

The purpose is not a pedagogical endorsement of one form of instruction over another. Rather, the purpose is to provide an objective understanding of the issues for sound policymaking at the local, state, and federal levels, and by parents concerned about the nature of services being provided to their children.

#### A. Students

During the 1994-95 school year, over three million students across the nation were classified as limited-English proficient, or LEP. California alone serves over 1.3 million LEP children, nearly a 50 percent increase from 1990 and nearly four times as many as in 1980, constituting more than one of every five students in California schools, and representing 39.9 percent of the nation's total LEP population.2 While the issue of serving limited-English proficient students faces every state, over 75 percent of the nation's LEP population are located in four states, California, Texas, New York, and Florida (see Table 1).

In California, over 100 languages and dialects are spoken by students attending elementary and secondary schools. There is a heavy concentration of LEP students in elementary school, with over 69 percent in grades K-6. More than 40 percent of these LEP students can be found in the early kindergarten through third grade (Figure 1).

While the task seems daunting, over 80 percent of these students speak Spanish, and nearly 92 percent speak Spanish, Vietnamese, Tagalog (Phillipines), Korean, Hmong, Khmer (Cambodia), and Cantonese.3

Given the growth in this segment of the student population, comparison to previous generations of immigrants and the type of education that they received proves difficult. Full English immersion may have been the only option available, and had some success with LEP students, given the relatively small numbers in the schools. Given the small numbers, more personalized attention may have been given to these students both within the classroom and through peer coaching. Regardless, in the 1960's, nearly 50 percent of Mexican-American LEP youth did not complete the eighth grade.4



Where inability to speak and understand the English language excludes national origin-minority group children from effective participation in the educational program offered by a school district, the district must take affirmative steps to rectify the language deficiency in order to open its instructional program to these students.<sup>6</sup>

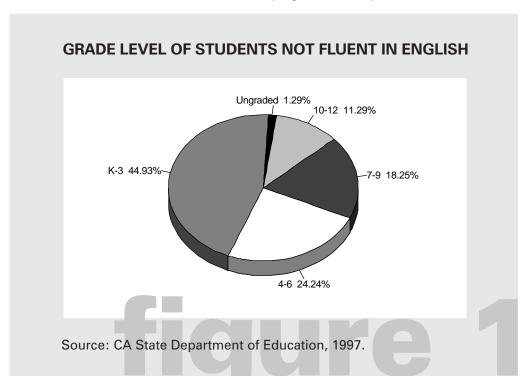
By leaving the specifics out, the Supreme Court allowed for flexibility on the part of school districts to meet the needs of its student populations. However, further clarification was needed to determine whether or not the services being provided were adequate by a school.

In 1981, a federal court set out in *Castaneda* v. *Pickard* guidelines for determining whether a school had met its obligations under federal law to provide adequate special services. These guidelines became the federal three-prong test, which included:

 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.
- 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.<sup>7</sup>

According to interpretation by California's Little Hoover Commission, "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." This allowed districts to choose and implement programs that may sacrifice a student's over-



all academic learning with respect to native-English speakers while learning English. However, parity with native-English speakers by LEP students must be achieved within some reasonable time upon entering the school.

Title VII instructional programs have focused on the dual purpose set out in *Castaneda*:

The Congress finds that (8) it is the purpose of this title to help ensure that limited English proficient students master English and develop high levels of academic attainment in content area;

In 1994-95, approximately 300,000 limited-English proficient students nationwide received their education through Title VII-funded instructional programs, roughly nine percent of the total LEP population. Five major instructional programs are designed to serve LEP students under Title VII (the number in parentheses denotes the percentage of total LEP students receiving that particular program in 1994-95): Transitional Bilingual Education (0.3 percent), Developmental Bilingual Educational Program (2 percent), Family Literacy Program (0.1 percent), and the Special Populations Program (1 percent).<sup>10</sup>

Title VII grants are provided on a competitive basis. These grants have tended to favor programs that utilize native-language instruction, but since 1984, a portion of Title VII funds — 25 percent — may go to support alternative, all-English approaches (included in Special Alternative Instructional Plans). 11 These funds serve a capacity-building purpose that allows districts to implement new programs that eventually become self-supporting. However, it must be noted that the cap of 25 percent to non-native-instructional plans creates undesirable incentives when designing new instructional plans for language-minority students.

#### C. California Law

From 1872 until 1967, California law required all instruction to be in English under Section

71 of the California Education Code. In 1967, this statutory mandate was repealed by Senate Bill 53. In 1976, the state enacted the Chacon-Moscone Bilingual/Bicultural Education Act, followed by the Bilingual Education Improvement and Reform Act of 1980.

In 1987, the California bilingual education law was allowed to "sunset" with the intention of providing school districts the flexibility to design and implement instructional programs for language-minority students otherwise not allowed under the strict standards of the existing law. While the law was allowed to sunset, the California Department of Education issued "advisories" to school districts. These advisories stated that school districts must continue to comply with the "general and intended purposes" of the original law, Education Code 52161, thus rendering the sunset policy moot.<sup>12</sup>

The California Department of Education and Board of Education set requirements that school districts were to meet, similar to the three-prong test outlined in *Castaneda* and allowing for flexibility at the district level outlined in *Lau*. In short, the guidelines required districts to provide an instructional program that taught LEP students English, that provided equal academic opportunity, and to provide the necessary resources to effectively implement the program, both fiscally and through personnel.

However, the department enforced a specific type of program that emphasized native-language instruction as the preferred method of education for LEP students. This was done through the Coordinated Compliance Review process in which districts had to satisfy 12 requirements. Below are some of the requirements that essentially mandated native-language instruction:

- Place students who do not speak English fluently into a program of instruction in English language development.
- Give each student primary-language access to the core curriculum (based on the level of proficiency in English and native language).

- Make specially designed academic instruction in English available to those students who are advanced enough in English to warrant it.
- Assign an adequate number of "qualified" teachers to implement the English language-development program.
- Assign an adequate number of "qualified" teachers to implement the primary-language-instruction program.

Districts that did not meet the twelve requirements set forward by the department were provided six options:

- Demonstration of educational results—allows a school to adopt an alternative-instructional program, but the school must be able to prove that students perform at a level equal to or greater than the statewide averages. The burden of proof is upon the district and requires additional resources dedicated to the department's evaluation process;
- 2. Assignment of teachers with Commission on Teacher Credentialing (CTC) authorizations—deals with qualifications of teachers, all staff have special certificates issued by the Commission on Teacher Credentialing. Five hundred districts chose this option in 1991-92;
- Local designation of other qualified teachers—districts may set up their own credentialing program for staff under department review;
- 4. Plan to remedy shortage of qualified teachers—if a school district has made every attempt to obtain the specified number of qualified instructors and comes up short, the district can devise a plan to remedy the situation over a specified period of time. Some 490 districts chose this option in 1991-92;
- 5. General waiver authority—if Option 4 fails, the district may request a waiver from that specific requirement, or for an alternative-

- instructional program. The waiver does not dismiss the district from federal requirements. Approximately 300 districts qualify for this 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 for that language group. About 850 districts qualified for this option for one or more language groups.<sup>14</sup>

Two major developments occurred in 1998 that have dramatically changed the way districts provide special educational services to limited-English proficient students.

In February 1998, a Sacramento Superior Court judge ruled, in a case involving an Orange County school district, that the intent of the state's expired bilingual education law was to "effectively and efficiently as possible develop in each child fluency in English (Chacon-Moscone Bilingual/Bicultural Education Act)" and that primary-language instruction was not required and that the state board was wrong in requiring districts to obtain waivers from native-language instruction.<sup>15</sup>

On March 12, 1998, the California State Board of Education, following the lead of Judge Ronald Robie's decision, voted unanimously to rescind its long-standing policies of requiring native-language instruction to LEP students. The vote allows school districts to decide the instructional programs for LEP students at the local level, including English-only programs, without obtaining waivers from the state. While districts are no longer required to comply with California mandates, they are still required to comply with federal law.

#### **D. California Funding**

Failure to comply with the state requirements or satisfy the department through one or more of the available options, in the past, resulted in delays, and potential loss, of Economic Impact Aid (EIA) funding targeted for educationally disadvantaged and limited-English proficient students.

Over \$300 million is allocated through the EIA program. Many times, LEP students also qualify for educationally disadvantaged funding as well. Because of this designation, many LEP students qualify for federal Title I funding that targets at-risk students.

Costs for providing special instructional services to LEP students are estimated to be roughly equal to those costs of regular instructional programs. Little is actually known about the true costs of providing special instructional services to LEP students because of the block grant nature of funds disseminated to the schools, such as the state's EIA program. In many instances, these funds are pooled together in the school's operation budget without specification to particular program areas. This allows schools the flexibility to meet the specific needs of its student body.

#### Special Instructional Programs for Limited-English Proficient Students

#### A. California Participation

While there is some overlap in definitions between some of the program models, there is also overlap in the implementation of these programs as well. However, in most studies, schools often identify their program under one of the general categories. Table 2 illustrates instructional services provided to California LEP students.

Dropout rates for Hispanic students in the United States are higher at 12.4 percent in 1995 compared to 4.5 percent for whites and 6.4 percent of blacks (California dropout rates: 5.6% for Hispanics; 2.4% for whites;

and 6.6% for blacks).<sup>19</sup> While this figure represents LEP and English-fluent Hispanics, those students speaking Spanish at home (again not an accurate indication of English fluency) were more likely to have repeated at least one grade.<sup>20</sup> However, we should be hesitant to designate the dropout rate as an indication that bilingual education has failed. Hispanics tend to drop out more, not because of academic achievement (4 percent). Rather, 38 percent of Hispanic dropouts gave economic reasons (desire to work, financial difficulties, home responsibilities) for dropping out.<sup>21</sup> Also, very little research has disaggregated the dropout figure according to instructional practices received.

In 1996-97, 16 percent of limited-English proficient students did not receive any special instructional services. This is primarily due to the scattered language populations, exempting schools from offering special instructional services. Only 29.7 percent of California LEP students received the majority of their academic instruction in their native language. An additional 21.6 percent of LEP students received some native-language support from some type of aide. The remaining students (32.7 percent) received English instruction as the primary mode of academic instruction coupled with ESL instruction with no native-language assistance.<sup>22</sup>

According to an analysis of instructional programs implemented to serve LEP students done by Development Associates, Inc., it is primarily districts with large numbers of LEP students (1,000 or more) that tend to have more intensive native-language-instructional programs, where native-language instruction is used 50 percent of the day or more.<sup>23</sup> It is primarily through state funding programs (75 percent or more) that these same districts provide their chosen instructional program.<sup>24</sup>

For example, the way that California's LEP program is funded, through the Economic Impact Aid program, districts have extra incentive to classify students as non-proficient in

English. This is also true for many other state and federal programs, such as the federal government's Title I program. Because of this incentive structure, closer analysis must be done with regards to the number of students classified as limited-English proficient, as well as the reclassification, or redesignation rate, the rate at which LEP students are no longer considered limited-English proficient (see Figure 2). Classification may sometimes prove to be a financial decision made on the parts of school and district administrators rather than a pedagogical decision.

#### **Research Results**

## A. "Bilingual Education Programs Do Not Work"

Strong criticism is being made of bilingual education programs across the country. Anti-bilingual education stories center around the transitional and developmental bilingual education program models, those that utilize native-language instruction. Stories abound of students graduating without any proficiency in English, or Spanish, for that matter, of students being placed in inappropriate native-language classes, of parents unable to take advantage of the voluntary nature of the bilingual education programs, etc.

There is good reason for concern. The number of students being classified as non-English or limited-English proficient continues to grow as the number of students being classified as English-proficient does not.

While Figure 2 is alarming, bilingual education proponents claim that traditional transitioning takes place anywhere from two to seven years into the program. However, the Little Hoover Commission noted, "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."25 Given this pattern of program achievement, thousands of students would eventually graduate without fluency in English. But again, there may be perverse financial incentives involved that may limit the official redesignation rate, allowing for actual numbers of students identified as proficient being much greater.

Opponents of native-language instructional programs turn to the evaluative research of Christine Rossell. Rossell, and her colleagues J. Michael Ross and Keith Baker, reviewed the research done on bilingual education, and found that of the 300 program evaluations per-

LEP INSTRUCTIONAL SERVICES		
	Number	% of Students
English Language Development (ELD) Only	158,640	11.5%
ELD and "Sheltered English" Instruction	274,845	19.9%
ELD, sheltered English and primary language support by paraprofessionals	298,395	21.6%
ELD and academic subjects through the primary language	410,127	29.7%
Not receiving any special service*	239,386	17.3%
California totals	1,381,393	100.0%

Source: California Department of Education, 1997. \*includes withdrawn at parents request



notion that native-language instructional programs are not the only effective method of teaching LEP students.

California also performed a study similar to the Ramirez study, performed by BW Associates, and known as the BW study. The BW study compared five different instructional approaches for LEP students: ESL, Sheltered English, Late-Exit Bilingual Education, Early-Exit Bilingual Education, and Two-Way Bilingual Education programs.

BW studied five schools, each considered to have an optimally implemented program in place. The conclusion was very similar to the Ramirez conclusions, that the success of each program is greatly dependent on how they are implemented by the individual schools. BW, realizing the complexities surrounding the educating of limited-English proficient students, concluded, "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

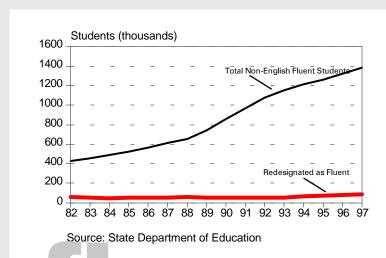
much too complex to be reduced to such a simplistic formulation."<sup>29</sup>

While the Ramirez and BW studies do not determine which program is most suitable to the education of LEP students, bilingual education opponents should point to the notable conclusion that all optimally implemented programs appear to provide LEP students with proper academic instruction and English-language development, not just native-language instructional programs.

## C. Bilingual education and labor market earnings

Finally, the question must be asked whether bilingual education is a worthwhile investment in the form of labor market outcomes by participating students. Mark Lopez and Marie Mora, utilizing a national sample of students, discovered that Hispanic LEP students who have received some bilingual education at some point in their schooling do not appear to earn significantly more or less than similar peers who were given English-immersion instruction.

## NUMBER OF STUDENTS TRANSITIONING FROM NONFLUENT TO FLUENT STATUS (1982–97)



Source: CA State Department of Education, 1997.

ving. A. +23 93 B. 90 +58 +4500 5,990 Their research questions centered around: "Which instructional practices lead to eventual achievement parity between English learners and native-English speakers?" This is the definition of "works" that the authors use in their evaluation.

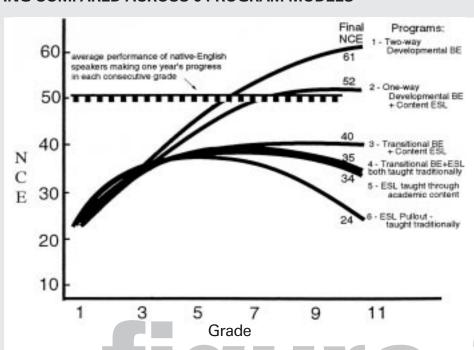
Their research followed students in "well-designed and implemented" programs of two-way bilingual education, developmental bilingual education with content-based ESL, transitional bilingual education with content-based ESL, transitional bilingual education with traditional ESL instruction (typically remedial style instruction, structure versus content), ESL programs taught through academic content, and ESL pullout programs (structure-based versus content-based instruction). The authors defined "well implemented" as those programs

that have been in effect for a number of years, with teachers that have been thoroughly trained to fully deliver the chosen instructional program completely, and with substantial administrative support to help deliver the instructional program in its entirety. These conditions fully satisfy the *Castaneda* tests to meet the needs of LEP students.

Collier and Thomas's findings concurred with many of the other evaluations of bilingual education programs; there are no short-term (two to three years) differences in academic achievement between traditional ESL and developmental bilingual education programs.

Note that the researchers defined the TBE and DBE programs as those that provided nativelanguage instruction and English-content in-

#### PATTERNS OF K-12 ENGLISH LEARNERS' LONG-TERM ACHIEVE-MENTS IN NCEs ON STANDARDIZED TEXTS IN ENGLISH READ-ING COMPARED ACROSS 6 PROGRAM MODELS



Source: Wayne P. Thomas and Virginia P. Collier, 1997.



tive-English peers while gaining full cognitive fluency in English.

Neither side of the argument is necessarily incorrect in its assertions. One element that both sides acknowledge is the importance of instructional programs, no matter what level of native-language use, being well implemented in order to properly serve students with limited-English proficiency. Of course, this circumstance is no different from any instructional program. Success depends on actual implementation details.

The original intent of both the *Lau* and *Castaneda* decisions was to allow for experimentation with several models to serve LEP students. Federal law and states — until recently, California included — that favor one instructional program over another ignore the diversity of the limited-English proficient student population. An emphasis on "one-bestway" also ignores the specific circumstances faced by individual school districts as they attempt to meet the educational needs of this specific and the entire student population.

In California, legislation has been proposed that would allow school districts to make all decisions locally with regards to curriculum, including curriculum to serve LEP students. California has been without legislation pertaining to serving LEP students since 1987. In this void, the state's school board issued its own policies and advisories, which favored certain bilingual education programs. School districts many times deferred to the state board thus reducing their own initiative and commitment. The same void, along with the state board's favoring of native-language instruction, has also prompted popular legislative initiative activity that would institute an alternative state policy on how districts are to serve LEP students. The recent court ruling and California state board vote are moves towards solidifying state policy with regards to educating this student population by saying the role of the state is not to prescribe specific programs.

One-size-fits all policies that favor one instructional approach at the expense of alternatives, at both the federal and state levels, have failed and will continue to fail to serve the instructional demands of this student population. Native-language instruction and English-immersion programs can both succeed when schools and parents dedicate themselves to each particular program. Local officials should properly assess the needs of their LEP student populations and define programs to meet specific needs of the students. Favoring or mandating one instructional program at the expense of another, given the diverse needs of the LEP student population, does not allow districts and schools to innovate with program models that best match the circumstances that they face. State and federal officials should concentrate on district compliance with the Lau and Castaneda decisions rather than compliance with a favored model that may be impractical, inappropriate, or infeasible for a particular district.

Policymakers and architects of instructional programs to meet the needs of LEP students should consider several goals central to the design of effective policies and programs. First, they should *evaluate* how quickly students achieve English proficiency and to what level of proficiency. Secondly, full academic parity across all academic subjects with native-English speakers should be a goal of whatever program is implemented. The necessary means must be undertaken to meet both of these goals.

As an example, Collier and Thomas assert that LEP students, without thorough native-language instruction, do not typically close the gap with their English-speaking peers. This conclusion, however, assumes that schools teach all students the same way. While their assertion may lead some districts to move towards greater native-language instruction, others may move to a longer school year or after-school and summer enrichment programs to bridge the achievement disparity.



#### **Glossary of Terms**

**Additive Bilingualism:** English language development builds on native language development.

**Bilingual education** is a term that carries a tremendous weight and several connotations. To avoid confusion, specific program names will be used to describe the effectiveness (or lack thereof) of programs implemented and evaluated. Otherwise, when referring to the general form, the term special instructional services/programs for LEP students will be used.

**Developmental Bilingual Education (DBE, also known as Late-Exit Bilingual Education):** focus on developing academic proficiency and literacy in native language before making full transition to all-English classes. Program length typically five to seven years.

**English as a Second Language (ESL):** often referred to as ESL pull-out programs where LEP students are given special English development instruction away from the mainstream classes. Pull-out varies from one-period to half-day instruction. Instructors are trained specialists.

**Immersion:** LEP students taught entire curriculum in English with specific teaching methods employed to overcome language barriers. Little to no native language usage in the instructional program. An aide is sometimes present.

Language Majority Students: native English speakers.

Language Minority Students: non-native English speakers, limited-English proficient.

**Structured Immersion (also known as Sheltered Immersion):** LEP students provided segregated English instruction by certified instructor or aide. In some instances, students are allowed to ask content-specific questions in their native language, but instruction remains in English. Also considered under ESL programming.

**Submersion:** no instructional support provided by trained specialists. Not considered a program model under *Lau* and *Castaneda*. Traditionally known as the "sink-or-swim" method.

**Subtractive Bilingualism:** English language development replaces native language development.

**Transitional Bilingual Education (TBE, also known as Early-Exit Bilingual Education):** academic curriculum taught in student's native language while they are learning English, gradually transitioning into all-English classes. Program length typically two to three years. Full development of native language not anticipated.

**Two-Way Bilingual Education:** language majority and minority students are schooled together, each serving as peer teachers. Curriculum is taught in both English and designated minority language. In 1997, there were 202 two-way programs in 22 states and the District of Columbia, with 184 of 202 operating in English and Spanish.

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- 4 National Assoc. for Bilingual Education website, www.nabe.org/BE.html, as of January 1998.
- 5 Lau v. Nichols, 414 U.S. 563 (1974).
- Department of Health, Education, and Welfare,35 Federal Regulation 11595, 1970.
- 7 Castaneda v. Pickard, 648 F. 2d 989, 1981, United States Court of Appeals, Fifth Circuit.
- 8 Little Hoover Commission, A Chance to Succeed: Providing English Learners with Supportive Education, July 1993, p.17.
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- 11 Public Law 103-382, Sec. 7116.
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- 18 Center for Applied Linguistics, Two-Way Bilingual Education: Students Learning Through Two Languages, shown on CAL's webpage, www.cal.org.

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- 22 California Department of Education, Educational Demographics Unit, Language Census. Spring 1997; CBEDS (enrollment), October 1996.
- 23 Howard Fleischman and Paul Hopstock, Descriptive Study of Services to Limited English Proficient Students, Volume 1, Table IV-4, Development Associates, Inc., 1993.
- 24 Ibid., Table IV-3.
- 25 Little Hoover Commission, A Chance to Succeed: Providing English Learners with Supportive Education, July 1993, p.37.
- 26 Wayne Thomas and Virginia Colliera, School Effectiveness for Language Minority Students, National Clearinghouse for Bilingual Education, December 1997, pp. 20-25.
- 27 Light, R.J. and Pillemer, D.B., Summing up: The science of reviewing research, Cambridge, MA: Harvard University Press (1984).
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- 29 BW Associates, Meeting the Challenge of Language Diversity: An Evaluation of Programs for Pupils with Limited Proficiency in English, February 1992, Executive Summary.
- 30 Mark H. Lopez and MarieT. Mora, Bilingual Education and Labor Market Earnings Among Hispanics: Evidence Using High School and Beyond, January 1998.
- 31 Wayne P. Thomas and Virginia Collier, School Effectiveness for Language Minority Students, disseminated by National Clearinghouse for Bilingual Education, December 1997, p. 60.
- 32 J. Cummins, Negotiating Identities: Education for empowerment in a diverse society, California Association for Bilingual Education, 1996.

