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UNIVERSITY OF REDLANDS

A Critical Policy Analysis of the United States' Bilingual Education:
Challenges and Successes in a Multicultural Context

A dissertation submitted in partial satisfaction of the requirements for the degree of
Doctor of Education in Leadership for Educational Justice

By
Irma E. Gastelum
March 2019

Dissertation Committee:
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ABSTRACT

A Critical Policy Analysis of the United States' Bilingual Education: Challenges and Successes in a Multicultural Context

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Doctor of Education, 2019

University of Redlands

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Within the United States, bilingual education has historically been both accepted and restricted. Throughout the context of social and political events, diversity has impacted the educational system of the nation as millions of immigrants have become a part of American society. This continually changing demographic has proven to have a divisive as well as controversial impact on the concurrent political climate. Politicians and policy makers have mirrored the changing dichotomy of the United States nation through legislation that has impacted language minority students who have continually struggled to achieve academic success. Within the research, the author examines the historical background of legislation impacting immigrants and English learners throughout the years. Specific timeframes ranging from an era of linguistic tolerance to an era of linguistic value discuss the response to subsequent diversity. The disparities are examined as well as the changing bilingual program models that have evolved. To examine California's current educational state, ten pieces of enacted legislation have been evaluated in order to determine if bilingual education has been perceived as a problem, a right, or a resource. By framing the legislation and the impact that it has had, it served to negotiate an understanding of each situation, point to a cause, determine an alternative, and thereby promote change. The author has concluded that California has made strides towards creating an educational system where bilingualism and language diversity are perceived as resources that have led to implementation of increased numbers of dual immersion programs. Cautionary steps and guidelines are discussed, as well as programmatic recommendations for

implementation of effective programs that will value and build on a child's native language rather than rebuke it.

Dedication and Acknowledgements

I would like to dedicate this work to my four amazing children – [REDACTED]

[REDACTED] – who have supported and encouraged me throughout this process.

Without their joy, laughter, and unfailing belief that I could accomplish anything, I would not have been able to complete this research. I would also like to acknowledge and thank Dr. Phil Merci and Dr. Andrew Wall who graciously provided their guidance, support, and infinite wisdom that led my journey through the doctoral program. Lastly, I would like to give my thanks and appreciation to Dr. Jennifer King and Dr. Hideko Sera who provided me with the faith and support that allowed me to be the first in my family to earn a doctoral degree. In my quest to accomplish my goal, I was fortunate to meet these two amazing, strong, and knowledgeable women who embraced me through my tears, fears, and uncertainty. Their gift of friendship, acceptance, and kindness proved invaluable and epitomized the true meaning of “social justice.”

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Chapter One Introduction

Throughout the history of the United States, the population has become increasingly diverse (Fitzgerald, 1993). Currently, it has a greater number of immigrants than any other country in the entire world. There are more than 43 million immigrants from nearly every country in the world who now reside in the United States and speak a language other than English. Of those five years of age and older, over 43% of them speak Spanish in the home (López & Bialik, 2017). According to the National Center for Educational Statistics, there are over 4.8 million elementary and secondary students who speak a language other than English in their homes and are considered to be English Language Learners (ELL) (United States Department of Education, 2017). Essentially, one in ten public school students in the United States is currently learning to speak English as their second language (Sanchez, 2016). These ELLs are faced with the daunting task of not only learning English, but must also acquire content knowledge taught through a grade level standards-based curriculum (Mora, 2000). While these children represent an ever-growing population with varying ability levels and needs, they are often underserved within the public-school system (Gándara & Rumberger, 2009). When compared with native English speakers, ELL students typically perform well below their peers in language instruction and core subject areas. They often do not receive the language support needed to accommodate their needs, and as a result their emerging language skills are frequently misdiagnosed as learning disabilities (Sullivan, 2011). Ultimately, high school ELL graduation rates are frequently well below the national average, and dropout rates are higher than those found for language majority students (Mitchell, 2017; Bennici and Strang, 1995; Ruiz-de-Velasco & Fix, 2000).

English learners have been a significant part of the tapestry of the nation of immigrants for many years (Nieto, 2009). Initially, racial, ethnic, and linguistic heterogeneity was synonymous with the complexity of the nation's identity since before the first colonists immigrated to their new life in North America (Ovando, 2003). Prior to their arrival, numerous indigenous people had already created a linguistically rich land filled with a variety of cultures and languages. Records show that approximately 250 to 1,000 American Indian languages were spoken in North America during the 15th century (Sherzer, 1992; Grosjean, 1982). Despite the widespread belief that the United States was primarily an English dominant society, there existed a myriad of cultures and traditions that created an environment where bilingualism was supported as a means to facilitate trade, evangelical practices, and teaching (Castellanos, 1992). In fact, many political and intellectual leaders promoted the maintenance of non-English languages in an environment that lacked any early language policies (Heath, 1981). This passive environment gradually led to the emergence of language repression and assimilationist policies that began to surface when European languages were often valued over others (Wiley, 2007).

Language ideology shifted throughout the years as a result of social, economic, and political forces (Ovando, 2003). Within the United States, lack of consistency resulted in hegemonic policies and practices that served to marginalize minority groups (Crawford, 2000; Ovando & McLaren, 2000; Ovando & Wiley, 2003). The spirit of assimilation prompted patriotism to be associated with fluency in English (Casanova & Arias, 1993; Tamura, 1993). For instance, although Latinos have now become the largest ethno-racial minority in the United States (Suarez-Orozco & Paez, 2002), their rich cultural and linguistic heritage has historically been diminished in an effort to rapidly assimilate into the mainstream American culture and the English language (Schmid, 2001).

The “melting pot” metaphor soon became known to mean that the large numbers of immigrants who had arrived in the United States during the 1800s and 1900s were expected to assimilate into one cultural norm promoted by European nationalism. Many feared that foreign ideologies were being imported into the United States and thus supported exclusionary practices for immigrants. As a result, legislation such as the Naturalization Act of 1906 was enacted. It stated that immigrants had to be able to speak English if they wished to become United States citizens (Ovando, 2003). This pressure to create a homogenous population continued to be a consistent pattern that echoed throughout schools in the first half of the 20th century (Tyack, 1974). Despite the fact that multilingual communities had existed side-by-side for years, their rich linguistic backgrounds were often silenced in educational settings (Nieto, 2009). This type of English hegemony continued to reinforce the widespread belief that the English language was superior over others and thus perpetuated social dominance over non-white, non-English speaking minorities (Macedo, Dendrinos, & Gounari, 2003).

In 1926, President Roosevelt declared his desire for a unified country with only one national language – English (Crawford, 2001). In the following years, educational legislation and policies were enacted to combat attempts to discriminate against ethno-linguistic minorities who were forced to participate in an all-English curriculum (Urban & Wagoner, 2013). In the case of *Meyer v. Nevada* (1923), Meyer, a parochial teacher, was accused of violating a 1919 Nevada law that prohibited instruction in any language other than English. It was determined that the law violated the 14th Amendment and was deemed to be unconstitutional by the Supreme Court (Tollefson, 2002). In the years that ensued, the Bilingual Education Act of 1968 (Title VII of the Elementary and Secondary Education Act) supported educational opportunities for non-English speaking students. While it did not force schools to offer bilingual programs, it encouraged the

development of programs that targeted non-English speaking populations (Crawford, 1989). Later, studies showed that native language instruction not only serves to facilitate acquisition of English, but also strengthens content knowledge by providing a cognitive foundation (Cummins, 2001; Krashen, 2004; Thomas & Collier, 1997).

Although bilingual programs are known to vary, the policy debate regarding the best way to educate students has continued (August & Hakuta, 1998; Baker & deKanter, 1983). While some argue that English should be taught explicitly, others support programs that encourage the use of a student's native language in order to facilitate the transfer of skills from one language to another (Hakuta & Garcia, 1989). Thomas and Collier (1997) found that students who were educated in a bilingual program typically took four to seven years to reach the 50th percentile on the Normal Curve Equivalent Scale. Those students who were educated entirely in English took anywhere from seven to 10 years to reach the same level of achievement.

In 2015, there were eight states in the nation, primarily in the west, where over 10% of their public-school student populations were comprised of ELL students. California had the highest percentage with over 21% ELL students, and Texas and Nevada followed closely with both having 16.8% (United States Department of Education, 2017). Within these states, arguments in favor or against bilingual education have continued to be debated throughout the years. Arguments have focused on an individual level by examining the possible benefits and costs of bilingualism. Contrarily, a focus on the societal level has argued for support of English as an official language. The linguistic and social complexities surrounding bilingualism have shrouded the debate of how best to educate children (Hakuta & Garcia, 1989). As policies and practices have shifted, education reform laws have become increasingly complex and have often served to curtail educational opportunities for language minority students (Mora, 2000). While

much of the focus has been on program effectiveness and language acquisition, the academic, cultural, and socio-emotional needs of students must also be considered (Krashen, 1996).

Bilingual programs have repeatedly faced resistance, and while many believe that the United States is the only country to offer bilingual education to language-minority children, bilingualism is indeed common in many parts of the world (Krashen, 1996). Bilingual program implementation has shifted as reforms and policies have changed. The passage of Proposition 227 forced bilingual education programs to be dismantled in California and emphasized English-only instruction. ELL students were left to fend for themselves in mainstream English programs that provided little support in their native language (Bali, 2008). Transitional programs, the most common type of bilingual education, provide short-term academic support in a student's native language while they are learning English. Unfortunately, the goal of both these types of programs is for students to rapidly acquire English as they gradually remove the use of their native language. This deficit perspective negates the language and culture that language minority children bring with them (Villareal, 1999). Similarly, English as a second language (ESL) programs pull students out of the regular mainstream classroom and focus on content-area instruction in the student's native language (McKeon, 1987). While this type of program allows students to develop basic skills, they are generally not able to expand their academic language (Cummins, 1984). In contrast, two-way bilingual programs (also known as two-way maintenance, dual language, and two-way immersion programs) have become known as those having the greatest academic success (Thomas & Collier, 1997). These programs have become more readily acceptable in that they have created opportunities for both language minority and majority students to become bi-literate within the classroom (Lindholm-Leary, 2001).

The debate on bilingual education and program implementation is not simply about education – it continues to be surrounded by larger sociopolitical factors including language, culture, and race (Flores, 2016). The current study intends to examine how policy makers have inherently created barriers for ELL students by limiting their access to the equitable education necessary to improve their lives. By analyzing the ELL populations within the state that has the largest percentage of ELL public school students, i.e. California, as well as restrictive English only policies that have impacted the use of a student’s home language, critical analyses will offer structures that need to be in place to protect second language learners. The argument will be made for defining the shift for traditional bilingual programs from a deficit perspective where the native language is not valued nor preserved, to a focus on academic enrichment programs such as dual language immersion where both language minority and majority students can make significant academic gains when programs are properly planned and implemented.

Chapter Two Literature Review

Overview

Throughout the world, bilingual or multi-lingual instructional practices are commonplace, and individuals who are bilingual or multilingual outnumber those who are considered to be monolinguals (Bank, 1995). The use of multiple languages has been attributed to a variety of factors such as religious or social attitudes, linguistic heterogeneity of a particular region, or educational programs that focused on promoting wider communication. For example, in the Country of Eritrea located in the Horn of Africa, an educated person would likely receive a portion of their education in Tigrigna, Arabic, and also English. In other parts of the world, children are frequently exposed to numerous languages as they move from home into their community, and finally into a formal educational institution (Waters, 1996).

Within the United States, however, the complex issues surrounding bilingualism have existed for many years due to the ever-changing demographic make-up of the country (Hakuta & Garcia, 1989). In addition, the goals and objectives of bilingual education have been encompassed within a vast array of educational programs used to educate students of different student populations (Rubin, 1977; Trueba, 1979). As Pavlenko (2002) noted, the dominant ideology that surrounded whether English should be considered the only language identified with the American national identity did not emerge until after the 20th century as a reaction to a new influx of immigrants from non-English speaking countries. However, the debate regarding multilingualism has persisted for hundreds of years despite pressure for immigrants to assimilate (Blanton, 2007; Garcia, 2011).

During the 19th century, the goal of bilingual education was to preserve culture and native languages. Until recently, however, many believed that bilingualism and bilingual

environments taxed the cerebral capacities of children and were viewed as handicapping (Crawford, 1989). Beginning with the birth of IQ tests, the cognitive effects of bilingualism were debated as an integral part of the argument against immigration in the early part of the 20th century. Hakuta (1986) cited a 1926 study conducted by Florence Goodenough wherein she compared the use of language across several different ethnic groups. In it she discovered an inverse correlation between a median IQ and the quantity of a non-English language used in the home. She concluded that the continued use of minority languages was a chief factor resulting in mental retardation, and that those groups who had an inferior mental capacity were incapable of learning English at a rapid pace. It was found that studies such as these lacked controls for numerous factors that could affect the reporting of test performance. For example, Hakuta (1986) discovered that they typically compared upper-class monolingual children with bilingual children from lower socioeconomic households and thus test results were skewed due to societal factors. In addition, children who were identified as bilingual for participation in the studies were chosen based on their immigrant status or having a foreign last name. The use of societal criteria as opposed to linguistic criteria led to incorrect conclusions regarding intelligence that were not related to language (Diaz, 1983).

Chomsky (1966), however, hypothesized that humans had an innate mental capacity to acquire language, and recent studies have shown that bilingualism has been associated with superior performance on a number of intellectual skills. In addition, a positive correlation has been demonstrated between bilingualism and increased cognitive flexibility (Diaz, 1983).

Although the benefits of second language acquisition have been argued, correlations have shown that greater knowledge in a person's native language has served to facilitate acquisition of a second language (Hakuta, 1986). While initial theorists hypothesized that difficulty in second

language learning was based on confusion or conflict with learned habits of the native language, this is no longer the case. It is now understood that syntactically, native language structural patterns minimally influence second language acquisition (Hakuta & Cancino, 1977). Instead, Cummins (1984) has argued that a common underlying proficiency exists wherein different language capacities exist in the same area of the brain and work interdependently by sharing a common knowledge base. In other words, a child who has adequately learned to think and read in their native language has the capacity to perform well in a second-language school environment.

Cummins (1979, 1980) proposed that there were two types of language proficiency: basic interpersonal skills (BICS) and cognitive academic language proficiency (CALP). Generally, BICS can be acquired in a second language within two years, while CALP may take as long as five to seven years for a young child to reach the same level of proficiency as native speakers. The common underlying proficiency of acquired academic skills and concepts in an older child will transfer to their second language at a more rapid rate and may need even less time (Cummins, 1981a, 1981b). Despite the fact that two languages do not compete for mental resources, and in fact work interdependently given time, debate has continued to be focused on languages that are in competition with one another (Hakuta & Garcia, 1989). It has become exceedingly clear that bilingualism has the capacity to enrich and enhance the mental capacity of children rather than thwart or impair it thereby prompting action to promote learning environments that serve to enhance learning potential for all children.

As immigrants entered the United States in search of a better life, the nation was labeled as the nation of immigrants, and although fundamental respect for the minority languages did not form until recently, the ethnocentrism of English speakers permeated United States history with

those who immigrated from non-English speaking countries. Furthermore, the United States government intentionally promoted conformity to the standards of Anglicization (Crawford, 1989). Race and racism created social inequalities as middle- and upper-class knowledges were valued in the hierarchical society (Bourdieu & Passeron, 1977). The culture and cultural capital (forms of knowledge that are possessed and valued) such as language and education of the white, middle or upper class were viewed as the standard or norm by which all other expressions of cultures are judged (Yosso, 2005). Despite the numbers and diversity of the individuals who either entered this country or were present long before the English settlers arrived, attitudes towards a multilingual reality have ranged and fluctuated from hostile and repressive to open and accepting throughout the years (Crawford, 1989; Schmid, 2001). The goal of prompt assimilation into an English society has been a reoccurring characteristic found repeatedly throughout the history of the United States (Schmid, 2001). Often, language policies have promoted the destruction of minority cultures to perpetuate colonial domination under the guise of Americanism and democracy (Crawford, 1992). Despite the fact that Vygotsky (1962) found language to be a significant tool that is used not only to communicate with others, but also as a manner in which to express a person's unique experiences and thoughts, diverse languages have been viewed as a deficit and students' backgrounds have been deemed as irrelevant to their education (Cummins, 1996). As educational policies and reforms have increasingly focused on standards, accountability, and academic achievement, debate regarding bilingualism has continued to intensify while the academic achievement of the ELL students has continued to trail that of native English speakers (Fitzgerald, 1993; Moss & Puma, 1995).

History of Bilingual Education in the United States

Linguistic Tolerance: Pre-Colonial Years to the 1880s

At the time that European contact was made with the United States, hundreds of American Indian languages were already being spoken in North America during the 15th century (Sherzer, 1992; Grosjean, 1982). As the English settled into the New World colonies, no language policies were expressly dictated (Heath, 1976b). Bilingualism was a part of life as the European settlers brought a variety of languages to North America. Spanish, French and Dutch Protestants, Quakers, and Catholics used bilingual skills for communication through evangelism. Puritans in the north went so far as to build bilingual schools in order to educate the native populations in Rhode Island and Massachusetts (Donegan, 1996). In addition to religious organizations, political leaders, social organizations, and newspapers promoted the study and use of non-English languages (Casanova & Arias, 1993; Heath, 1981). From 1774 to 1779, the Continental Congress provided that documents were to be published in German in order to allow access for the large German speaking population present at the time (Albert & Melendez, 1985).

Large numbers of immigrants continued to impact American schools during the 19th century and actively promoted their language, religion, and culture as they established communities. A movement known as cultural pluralism existed where they believed that they could simultaneously participate in the civil life of their new nation while maintaining their ancestral ways of life. They favored a sense of mutual respect for other cultural groups as they worked to collaborate in economic and government affairs (Havighurst, 1978). Many non-English speakers pressed for federal, state, and local legislation that allowed for integration of non-English languages as modes of instruction. As a result, non-English or bilingual instruction was available in public and private schools in over a dozen states in European languages such as

Swedish, German, Norwegian, Danish, French, Polish, Spanish, and Czech (Kloss, 1998). This type of bilingualism continued to be a common part of life until the mid-19th century (Crawford, 1989).

Linguistic Repression: 1880s - 1960s

In the years following the 1880s, a shift occurred from linguistic tolerance and acceptance, to repression of foreign languages in the name of patriotism. Fluency in English became associated with patriotism and immigrants were pressured to conform through adoption of English as their only language (Casanova & Arias, 1993). Even though missionaries had shown interest in providing schooling to American Indian students in their native language, they were unsuccessful in their attempts to contest repressive policies that were enacted in an effort to assimilate them (Ovando, 2003). The Bureau of Indian Affairs aggressively forced American Indian children to attend boarding schools through the implementation of a policy that worked to strip away any autonomy of tribal authority or governance. American Indians had no choice but to replace their native language with English and forgo native customs as they went through the process of patriotic indoctrination through forced deculturalization (Crawford, 1992; Spicer, 2015, Weinberg, 1980; Wiley, 1999). In order to ensure that complete indoctrination took place, children were removed at a young age from their families in order to minimize familial and tribal influence (Spring, 2016). Many schools went so far as to prohibit speaking American Indian languages and severely punished those who did not comply with physical abuse such as washing their mouths with lye soap or beating them (Norgren & Nanda, 1996). Through this English-only policy, the United States successfully alienated American Indians from their tribes and stripped them of their cultural roots and identities (Crawford, 1995). The policy widely known as the Blood Quantum was established in the Indian Reorganization Act of 1934 as a reaction to

concerns surrounding the eligibility for benefits, social programs, and the administration and distribution of property provided for American Indians. This requirement, based on racial traits and cultural stereotypes, forced American Indian individuals to be recognized of their 'native-ness' by the United States government counting whether or not they had at least one half or more of American Indian blood. The consequence of not having enough American Indian blood meant that the individual's financial support and rights to natural resources and land would be taken away. Considering that the current total United States' population of American Indians is less than 1% is based on the fact that the Blood Quantum requirement was created to systemically eliminate the American Indian population. At the same time the numerical presence in population was shrinking due to the targeted policy, American Indians' heavy oral history and identity were systemically eliminated because of language proficiency policies (Brownell, 2000).

As the United States acquired new territories in the southwest, further strategies were used to ensure linguistic and cultural control of the areas. First, Spanish-speaking communities were split to favor an English-speaking majority by delimiting state borders. Also, recognition of statehood was deferred until English-speaking settlers could populate areas in sufficient numbers. For this reason, California, Nevada, Colorado, and Utah were accepted respectively as states in 1850, 1864, 1876, and 1896 (MacGregor-Mendoza, 1998). The power and authority linked to the governing of the nation since colonial times, as well as the spirit of nationalism prompted by the Spanish American War, likely spurred the American Protective Association to promote English-only laws that were adopted for schools in both Illinois and Wisconsin in 1889 (Fitzgerald, 1993; Higham, 1988). Following the war, the United States additionally decreed that English was to be the mainstream language of schools in new territories such as the Philippines and Puerto Rico. This was enacted even though most of the population of Puerto Rico spoke

almost entirely Spanish (Resnick, 1993). The ruling was not relaxed in Puerto Rico until 1916 when Spanish mainstream instruction was finally permitted in first through fourth grades (Leibowitz, 1982).

In 1906, the first legislation that required immigrants to speak English in order to become naturalized citizens was enacted. The justification for the racially prejudiced Nationality Act was based on the perceived correlation between English and a sense of strong national identity (Schmid, 2001). Unfortunately, new immigrants were viewed as genetically inferior and thus bilingualism was seen as a mental burden that resulted in lower intelligence (Hakuta, 1986). Racially unjust legislation continued to divide the nation when, in 1917, the Burnett Act was passed by Congress. All new immigrants were required to pass a literacy test regardless of their proficiency in English, and all immigration was further prohibited from Asia with the exception of Japan and the Philippines (Schmid, 2001). World War I exacerbated the tide of hostilities when loyalty to the United States and language acquisition was viewed as connected. President Roosevelt declared that the nation had room for only one language and that language was English. All types of bilingual language instruction were virtually eliminated, and thus not only deprived linguistic minorities of their rights, but also strengthened the perception that the United States was exclusively an Anglo community (Crawford, 2001). The pressure to create a homogeneous society continued into the 20th century as ethnocentric Americanization classes prepared immigrants for entry into United States mainstream society (Higham, 1988). Policymakers felt that it was the linguistic minority students' responsibility, not the schools', to make the cultural, linguistic, and cognitive adjustments needed to successfully assimilate. Thereby, when many of these students did not achieve academic success, their home language

and culture were often blamed (Ovando, 2003). By the end of World War I, 15 states had declared that English was to be the only language used for instruction (Donegan, 1996).

As the hostile climate ensued, the Supreme Court ultimately did not lend support to these restrictive practices. In the case of *Meyer v. Nebraska* (1923), Meyer, a German parochial teacher, was found in violation of a 1919 Nebraska law that forbade the teaching of school in any language other than English until the eighth grade. The Supreme Court ruling found that the law violated the 14th Amendment of the United States Constitution since it limited inalienable individual rights (Tollefson, 2002). It further declared that Nebraska's interest in promoting a homogeneous population did not justify their interference with the students' rights to acquire an education, teachers' rights to provide that education, and parents' rights to determine how their children were to be educated (Crawford, 1992). This ruling set the precedent for courts to continue to protect the rights of those who chose to teach and learn the language of their choice (Cordasco, 1976; DelValle, 2003).

In the 1927 case of *Farrington v. Tokushige* (1927), the Supreme Court ruled that a law that prohibited foreign language instruction without a permit in Hawaiian schools was in violation of the 5th Amendment. Furthermore, in 1947, in the case of *Mo Hock Ke Lok Po v. Stainback* (1947), a judge ruled that parents had the legal right to have their children taught in the language of their choice (Cordasco, 1976; DelValle, 2003). Ultimately, the 1954 ruling in the case of *Brown v. Board of Education of Topeka* (1954) declared that the segregation of schools promoted inequality and ordered immediate desegregation. The second part of the ruling took place in 1955 and called for immediate action (*Brown v. Board of Education of Topeka*, 1955). It brought attention to the inequitable and unfair educational experience of people of color and decreed that corrective measures needed to occur rapidly (Urban & Wagoner, 2013).

Unfortunately, the Mexican American communities in the southwest portion of the nation continued to be excluded from obtaining their education in Spanish. New arrivals were forced to attend segregated schools where all instruction took place in English. The public-school system proved unable to provide the education that was needed and this was only exacerbated when the Bracero program of 1942 allowed entry to the United States for short-term contract laborers from Mexico. These workers, along with a growing number of Puerto Ricans, entered a rapidly changing but declining economy in the fields and factories of the United States. Ultimately, Spanish was increasingly viewed as the language of dominated people of color as the school systems failed to educate them (Garcia, 2011).

Many critical social events highlighted the importance of bilingualism in the United States and the realities of World War II brought to light the inadequacies of foreign language instruction. Math, science, and language skills were critical for commercial and military operations and thus became a high priority for national defense during the Cold War era. Russia's launch of the first artificial satellite known as Sputnik was the catalyst that initiated the creation of the National Defense Education Act in 1958. Its primary goal was to use fellowships to sponsor foreign language teachers. Unfortunately, while the act served to improve and encourage foreign language instruction for monolingual English-only students, it did not nurture the languages that linguistic minorities already possessed (Ovando, 2003).

During World War II, the Marines Corps were the first military branch to recognize the need for Japanese linguists during wartime. While both the Navy and the Army already had a three-year-long officer-training program in existence in prewar Japan, the Marines were the first to create an intensive language program to train Japanese linguists in the United States. They understood that, in the face of war, cross-cultural knowledge of Japanese was needed to

communicate on the front lines of battle, translate documents that their opponents left on the field, as well as capture and interrogate prisoners. Interestingly, the language skills that they honed for the sake of use during the war also served to create cross-cultural empathy and understanding for the Japanese as human beings. Their role often shifted from focusing on intelligence, to saving lives by sweeping battlefields, and convincing civilians and enemy soldiers to leave the scene (Dingman, 2004).

Of the 16 million United States soldiers who served in World War II, 44,000 were Native Americans (Dawes, 2015). While these soldiers enlisted to fight for the same country that culturally alienated them, their Navajo native language was used for stealth communication by the military since no one else had the ability to master the language except for native speakers (Bruchac, 2006). Despite the fact that the use of their native language had originally been forbidden and attempts had been made to systematically exterminate it, the 400 Code Talkers worked within the Marine Corps to communicate secretly as a way to win the war (Nez & Avila, 2011).

Ironically, Fidel Castro's Cuban Revolution of 1959 prompted the rebirth of bilingual education. Cuban refugees who arrived in Florida believed that they would only be in the United States temporarily. They wished for their children to maintain their culture and language in preparation for their return to their homeland. In order to do this, a two-way immersion program was established in 1963 at Coral Way Elementary School using funds provided by the Cuban Refugee Act. This groundbreaking program allowed children to be educated in English while successfully maintaining their native Spanish. The successful program became the model for similar locally funded bilingual language programs in not only Florida, but also other states throughout the country (Gonzalez, 1975; Ovando, Collier, & Combs, 1998).

A Call for Ethno-Linguistic Educational Equality: 1960s - 1980s

The case of *Brown v. Board of Education of Topeka*, as well as the 1957 Little Rock decision on integration, intensified political activism in favor of equal rights that resulted in similar rulings against integration (Urban & Wagoner, 2013). This social movement came to a climax with the passage of the Civil Rights Act in 1964 that outlawed discrimination and resulted in the creation of the Office of Civil Rights. Title VI, the section that focused on education, allowed funding to be withheld from districts that failed to promote integration and eliminate segregation. This initiative became a catalyst for bilingual education once again as groups such as the League of United Latin American Citizens (LULAC) and the Mexican American Legal Defense Fund (MALDEF) were founded to defend the rights of ethno-linguistic minorities (DelValle, 2003; Urban & Wagoner, 2013). The population of non-English speaking ethno-racial minorities increased during the 1960s when the 1965 Immigration Act nullified the Naturalization Act of 1906 and brought to an end the national origin quota system. In addition, it served to establish a new policy focused on reuniting families and attracted skilled labor to the country's work force. Large numbers of Asian and Latin Americans entered the country and its classrooms where their education was hindered by their inability to access the curriculum due to their language (Molesky, 1988). Congress responded by passing the Bilingual Education Act of 1968 (Title VII of the Elementary and Secondary Education Act [ESEA]) (Crawford, 1989). Its main goal was to provide equal educational opportunities for disenfranchised minority students, particularly Hispanics, as part of President Johnson's War on Poverty. Although the wording was ambiguous, it did play a critical part in the recognition of linguistic minority rights (Crawford, 2000). It did not specifically mandate districts to offer bilingual education, but instead provided funding for programs that were specifically for low-income, non-English speaking students

(Crawford, 1989; DelValle, 2003). This legislation finally recognized the importance of the linguistic minority students' culture and ancestral languages within the school setting and served to further erode the English-only laws that still existed in many states (Ovando, 2003).

The Bilingual Education Act not only provided access to the curriculum in ways that had never occurred before, it also resulted in community activism and litigation prompted by Spanish-speaking parents. This led to the creation of additional elementary and secondary bilingual programs, as well as English as a Second Language (ESL) programs in many areas of the United States. Schools now worked to address the linguistic, social, and academic needs of diverse students from a variety of backgrounds (Ovando, 2003). In 1974, the Act was amended in order to define programs, identify goals, specify feedback needed from programs, and eliminate the low-income requirement of the original eligibility criteria (Crawford, 1989).

In the same year, the Supreme Court ruled in the case of *Lau v. Nichols* (1974). Kinney Timmon Lau and 1,800 limited English proficient Chinese students filed a discrimination suit against the school district and the president of the school board on the basis of not receiving an equal and fair education since they had not received any assistance nor accommodations needed to access the curriculum. The final unanimous ruling in favor of the Chinese-American students reiterated the original mandate that specified that it was the district's responsibility to provide accommodations and appropriate programs for non-English speaking students (Schmid, 2001; Wiley, 2007). The Supreme Court ultimately did not make their ruling based on whether language minority students had the constitutional right to have educational support, but rather on Title VI of the Civil Rights Act that prohibited any type of discrimination based on color, race, or national origin. It concluded that equal treatment of English speakers and non-English speakers did not constitute equal educational opportunities (Ovando, 1977). Because the Lau

decision did not prescribe curriculum or methodology, it was considered vague and thus could include programs that focused on rapid assimilation and failed to maintain their native language. In this light, the decision implied that bilingual education was not a constitutional right (DeIValle, 2003; Schmid, 2001). Nevertheless, it did have a huge impact on bilingual education in the United States by legitimizing the movement for providing equal educational opportunities for non-English speaking students. The Lau decision ultimately led to the Equal Opportunities Act in 1974. Congress expanded the jurisdiction of the Lau decision to apply to not only those school districts that received federal funding, but also all public schools (Ovando, 2003).

As school districts were pressured to implement effective instruction for ELLs, the Office of Civil Rights responded by issuing the Lau Remedies in 1975. The original ambiguity in the Lau decision led to the establishment of a series of pedagogical guidelines that school districts needed to follow in order to be in compliance with the Lau ruling. These included mandates stating that bilingual education programs needed to be established in all districts that had at least 25 ELL students who shared the same native language. Teachers were directed to instruct students in ESL programs with the aim of achieving grade level English competency similar to their peers. School districts were now responsible for providing evidence that their programs met the linguistic, academic, and socio-emotional needs of their ELL population or risk losing their federal funding (Ovando, Collier, & Combs, 1998; Teitelbaum & Hiller, 1977).

In 1981, in the case of *Castañeda v. Pickard* (1981), a Texas school district was charged with violating the civil rights of ELL students as defined by the Equal Opportunities Act of 1974. The Fifth Circuit Court of Appeals provided a three-step assessment that was to be used to determine whether school districts were meeting the requirements established by the Lau decision. First, the program had to be based on valid educational theory. Second, adequate

personnel and resources needed to be in place. Lastly, the program was required to reflect valid practices and results in all content areas in addition to language. The criteria have proven to be so important that the Office of Civil Rights, as well as other court cases, have used them as a guide to test compliance with the *Lau v. Nichols* decision (Ovando & Collier, 1998). While these mandates helped to provide specific guidance to districts to establish and maintain bilingual programs, programs varied tremendously, and the influx of ELLs continued to grow. The controversy surrounding bilingual education continued as it was discovered that, despite legislation and activism, only a small fraction of linguistic minority students was actually receiving bilingual services (Crawford, 1989).

Linguistic Resentment: 1980s - 2016

During the 1980s, both President Reagan's and Bush's administrations focused on English-only education that negated the research and programs from the previous 20 years. President Reagan expressed his dissatisfaction with the fact that students were receiving native language support when he felt that they should be focused on learning English in order to enter the work force (Crawford, 1989).

Multiple reauthorizations of the Bilingual Education Act began to erode the support for native language use. The three reauthorizations in 1978, 1984, and 1988 weakened support for bilingual programs and provided additional funding for English-only programs. The 1978 reauthorization provided funding for transition programs wherein native language instruction was only to take place with the intent of transitioning to English only. The 1984 reauthorization provided funding for Special Alternative Instructional Programs (SAIPS) with no instruction for students in their native language. Furthermore, the 1984 amendment worked to dismantle bilingual programs by removing the 4% cap of English-only programs, as well as all other

restrictions for support of alternative programs was also removed. These programs were viewed as alternatives to bilingual education and so were inadvertently promoted. Even though the budget was increased by 10 million dollars, over 70% of the allocated monies were diverted from Title VII teacher training programs and shifted to English-only programs. By the time the third reauthorization took place, students were only permitted to participate in bilingual programs for a limit of three years (Fitzgerald, 1993).

The funding disparities that took place at a rapid pace reflected the growing opposition to native language instruction although the largest population of immigrants from Central America and Mexico were flooding United States' schools since the beginning of the 20th century (Donegan, 1996). Many United States citizens were convinced that these people were a burden on society and considered them a threat (Fitzgerald, 1993). In addition, the Reagan administration failed to publish the Lau compliance guidelines established in 1974 based on the *Casteñeda v. Pickard* ruling and dismantled President Carter's administration's Lau proposal wherein bilingual education would have been mandated for schools having at least 25 language minority students who shared the same native language (Crawford, 1989). Political activism gained momentum as the conservative Reagan administration published a report titled *A Nation at Risk* in 1983 that stressed the importance of educational outcomes (National Commission on Excellence in Education, 1983). This report stated that the nation was at risk for regional division and blamed non-English speaking populations (Crawford, 1989). In 1983, Hayakawa, a Republican Senator from California and a Canadian born English professor with Japanese ancestry, founded an English advocacy organization called United States English and lobbied to make English the official language in the United States (Donegan, 1996). Soon thereafter, more anti-bilingual groups began to emerge such as English Only and English First. English-Plus, the

bilingual proponent that surfaced in response to the English-only movement, failed to gain media attention or support (Ovando, 2003).

Throughout Reagan's presidency, Secretary of State William J. Bennett publicly attacked the Bilingual Education Act and, in 1985, appointed anti-bilingual members to the National Advisory and Coordinating Council on Bilingual Education. In 1988, the Congressional Hispanic Caucus allocated monies to support the learning of English rather than provide language support. Over 25 million dollars were authorized for adult ESL programs (Crawford, 1989). The national attitude continued to lean towards a homogeneous society in the name of patriotism. By 1988, 10 states had passed English-only legislation including Florida, California, and Illinois, which also ranked among the top five states for having the largest number of ELL students. In 1989, seven other states, Alabama, Arkansas, Delaware, Nebraska, North Carolina, Oklahoma, and West Virginia, still had laws on their books that prohibited instruction in any language other than English even though they were not enforced (Crawford, 1989).

Anti-immigration sentiment continued to grow and culminated in 1994 with the passage of Proposition 187 in California. Voters approved the initiative that worked to curb immigration by implementing restrictions on the educational and social services that undocumented immigrants could receive (Ovando, 2003). It was later deemed to be unconstitutional in 1995 when the federal court determined that states were obligated to provide a public education to children who were residents regardless of their immigration status. Even though the proposition was invalidated, it served to fuel the sentiment needed to pass other initiatives that limited the benefits and rights of immigrants (Crawford, 2004).

Assimilationist vehemence continued throughout the country as voters viewed non-English speaking immigrants such as low-wage laborers and migrant workers as an insignificant

part of society. This fostered the philosophy that coercive policies were needed to either remove them or assimilate this population into the dominant Anglo society (Mora, 2002). In 1998, California voters passed Proposition 227, which stated that English was to be the primary language of instruction for all language-minority children. Ron Unz, the author of Proposition 227, blamed bilingual education for the academic failure of linguistic minority students even though only approximately 30% of 1.4 million ELL students were enrolled in any type of bilingual program (Ovando, 2003). This legislation worked to undermine effective practices of the past by preventing any type of linguistic support and thus making it nearly impossible for language minority students to access the curriculum (Mora, 2002).

Numerous other states followed in approving policies that reflected the wave of anti-bilingualism. In 2000, Arizona passed a similar Proposition 203. This legislation not only restricted all non-English instruction, but also placed extreme requirements on those wishing to obtain a waiver even if the student had special needs (Stritikus & Garcia, 2005). Massachusetts, Washington, and Colorado also followed suit with similar measures (Ovando, 2003).

The federal government, under President George W. Bush's administration, enacted the No Child Left Behind Act in 2001. This legislation, which amended the Elementary and Secondary Education Act and thus abolished Title VII, sought to reform the educational system by imposing sweeping changes to the accountability system used to measure academic achievement. Although this system did not ban bilingual programs, it did promote English-only instruction since it now required that mainstream teachers would be held accountable for the performance of ELL students (Crawford, 2004).

Valuing Linguistic Diversity: 2016 - Present

As the restrictions for bilingual education continued due to policy changes, evidence detailing the positive benefits of bilingualism increased (Crawford, 2004; Krashen, 1996). Teachers were not adequately prepared to meet the needs of ELL students who were placed in English-only instruction and so they faltered academically (Facella, Rampino, & Shea, 2005). While students were able to rapidly acquire linguistic skills in English, they needed four to six years to obtain academic proficiency in their second language (Hakuta, Butler, & Witt, 2000; Pray & MacSwan, 2002; Genesee, Lindholm-Leary, Saunders, & Christian, 2005). It was found that as students worked to become proficient in their second language, their first language could serve to transition to the newly acquired language and thus facilitate learning (Genesee, 1999; Genesee, et al., 2005; Krashen, 1996). By strengthening the first language, studies showed that their potential to become proficient in their second language increased (Slavin & Cheung, 2005). In addition, numerous studies found that ELL students who participated in bilingual programs outperformed those who had been placed in English-only educational settings. This information proved critical as the nation's educational system attempted to reduce the achievement gap that had persisted for years between English-only students and language-minority students (August & Hakuta, 1997; Thomas & Collier, 1997).

Recent years have shown that cultural maintenance has gained support as English-only mandates have decreased in popularity (Citrin & Sears, 2014). In 2016, voters in California removed the English-only restrictions of Proposition 227 on bilingual education in public schools when Proposition 58 (the California Education for a Global Economy Initiative) was passed with a 73% margin. The new law did not mandate bilingual education, but rather local districts would

maintain their autonomy and determine the types of programs that would be offered through their Local Control and Accountability Plans (Sanchez, 2016).

This initiative, in turn, led to the creation of California's first language policy in over 20 years. The 2017 English Learner Roadmap reflected the removal of old regulations that defined how districts developed bilingual programs and provided information regarding how to implement Proposition 58 (Hopkinson, 2017). While it emphasized use of a standards-based curriculum, it also focused on school improvement through the enhancement of the strengths and needs of ELLs. In addition, those students who could demonstrate bilingual proficiency could now earn a State Seal of Biliteracy (California Department of Education, 2017).

Many have begun to view bilingualism as a valuable necessity in today's multicultural and global economy. Employers now seek those who can communicate with a larger client base and possess the multilingual abilities that allow them to communicate with others across ethnic, racial, and cultural lines. American schools have begun to realize that society and individuals now have the greatest advantage when they maintain their native languages rather than transition rapidly to English (Gándara, 2015). It has been argued that teaching and maintaining languages besides English will be the key to future success for our nation's schools (Suarez-Orozco, 2013). As linguistic diversity has grown to more than 60 million people whose home language is not English, affluent Anglo parents have begun to understand the importance of bilingual instructional options as they now view this skill as valuable human capital (Gándara, 2015).

The impacts of societal contexts which could have shaped and influenced important legislations are described below in Table 1. Some could also argue that legislative actions and reactions could have come out as an answer to contextual sociocultural frameworks at the time.

Time Frame	Significant Events	Legislative Reaction
Linguistic Tolerance: Pre-Colonial years to 1880s	<ul style="list-style-type: none"> • Large numbers of European immigrants • Era of cultural pluralism 	<ul style="list-style-type: none"> • Federal, state, and local legislation allowed for integration of non-English languages as modes on instruction
Linguistic Repression: 1880s-1960s	<ul style="list-style-type: none"> • Bureau of Indian Affairs forced American Indians to undergo patriotic indoctrination through forced acculturation • Spanish American War prompted spirit of nationalism • Immigrants continued to migrate to the United States • WWI resulted in pressure to create a homogenous society in the name of Americanization • WWII continued assimilationist practices in the name of patriotism. By the end of the war, 15 states had declared English as the only permissible language for instructional purposes • WWII language inadequacies stifled commercial and military operations 	<ul style="list-style-type: none"> • American Protective Association promoted English-only laws in Illinois and Wisconsin in 1889 • 1906 Nationality Act required immigrants to speak English • 1917 Burnett Act required immigrants to pass an English literacy test and prohibited immigrants from Asia with the exception of those from Japan and the Philippines • 1934 Indian Reorganization Act implemented Blood Quantum that systematically stripped Native Americans of their identity • Supreme Court did not support restrictive practices: 1923 <i>Meyer v. Nebraska</i>, 1927 <i>Farrington v. Tokushige</i>, 1954 <i>Brown v. Board of Education of Topeka</i> • 1958 Defense Act supported foreign language instruction for English speaking individuals
Ethnolinguistic Equality: 1960s-1980s	<ul style="list-style-type: none"> • Political activism in favor of equal rights increased • Large numbers of Asian and Latin American minorities entered the country - their inability to access the curriculum negatively impacted their education 	<ul style="list-style-type: none"> • 1964 Civil Rights Act outlawed discrimination and resulted in the creation of the Office of Civil Rights • 1965 Immigration Act nullified 1906 Naturalization Act and established a new policy focused on reuniting families and attracting skilled labor • 1968 Bilingual Education Act (Title VII of the Elementary and Secondary Act) passed to provide disenfranchised minorities equal educational opportunities • 1974 <i>Lau v. Nichols</i> ruled that accommodations and appropriate programs needed to be made for non-English speaking students

<p>Linguistic Resentment: 1980s-2016</p>	<ul style="list-style-type: none"> • Presidents Reagan’s and Bush’s administrations focused on English instruction as a vehicle for students to enter the work force • Growing opposition to native language instruction took place as influx of immigrants from Central America and Mexico flooded United States schools • Anti-immigrant sentiment grew 	<ul style="list-style-type: none"> • Multiple reorganizations of the Bilingual Education Act weakened support for bilingual programs and provided funding for English-only programs • President Reagan published <i>A Nation at Risk</i> in 1983 that stated that the nation was at risk for regional division due to non-English speaking populations • In 1983, Hayakawa, a Republican senator, lobbied to make English the national language • In 1994, Proposition 187 passed in California which served to curb immigration by implementing restrictions on educational and social services that undocumented workers could receive-later invalidated • In 1998, Proposition 227 was passed in California which stated that English was to be the primary language of instruction for all language minority children • President Bush’s 2001 No Child Left Behind Act abolished Title VII and imposed strict system of academic accountability that promoted English only instruction
<p>Valuing Linguistic Diversity: 2016-Present</p>	<ul style="list-style-type: none"> • Evidence detailing positive benefits of bilingualism increased • Ability to communicate in more than one language supports growing global economy 	<ul style="list-style-type: none"> • 2016 Proposition 58 was passed in California which removed Proposition 227’s English-only restrictions and promoted bilingualism

Table 1: Sociocultural Contextual Frameworks and Events in Relation to Legislative Reactions

Chapter Three Program Models

According to the United States Department of Education, in 2015 there were over 3.8 million Hispanic ELL students enrolled in United States schools. Sixteen to 21% of the students in California and Texas spoke a language other than English in their homes. Most of them spoke Spanish, followed by Arabic, Chinese, and Vietnamese. While it is understood that cultures and languages vary, each community will have its own unique educational needs that should encompass and match the cultural style of each child (McLaughlin, 2013). In the past, many programs were labeled as *subtractive* in that their focus was to replace the native language with English. Presently, first language skills have now been determined to be beneficial to cognitive flexibility and are viewed as an *additive* asset. Research has determined that while there is a myriad of bilingual programs available, those whose aim is to develop fluency and proficiency in both languages are considered ideal (Hakuta & Gould, 1987).

The debate surrounding policies and programs for ELLs has centered on whether instruction should take place in the students' primary language and to what extent it should be used. Those who support English-only submersion models expect students to learn English at a more rapid pace if they are exposed to it more. In this type of program, also referred to as mainstream instruction, students are expected to acquire English without the benefit of any support, resources, or background knowledge (Rossell & Baker, 1996). Unfortunately, the results are often less than successful and frequently lead to failure and subsequent loss of the native language (Crawford, 1996). ELL students consistently achieved far below native English speakers. Even though the ELL designation was meant to be temporary, it cannot be removed unless a student has become proficient in English and met the reclassification requirements. Those students who have been reclassified (Reclassified Fluent English Proficient-RFEP) have

often outperformed native speakers (Saunders & Marcelletti, 2013, Hill, 2012; Gandard & Rumberger, 2006). Currently, many districts have the liberty to define their own reclassification policies, and this has resulted in a lack of a clear policy that ensures the success of both ELL and RFEP students (Hill, Weston, & Hayes, 2014).

ESL programs or classes are designed to use a special curriculum and teach students English outside of the regular classroom setting. They do not focus on teaching particular grade level subject matter and can be taught by instructors who are not required to speak the students' native language. The goal of this type of program is to teach a child to speak English so that they will be able to comprehend information once they have returned to their regular classroom (Rossell & Baker, 1996).

Transitional bilingual education (TBE) focuses on rapidly teaching students English skills while providing support in their native language. In the early grades, students are taught in their native language and English is used for a short amount of the instructional day. As they progress, the amount of instructional time in English is increased while the time in their native language is decreased. Students are transitioned to mainstream English-only classrooms as soon as possible (Rossell & Baker, 1996). Unfortunately, there are many problems that are inherent within this type of program – they are generally considered subtractive programs since they do not foster maintenance of the native language. In addition, the assessments that are used to place students into English-only classrooms often only measure verbal skills and do not measure academic performance. Thus, a child could inadvertently be placed into a mainstream classroom when they may not be ready and so may struggle or fail (Lessow-Hurley, 2012). Lastly, transitional programs are generally short term even though students are not known to acquire a second language in a short span of time (Thomas & Collier, 2002). Most ELLs who participate in

transitional programs never reach the same academic success as their English-only peers (Collier, 1989; Cummins, 1996; Dulay & Burt, 1992). Maintenance programs resemble transitional programs but their goal is for students to maintain their native language while acquiring English proficiency. These students are not ultimately transitioned to an English-only classroom but continue to receive a portion of their instruction in their native language for the remainder of the time that they remain in the program (Rossell & Baker, 1996).

Dual immersion, or two-way immersion, programs have emerged as powerful enrichment bilingual programs that researchers have determined may have a positive effect on closing the achievement gap (Thomas & Collier, 2002; Lindholm-Leary, 2001). A dual immersion program is one in which both language majority and minority students are immersed together in order to develop full proficiency in their first language while systematically developing high levels of proficiency in a second language (Gomez, Freeman, & Freeman, 2005). These programs have steadily increased throughout the nation, and while most of them allow students to learn Spanish alongside English, there are others that focus on a variety of other languages such as Cantonese, Chinese, French, Korean, and Japanese (Lindholm-Leary, 2001). In addition, by incorporating peer tutors throughout each day, dual immersion programs have successfully fostered communication, understanding, and positive cross-cultural relationships (Thomas & Collier, 1998).

Typical dual immersion programs generally have three overarching goals that must be adhered to. First, students are expected to achieve academically at high levels. Second, all participating students are to develop high levels of balanced bilingualism and bi-literacy in both their native language and their newly acquired second language. Lastly, students are expected to develop cross-cultural competence (Christian, Howard, & Loeb, 2000).

The amount of time that is allocated for each language defines the two most common types of dual immersion programs—they are typically either 90:10 or 50:50 models. In the 90:10 model, Spanish (the predominant target language) is used for 90% of the time beginning in kindergarten. The proportion of instruction conducted in the target language increases as the student progresses through the grade levels until the languages are used equally during the instructional day, generally by the fourth or fifth grade. Students in the 90:10 programs often receive their initial literacy instruction in the target language to compensate for the dominance of English outside of the regular classroom setting (Gomez, Freeman, & Freeman, 2005). In the 50:50 model, English is used 50% of the time and instruction takes place in the target language for the other 50% of the day. Within this structure, students generally receive their initial literacy instruction in their primary language and then gradually add the second target language as literacy is achieved (Lindholm-Leary, 2001). The type of program used may differ according to school site or district. School districts, along with school administration, teachers, and parents, generally work together collaboratively to determine the model of instruction (Gomez, Freeman, & Freeman, 2005). Regardless of the specific structure of dual immersion, the probability of closing the achievement gap increases as students participate in enrichment bilingual programs for a minimum of five to seven years (Thomas & Collier, 1997). United States' schools now have the achievement data that shows that this type of program is one of the most effective models for schooling of ELL students. By acquiring academic proficiency in two languages, these students can become valuable members of society in their professional adult lives (Thomas & Collier, 1998).

States that have the greatest concentration of ELLs, such as California, have worked to improve the academic achievement of their language minority groups. Dropout rates, college

graduation rates, and reclassification rates are all indicators of program success or failure and, while daunting, can be improved through the implementation of effective bilingual programs. While immigration rates and national diversity continue to increase, the economic future of the United States depends on the ability of people to communicate and become productive members of an ever-growing global society. Knowing that during the process of second language acquisition, the native language does not interfere in any way with the development of the second language, bilingual education is no longer to be blamed for confusing or delaying the development of children as in years past. Research now indicates that both first and second language acquisition are dependent on one another and build on a common base of knowledge rather than compete for resources (Cummins, 1984).

Chapter Four Methodology

Participants

Due to the fact that the current study was a comprehensive analysis of state legislation and policies, no physical participants were included.

Procedural Context

A document analysis was conducted of the ELL policies and legislation affecting the largest ELL public school population in the United States found in the State of California. Through the use of Charmaz's grounded theory methods in which data was collected and compared using systematic guidelines, an analysis of California's legislation following the enactment of Proposition 227 took place (Charmaz, 2014). In an effort to clarify the disposition toward the use of the minority language found within state educational legislation and policies, diagnostic framing was applied based on Ruiz's (1984) work on orientations in language policy that focused on whether language had been perceived as a right, a problem, or a resource.

The use of frames within the analysis served to give meaning and thus organized experiences and guided further action (Snow & Benford, 1988). The manner in which the problem was framed and thereby determined which solutions were excluded and which ones were to be included. Verloo (2005) expanded on this by defining frames as an organizing principle that gives meaning to reality by shaping incidental information into a cohesive and meaningful policy problem wherein a solution is explicitly or implicitly stated. Furthermore, Goffman (1974) determined that the interpretation of schema through the concept of collective framing allowed individuals to better understand the course of social movements and facilitate the interpretation of events. This served to negotiate an understanding of a problematic situation that was in need of change, pointed to a cause, determined an alternative, and promoted change

(Benford & Snow, 2000). By incorporating work done by Wilson (1973), which broke down the tasks into three separate elements, Snow and Benford's (2000) work served to categorize these by referring to them as "diagnostic framing" (where the problem was identified and attributes are applied), "prognostic framing" (where the solution was articulated), and "motivational framing" (where a rationale was provided for collective action) (p. 616). Since social movements strive to remedy complex and often controversial issues, it was imperative that the action taken was based on identifying the specific source of the problem (Benford & Snow, 2000).

Ruiz (1984) identified two major orientations in policy related to language: language-as-problem and language-as-right. When language is viewed as a problem, language issues have been so deeply interrelated with societal challenges such as a high dropout rate, poverty, and low academic achievement, that the minority home language is then viewed as an inherent characteristic of disadvantaged students. This orientation primarily relates to language practices and policies that focus on teaching language minority students English. When language is viewed as a right, legislation or policies have worked to eliminate the barriers that have prevented access to dominant educational programs. This, in turn, could be interpreted to mean that they could either promote the use of the minority home language as a way to support rather than impede English proficiency, or may also suggest that ELLs should have the right to learn both English and their home language concurrently. Additionally, Ruiz proposed an emerging orientation considering language as a resource wherein the native language is viewed as possessing value when used for translation and cultural mediation. An optimal application of language as a resource would encompass a student's home language viewed as an inherent skill that would not only support the acquisition of English, but would also continue to be developed alongside of English proficiency (Powers, 2014).

Procedure and Proposed Framework

The document analysis took place by identifying specific California legislation through the use of the website *Nexis Uni*. The search phrase “bilingual education” was used to identify specific statutes and legislation within the jurisdiction of California. The category of full text bills that have been enacted within the timeframe from July 1, 1998 to December 31, 2018 was used to sort specific legislation that was put into effect after Proposition 227 wherein bilingual education was essentially banned. In order to focus on a specific and limited number of statutes and legislation, the search term “budget” was used to narrow the search from 32 documents to a more streamlined quantity that specifically addresses the current scope of the research. The term was selected due to the fact that it is important to identify the funding allocations that have most affected bilingual education if educational opportunities and academic achievement are expected to improve for ELLs (Jimenez- Castellanos, 2010).

Based on this, 10 documents were identified and were examined by categorizing state legislation and consequent views of bilingual education focusing on whether racial inequalities have been perpetuated and language has been viewed as a problem, or if inequality has been intentionally addressed as an inherent right. Initially, the first reading was conducted in order to determine where bilingual education was specifically addressed. A subsequent reading was done in order to determine if the legislation was an original piece of legislation or if it served to amend, revise, delete content, or repeal previous legislation. Following this, a third reading was conducted in order to determine what specific education code was referred to and how it was altered. Lastly, the piece of legislation was reviewed to determine exactly how the language surrounding bilingual education was viewed through the lens of Critical Race Theory. In this manner, language and culture were evaluated and analyzed to determine whether the interests of

the dominant, white, English-speaking population were supported. Ultimately, this framework was used to determine whether language was viewed as a problem or a right, and the disparities between English-only programs and bilingual programs were evaluated. Willingness by state policymakers to create policies that supported and valued multiple languages were subsequently addressed within the language as a resource orientation.

While it is understood that federal and state mandates do not necessarily create policy, they do, however, play a significant role in the policy making process (Bosworth, 2014; Horowitz, 1977). By rejecting or upholding a plaintiff's claim, the court has the power to either reinforce the status quo or set parameters for further legislative policymaking. Analysis conducted through the lens of Critical Race Theory has determined that legal decisions can play a significant cultural role by institutionalizing and legitimizing racial inequalities (Lippi-Green 2012; Perea, 1992).

In addition, Padilla and Lindholm (1995) have argued that specific assumptions are based on presumed ethnic minority intellectual inferiority that has frequently influenced societal dispositions and legal discourse in the United States. These assumptions include: (a) the white, often male, middle-class American has served as a standard for which all other sub groups are compared; (b) differences among groups are measured with a common instrument and generally universally applied with only minor adjustments made to account for culturally diverse populations; and (c) factors such as social class, gender, and proficiency in English are often considered unimportant.

Relevant to this analysis will be Gramsci's (1996) position on hegemony which has focused on explaining why large numbers of people repeatedly accept and support government and political systems that may be working against their interests. This recurring theme

throughout the history of bilingual education was used to review the legal assumptions made in California surrounding the use of minority languages within the public-school setting. Any racial and cultural inequities were disclosed, and the dominant discourse was challenged as language policies were categorized as a right, a problem, or a resource (Ruiz, 1984). Further exposure of legislation that presumed color blindness, and thereby promoted equal practices, was shown to be of little use in a society that has historically been treated differently (Crenshaw, 1988).

Guiding Questions

Specific to the current study, there were guiding questions to review and analyze the selected legislation from California. Among the 10 enacted bills that were analyzed were: A.B. 615, A. B. 1107, A. B. 1191, S. B. 735, and S. B. 600. The major question was how has bilingual education and bilingual programs been framed since the passage of Proposition 227. Furthermore, there were three more questions that guided the policy review:

1. What claims are made in the discourse surrounding language and bilingual education?
2. How have bilingual programs and bilingual education changed over time?
3. How is the bilingual legislation that has been enacted in the State of California related to, or be an extension of, past historical legislation?

Materials

The materials used to conduct the current research were the specific named legal documents relative to the State of California. No other materials were used in this research.

Power and Effect Size

Since this was a policy analysis and no statistical procedures were used, power and effect were not relevant to the research.

Software

No software was utilized in this research.

Ethical Issues

Due to the fact that this study was a comparative analysis of legislation and policies, no human subjects were involved. Thereby, there were not any ethical issues that needed to be addressed in relation to human subject matters.

Researcher's Positionality

In order to openly address any biases that may have existed and thereby impacted this research, it was important to understand and acknowledge the researcher's personal and professional background, value system, and identity features. By doing this, any potential biases based on personal positionality were uncovered and openly displayed.

The primary researcher was a 55-year-old Hispanic female in the process of completing an Educational Social Justice doctoral program at a university in Southern California. She was the first-born daughter of immigrants from Mexico, and was born and raised in Southern California. She became a bilingual teacher with the advice and support of a stay-at-home mother and a blue-collar father. At an early age, she experienced micro-aggressions focused on speaking Spanish and being Hispanic, and she experienced firsthand how being a part of a subordinate ethno-racial minority group was not valued as much as those in the dominant Anglo culture.

As a bilingual educator with over 25 years of experience as a teacher and administrator, diversity and equity have defined the primary researcher's identity as a catalyst for change. This has impacted her interest in social justice and has influenced her identification as a proponent of Critical Race Theory. This identification may be translated to impact interpretations of policy as they related to dominant perspectives of power, race, and ethnicity.

Chapter Five Results

Findings

1999 A.B. 615, Categorical Education Funding

Assembly Bill 615 served to amend Section 63000 of Part 35 of the existing Education Code that established a variety of categorical programs including school improvement programs, bilingual education programs, and Economic Aid programs. The bill was principally co-authored by Dede Alpert, a moderate Democrat legislator from San Diego who was largely responsible for the passage of California's legislation that served to require standardized testing in the state's public schools and tied the distribution of school funding to standardized test scores (Tash, 2013). It explicitly defined the requirements and duties that school districts needed to satisfy in order to receive the funding and the specific purposes that the funding was to be used for. Those who received economic aid funding were required to expend the funds for instructional services that were to be provided to both limited English-proficient and economically disadvantaged students.

The bill added Chapter 2 to Part 35 of the Education Code by establishment of the Pilot Project for Categorical Education Program Flexibility where a school district was allowed to have spending flexibility within the following three clusters: school improvement and staff development, alternative and compensatory education, and school district improvement. The Superintendent of Public Instruction would select a maximum of 75 school districts to apply to participate and receive a minimum of five years of spending flexibility. The English Language Acquisition Program, Bilingual Teacher Training and Assistance, and subsequent bilingual education programs were listed under the School Improvement and Staff Development cluster.

While it was understood that the pilot program would provide spending flexibility, it must also be noted that the flexibility would be extended to the entire cluster, and thus would not require a specific focus in any one particular area. The cluster included 14 different programs that would not all necessarily benefit equally from a distribution of funds for the cluster as a whole. In addition, districts were required to annually report to the State Department of Education information regarding the academic progress of pupils as determined by test scores, as well as assessment data for ELLs. This legislation was enacted during the 1990s when the trend from the 1980s continued in which states had shifted their focus to educational outcomes such as percentages of students receiving a proficient score on statewide assessments rather than educational inputs such as expenditures on instructional materials (Hurst, Tan, Meek, & Sellers, 2003). In this light, A.B 615 framed bilingual education and ELLs as a problem that was in need of “improvement,” and focused on the instruction of English for assessments and English language development. In addition, the flexibility to spend funding under the cluster of “School Improvement Programs” did not identify monies for the maintenance of the native language, but rather development of skills in English as a means towards improved test scores.

2001 A.B. 1107, State Department of Education: Reports

Assembly Bill 1107 was introduced by Assembly Member Lynne Leach. She was a Republican businesswoman whose priority was to return California schools to a superior status (League of Women’s Voters, n.d). This bill served to both amend and repeal a number of sections of the Education Code. Relative to bilingual education, existing law had previously required school districts to submit a written report defining the manner in which state funding had been expended or diverted from bilingual programs as of January 1, 1996 and required that these funds be restored prior to January 1, 1999. Those requirements were deleted. In addition,

Section 30.5, Part a, of the Education Code was amended to state that bilingual education was specifically defined as a system of instruction that built upon the language skills of a student whose primary language was not English nor a derivative of English. Part b was amended to state that funding and resources that were designated for English instruction were not to be utilized by districts for bilingual education programs. Lastly, Section 52177 of the Education Code (Administration of Provisions of Article 3 of the Bilingual Bicultural Education Act of 1976) was amended to state that districts were to provide limited-English proficient students educational opportunities that were equal to those that were available to English-speaking students. Districts also had to ensure that local and state funds were being used appropriately to provide bilingual-cross-cultural teachers and other required services. A subsequent annual report was required to be made regarding the implementation of the article and all districts that had limited English-proficient students were to be reviewed once every three years.

By failing to restore any state funding that was either expended or diverted from bilingual programs, the legislation thereby relegated education for ELLs to a position of less importance, and it can thereby be framed as a problem. The use of funding for alternative programs and resources that may or may not have served ELLs reflected the prevailing antagonistic era when immigrants were viewed as unfavorable. This failure to reinstate funding took place during the time that the ELL population had increased by over 50% and the Clinton administration had signed the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. This legislation prohibited states from offering in state tuition to undocumented immigrants unless the same rates were available to all United States citizens (Von Spakovsky & Stimson, 2011). In addition, A.B 1107 assured that funding for English only instruction could not be used to benefit bilingual programs even though these programs were located within the same school setting.

Funding reflected the separatism that existed while the goal to assimilate them as quickly as possible into the English dominant program overshadowed legislation. Despite the diversity that resulted from the influx of immigrants that were entering the United States during the 1990s, educational opportunities were dictated to be equal per the amendment to Section 52177 of the Education Code. Regardless of the fact that these students possessed varying language and academic abilities, they were subjected to practices and resources that would not necessarily meet their particular needs, but rather the needs of the prevailing majority. Unfortunately, this approach often resulted in immigrant students experiencing lower grades and higher dropout rates that have persisted throughout the history of their education in the United States (Crawford, 2004).

2001 S.B. 1191, Bilingual Education Act

Senate Bill 1191 amended numerous sections such as the Insurance Code, the Military/Veteran Code, the Public Contract Code, and the Revenue and Taxation Code. This bill was introduced by Senator Karen Lorraine Jacqueline Speier. She was a moderate Democrat who survived the Jonestown shooting and whose campaign was largely funded by pharmaceutical companies and retired individuals (Ballotpedia, n.d.). The bill revised and/or deleted obsolete references as well as specific reporting requirements for both state and local agencies. These changes were detailed to take effect immediately as this was considered an emergency statute. The text found within the bill that referred to bilingual education was essentially a duplicate of the amendments that were made to Section 30.5 of the Education Code found within A.B. 1171. It defined bilingual education as a system of instruction that builds on a student's non-English language skills, and further reiterates that school districts are not to utilize funds or resources

designated for English instruction for any part of a bilingual education program. This essentially prevented monies from being comingled for the purpose of educating specific students.

Section 60810 of the Education Code, however, was amended in S.B. 1191 and was not mentioned at all in A.B. 1107. This section stated that the Superintendent of Public Instruction was to review English Language Development tests that were to be given in English to those students who were ELLs in the areas of reading, writing, listening, and speaking. If such a test was not available, then the specific requirements and properties of such a test were to be fulfilled and it would then be used to determine the level of English proficiency. This level of proficiency was to be done in order to determine placement in a variety of instructional options that were not defined within the text. In addition, the data was to be used to determine the effectiveness of instructional programs. These specific programs were also not defined.

The discourse within this bill reiterated that funding for bilingual education programs and funding for English-only programs could not be combined regardless of the fact that both these programs were usually found within the same school site. By stating that the English Language Proficiency test is to be used to place students in programs that are not defined is also mentioned within the same Senate bill. These amendments were enacted during a time when high stakes testing was also a priority. In fact, Section 52052 of the Education Code was also amended within the same S.B. 1191. In it, the Superintendent of Public Instruction is tasked with developing the Academic Performance Index (API) in order to measure student achievement and demonstrate academic *improvement* within ethnic and significant subgroups.

The focus on test results inadvertently defines the goal of bilingual education as learning English rather than maintenance of a student's native language. State testing and API scores reflected English proficiency that was critical to student achievement. In this light, it is likely

that program placement based on English proficiency tests emphasized more English language development rather than bilingual education programs. By failing to specifically define an assessment that would measure native language skills and only focusing on English acquisition and academic improvement, this Senate bill has framed bilingual education as a problem rather than as a right.

2001 S.B. 735, Committee on Budget and Fiscal Review

Senate Bill 735 was co-authored by Democratic Senators Deborah V. Ortiz and Jack Scott. In addition to S.B. 735, Senator Ortiz authored legislation that established after school programs and worked to shape public education reforms that served to improve low performing schools across the state (Smartvoter, 2006). Senator Scott was a former educator and president of two community colleges and had chaired the Senate Committee on Education (Wikipedia, 2018). S.B. 735 was enacted for the purpose of revising and repealing a number of sections within the Education Code relating to items such as the Educational Telecommunication Fund and the Targeted Instructional Improvement Grant. In addition, it amended and added items to the Budget Act of 2001 relating to education. Urgency was declared and changes were slated to take effect immediately.

Bilingual education was specifically addressed in S.B. 735 within the amendment made to Section 60810 of the Education Code. Originally, existing law required the Superintendent of Public Instruction to develop an assessment that would be used to measure the level of English proficiency in ELLs. This bill would further require the Superintendent to allocate funding to school districts based on the cost of each test upon approval by the Director of Finance.

In addition, existing law, which ceased to be operative on June 30, 1987, had provided funding to educationally disadvantaged youth programs as well as bilingual education programs

as long as the need existed. It also stated that funding could continue beyond June 30, 1987. S.B. 735 appropriated \$465,623,000 from the General Fund to the State Department of Education for programs under the Economic Impact Aid (EIA) program and thereby ensured that programs would continue. This annual funding was allocated to districts based on a calculated per pupil rate. According to the California Department of Education (cde.ca.gov), schools were required to use the EIA funds in order to support programs that assisted English learners to become English proficient and also programs that served to improve the academic achievement of disadvantaged students.

The purpose for EIA funding focused on supporting ELLs as they acquired English. There was no mention made to provide support in order to maintain their native language or culture. Testing was critical during the time that S.B. 735 was enacted and English language acquisition was viewed as the goal that directly impacted academic achievement. While it was stated within the legislation that bilingual programs were to be funded, the reality was that the requirements of the national requirements of No Child Left Behind (NCLB) prevailed during the same timeframe and thus created a *de facto* English-only policy (Menken, 2013). The home language was considered to be more of an impediment to their education and transitional programs became the norm. These programs provided academic instruction in their primary language only as they learned English, and ELLs were often segregated within programs that followed poorly designed instructional models (August & Hakuta, 1997). By requiring ELLs to make the same progress and meet the same academic standards as native-born English-speaking students, NCLB placed schools under tremendous pressure to reach proficiency despite students' significant challenges. In this manner, the attention placed on ELLs within S.B. 735 served to label them and bilingual programs as a problem for schools (Gándara & Rumberger, 2009).

2003 S.B. 600, Maintenance of the Codes

Senate Bill 600 was introduced by the Committee on Judiciary. Senator Martha Escutia, a Democrat who supported school reform and equality, chaired the committee. She advocated for struggling students to have access to remedial education programs (Wikipedia, 2019). S.B. 600 served to make technical, yet non-substantive changes to provisions of the law needed to fulfill the recommendations made by the Legislative Counsel to the Legislature in order to maintain codes such as the Business and Professions Code, the Health and Safety Code, the Welfare and Institutions Code, Civil Code, as well as the Education Code. Relevant to this study was the amendment made to Section 44830.3 of the Education Code that stated that the governing board of any school district maintained classes from kindergarten to grade 12, or specifically classes in bilingual education, could employ district interns to provide instruction if they had been authorized by the Commission on Teacher Credentialing. These interns were to be hired and subsequently supervised by a certificated district employee as they followed a professional development plan that had been developed in consultation with an institution of higher education. These interns were to attend mandatory training specific to their assignment by either attending 120 hours of pre-service training in classroom management and teaching methods or six semester units of college coursework in teaching methods. Interns that were to teach within a bilingual classroom were also required to participate in an additional 120 hours of mandatory training relating to bilingual cross-cultural language and academic development.

The amendment changes were minor, however, the intent of the legislation allowed districts to hire interns instead of fully trained teachers to work within bilingual classrooms with an additional 120 hours of professional development specifically aimed at providing the skills and knowledge needed to instruct ELLs. Since this professional development was to take place

during the time that they were to be teaching and not prior to entering the classroom, it did not ensure that students were able to receive the full benefit of their knowledge as they entered the classroom. In addition, since 120 hours of professional development amounted to three weeks of instruction, it could not have provided the knowledge that an intern needed in order to fully understand the needs of a culturally diverse population of students that continued to languish in environments where ineffective practices led to poor educational outcomes. Thereby, while the intent of S.B. 600 added the term “education” to legislation that already existed, it framed language diversity and bilingual education as a problem that did not merit fully trained teachers. Research has suggested that ELLs were often unable to obtain full proficiency in their second language since cognitive development in their native language was rarely promoted. Instead, ineffective programs frequently focused on teaching incomprehensible English content (Ovando, 2003).

2005 A.B. 1802, Committee on Budget Education: Programs: Finance

Assembly Bill 1802 was introduced by the Committee on Budget and Democratic Assembly Member John Laird from Santa Cruz chaired the committee. He served on the Labor and Employment Committee as well as the Environmental Resources Committee, and both his parents had been educators (Ballotpedia, n.d). A.B.1802 amended numerous sections within the Education Code relating to education and made an appropriation that was declared to take place immediately as an emergency statute. Among the amendments made were those that impacted attendance base revenues, established the Supplemental School Counseling Program, and increased reimbursement for free and reduced priced meals. This bill repealed and replaced the existing provisions within Section 54020 of the Education Code regarding the calculation and the allocation of the EIA funding that was authorized to support educationally disadvantaged youth

programs and bilingual education. The Superintendent would be required to determine the eligible student count and calculate the amount of impact aid that each school district would receive in the 2006-07 fiscal year and each following year. In addition, the Superintendent was required to calculate and allocate a supplemental adjustment for the 2006-07 fiscal year as well as add to the economic impact aid per pupil amount for the 2007-08 fiscal year. Existing law, however, had previously provided for additional funding to supplement the EIA funds for a limited number of school districts with high concentrations of limited and non-English speaking students, as well as students living in poverty in order to ensure appropriate educational services. A.B. 1802 repealed these provisions and no longer allocated these additional funds.

Although the EIA funds that supported educationally disadvantaged youth programs and bilingual education were extended, areas where there were high concentrations of ELLs were not provided additional funding to ensure adequate services. This, therefore, frames this legislation as a problem in that the needs of districts that served large numbers of ELL students were forced to stretch resources among their most at-risk students. The educational emphasis at the time was still focused on academic achievement and, under the leadership of President George W. Bush, concentrated on English acquisition for the purposes of achieving academic proficiency that was measured by high stakes tests. Wide disparities resulted between ELLs and their English proficient peers. Once again, their home language was viewed as an impediment to their academic achievement.

2005 A.B. 1967, Education Technical Cleanup Act of 2006

Assembly Bill 1967 was introduced by the Committee on Education and Democrat Jackie Goldberg chaired the committee. She was previously the President of the Los Angeles School Board and created a district wide K-12 dual immersion educational program (Wikipedia, 2019).

This assembly bill amended sections of the Public Contract Code, as well as sections of the Education Code, and repealed Section 42239.2 related to allocations for supplemental summer school programs. This bill served to make technical and non-substantive changes to Section 63000 of the Education Code that pertained to provisions for funds that were received for specific categorical programs including bilingual education. In addition, Section 64000 of the Education Code was amended to apply to provisions for applications made for funding for categorical programs that again included bilingual education.

While the changes to Sections 63000 and 64000 of the Education Code were non-substantive, they were significant in the fact that bilingual programs were included in the group of Categorical programs that were eligible for funding. Although Gándara and Rumberger (2007) state that minimal consensus exists regarding what amount or what specific type of resources are needed to educate ELLs, the fact that bilingual programs were included within the text of those programs frames it as a right. The details of how the funding was used remains unclear and possibly inadequate; however, inclusion within the text mandates it to take place.

2015 S.B. 828, Committee on Budget and Fiscal Review. School Finance: Education Omnibus Trailer Bill

Senate Bill 828 was sponsored by the Committee on Budget and Fiscal Review as part of the Budget Act of 2016 and the committee was chaired by Democrat Mark Leno. His election was heavily funded by the California Teachers Association and the California School Employees Association (Ballotpedia, n.d.). This bill served to both amend sections and repeal others within the Government, Health and Safety Code, and the Education Code. Topics ranged from setting income eligibility levels for child care services, to appropriation of funds to be used to establish a College Readiness Block Grant.

Bilingual education is addressed within the section that amends California Education Code 44259.1 which focused on the Integrated Program of Professional Preparation; Post-Baccalaureate Program. As a result of findings by the United States Justice Department where California was found to have failed to address the high failure rate for thousands of ELLs in 2015, this legislation served to provide the training and monitoring required for districts to provide the interventions and services mandated by the Federal Educational Equal Opportunities Act (Sanchez, 2016). In addition, S.B. 828 followed a restoration of funding to federal education programs that had been initiated by President Barack Obama in 2014. Under his leadership, the Every Student Succeeds Act (ESSA) was signed into law on December 10, 2015 and replaced the No Child Left Behind Act. It not only provided the funding for the large block grants, but it also empowered states to become much more responsible for how funds were to be allocated (Klein, 2016).

Within S.B. 828, amendments were made in reference to the manner in which the \$250,000 grants were to be awarded to post-secondary educational institutions in order to create a four-year integrated program for professional preparation or to adapt an existing program. The purpose of these programs was to produce qualified teachers with an education specialist instruction credential. Priority was to be granted to those proposals that would produce teachers who would teach special education, mathematics, science, or bilingual education. Additionally, the California Center on Teaching Careers was to prioritize recruitment of teaching candidates who possessed their credentials in math, science, and bilingual education. These changes were done to not only find qualified teachers, but to help alleviate a shortage of teaching candidates that was occurring at the time in a state that had the highest density of ELLs. This deficiency of bilingual teachers became a problem throughout the United States due to an influx of immigrants

from Central America. Ironically, higher demand for bilingual programs such as dual immersion programs also resulted from affluent Anglo parents who began to realize the potential benefits of a bilingual education. S.B. 848 made direct efforts to specifically train and seek out bilingual teaching candidates. Funding was to be provided and bilingual teachers were a desired commodity that merited specific annotation within the desired programs to be funded. Rather than fund untrained staff or generalize the need within the greater population of teaching candidates, bilingual skills were valued and rewarded. As such, within S.B. 848, bilingual education was considered a right wherein students who were ELLs were deserving of a qualified, fully trained teacher.

2017 A.B. 99, Committee on Budget. School Finance: Education Omnibus Trailer Bill

Assembly Bill 99 was enacted shortly after the passage of the California Education for a Global Economy Initiative, known as Proposition 58, that allowed public schools to teach ELLs within a variety of bilingual programs. Proposition 58 also required that districts seek out parent and community input regarding the type of programs to be developed and required new bilingual programs to be created if enough parents requested them (Hopkinson, 2017). A.B. 99 amended Chapter 7, Part 28 of Division 4, Title 2 of the Education Code to establish the Bilingual Teacher Professional Development Program. This was done in order to meet the demand for bilingual teachers that would be needed as dual immersion and other bilingual programs were established resulting from the passage of Proposition 58. The professional development program provided grants to educational agencies for the purpose of providing professional development to both teachers and paraprofessionals who were either fluent in another language or who were in possession of authorization to provide instruction to ELLs. Funding criteria included commitment to bilingual education, capacity to obtain bilingual authorizations and improve their

knowledge, and availability of staff that were knowledgeable in bilingual education and could provide the professional development programs. Section 52, Chapter 13 was amended to establish the California Educator Development (CalED) program that would provide grants to local educational agencies responsible for the recruitment, preparation, and learning of teachers, principals, and other school leaders. These grants would fund activities that resulted in teachers obtaining new credentials that would authorize them to teach special education, math, science, and bilingual education. Priority was given to those agencies that demonstrated the need for teachers authorized to teach math, special education, science, or bilingual education.

This legislation prioritized teacher training as well as teacher recruitment for the specific purpose of working and growing bilingual programs such as dual immersion. Intentional expenditure of funds was a direct result of the passage of a voter initiative that allowed districts to teach ELLs in bilingual programs that valued their native language and used it as a means of instruction. Additionally, the programs also provided the means for English-only students to also benefit when enrolled in dual immersion programs where all students were taught the curriculum in two languages as academic enrichment. The fact that bilingual programs were now valued and encouraged through extensive funding framed them as resource that had the capacity to benefit not only ELLs, but also the population as a whole.

2017 A.B. 1808, Committee on Budget. Education Finance: Education Omnibus Trailer Bill

Assembly Bill 1808 served to appropriate over \$150,000,000 from the General Fund to establish the Teacher Residency Grant Program that would provide funding to establish new teacher residency programs as well as expand existing programs that were responsible for recruiting and supporting the preparation of special education, science, math, technology, engineering, or bilingual education teachers. Requirements included that recipients would need

to teach at the sponsoring school for four years or would be required to reimburse the grant funding. Assembly Bills 1808 and 99 were both sponsored by the Committee on Budget. The Committee was chaired by Democrat Phil Ting whose campaign had large contributions from the State Building and Construction Trades, as well as the California Fire Fighters Associations and the California State Association of Electrical Workers (Ballotpedia, n.d.). This legislation also amended Section 305 of the Education Code to solicit input on, and provide information about, appropriate instructional methods and language acquisition programs for the purpose of ensuring that all students, both ELLs and English dominant students, have access to the core standards with the goal of becoming proficient in English. However, districts were also encouraged to provide native English speakers with opportunities to be instructed in a language other than English until they achieved proficiency in their second language.

Active recruitment, as well as support for teacher residency programs, ensured that well qualified teachers would be placed in bilingual classrooms. Also, by prioritizing recruitment of bilingual teachers within the same legislation as math, science, and technology teachers, it served to legitimize the importance of specialized training necessary to teach an equally important population of students. Their instruction was no longer grouped with educationally disadvantaged youth programs as it had been in A.B. 1802 in 2005. The skills needed to teach ELLs as well as English only students who enrolled in a dual immersion classroom were viewed as a resource that was valued and sought after. In addition, bilingual programs as a whole were prioritized within the legislation as recipients of teachers who were actively recruited, trained, and supported. In this manner, bilingual education and bilingual skills were framed as a resource within A.B. 1808.

Analysis of Findings

From the first bill that was enacted in 1999 to the enactment of Assembly Bill 1967 in 2005, language diversity was framed as a problem within the legislation. Much of the wording focused on academic performance and high stakes testing as a result of the federal No Child Left Behind Legislation and Categorical funding that defined specific spending requirements for school improvement. Bilingual education was categorized as an area that had a negative impact on standardized test scores and was used as a vehicle to teach the core curriculum to ELLs through instruction in English. Little importance was given to maintenance of the native language and bilingualism was not valued as a skill that should be promoted. Funding was primarily focused on providing support to programs that were forced to adhere to strict accountability measures in order to raise test scores. English acquisition was used as a means to measure whether students achieved English proficiency with no consideration for maintenance of their native language. As No Child Left Behind served to define the parameters of what academic achievement should look like, it also grouped bilingual education within categories that were in need of improvement due to what were viewed as student deficiencies. While A.B. 1967 provided for allocation of funding for bilingual programs, the majority of bilingual programs during 2005 were transitional programs that focused on teaching English. Bilingualism and bilingual programs were impediments to the general education programs that struggled to provide the resources and qualified teachers to address the academic and cultural diversity that ELLs possessed. Beginning with 2017, bilingual programs were conceptualized as a resource as initiatives such as Proposition 58 provided the credibility and latitude needed to promote bilingualism in the name of creating a global economy. In fact, Proposition 58 was the first language policy to be enacted in more than two decades. It significantly impacted legislation and

served to lay the groundwork for quality instruction. A shift in the funding occurred from programs and materials, to staffing and training. Budget allocations no longer focused on testing and English acquisition. Instead, and in fact one of the most significant changes is, funding allocations supported programs that actively recruited and supported well-trained teachers that were desperately needed as new bilingual programs were initiated. Ultimately, ELLs were finally defined as students who deserved an effective and equitable education. Major legislative outcomes and how they related to the contextual orientation of the positionality of bilingual education (i.e., bilingual education as a problem, a right, or a resource) are summarized in Table 2.

Legislation	Intent	Introduced or Authored By:	Rationale	Orientation of Text re: Bilingual Ed
1999 A.B. 615	Established a variety of categorical programs including school improvement programs, bilingual education programs, and Economic Aid programs. It defined the requirements and duties that school districts needed to satisfy in order to receive the funding and the purposes that the funding was to be used for. Those who received economic aid funding were required to expend the funds for instructional services that were to be provided to both, limited English-proficient and economically disadvantaged students.	Dede Alpert-Moderate Democrat from San Diego who was responsible for the passage of legislation requiring educational standardized testing as well as funding schools on the basis of standardized test scores.	To improve test scores by providing funding for school improvement	Problem
2001 A.B. 1107	Requirement to restore any state funding that was either expended or diverted from bilingual programs was deleted.	Introduced by Assembly Member Lynne Leach-Republican Bay Area businesswoman whose	To ensure that all students make adequate academic progress while districts make	Problem

	Districts were mandated to provide limited-English proficient students educational opportunities that were <i>equal</i> to those that were available to English-speaking students.	priority was to return state schools to their top status	appropriate use of funds through monitoring of English acquisition	
2001 S.B. 1191	Provided funding to educationally disadvantaged youth programs as well as bilingual education programs for the purpose of acquiring English as mandated by EAI federal funding.	Introduced by Senator Karen Lorraine Jacqueline Speier-Bay Area Democrat who focused on representing consumer rights and was known to fight for women's equality-survived five gunshots during Jones Town shooting. Her campaign was heavily funded by Pharmaceuticals, Health Products companies and retired individuals	To ensure that all students make adequate academic progress while districts make <i>appropriate</i> use of funds through monitoring of mandated English acquisition	Problem
2001 S.B. 735	Allocated funding to school districts based on the cost of each test used to measure English proficiency. Continued funding to bilingual education programs that assisted ELLs to become English proficient and also programs that served to improve the academic achievement of disadvantaged students.	Coauthored by Senator Deborah V. Ortiz-Democrat who authored bill establishing after school programs and worked to improve low performing schools, and Senator Jack Scott-Democrat and former president of two community colleges.	To ensure that all students make adequate academic progress while districts make appropriate use of funds through monitoring of mandated English acquisition	Problem
2003 S.B. 600	Allowed for the governing board of any school district that maintained classes from kindergarten to grade 12, or specifically classes in bilingual education, to employ district interns to provide instruction if they had been authorized by the Commission on Teacher Credentialing.	Introduced by Committee on Judiciary-chaired by Senator Martha Escutia-Democrat who was a supporter of school reform and equality. She worked to ensure that struggling students had access to high-quality remedial education programs.	To provide staffing for bilingual classrooms within a short timeframe during the accountability era of No Child Left Behind	Problem

<p>2005 A.B. 1802</p>	<p>Repealed existing law that had previously provided additional funding to supplement the EIA funds for a limited number of school districts with high concentrations of limited and non-English-speaking students as well as students living in poverty in order to ensure appropriate educational services. Additional funds were no longer provided.</p>	<p>Introduced by the Committee on Budget chaired by Democratic assembly member John Laird from Santa Cruz whose parents were both educators. He also served on the Labor and Employment Committee as well as the Environmental Resources committee.</p>	<p>To provide monies to mainstream programs in order to ensure that the English-speaking populations in higher income areas receive support to achieve academic success and have the skills necessary to enter the workforce</p>	<p>Problem</p>
<p>2005 A.B. 1967 Known as the Education Technical Cleanup Act</p>	<p>Made technical and non-substantive changes the Education Code that pertained to provisions for funds that were received for specific categorical programs including bilingual education.</p>	<p>Introduced by the Committee on Education chaired by Democrat Jackie Goldberg who was previously president of the Los Angeles School Board and created a district-wide K-12 dual immersion education program</p>	<p>To provide funding for bilingual education as a way in which to promote academic achievement and raise test scores for the English-learner sub-group</p>	<p>Right</p>
<p>2015 S.B. 828</p>	<p>Provided funding for grants for postsecondary educational institutions to create a four-year integrated program for professional preparation programs to produce qualified teachers with an education specialist instruction credential. Priority was to be granted to proposals that would produce teachers who would teach special education, mathematics, science, or <i>bilingual education</i>. The California Center on Teaching Careers was to prioritize recruitment of teaching candidates who possessed their credentials in math, science, and <i>bilingual education</i>.</p>	<p>Sponsored by the Committee on Budget and Fiscal Review as part of the Senate authored Budget Act of 2016. Chaired by Democrat Mark Leno whose election was heavily funded by the California Teachers Association and the California School Employees Association.</p>	<p>To increase the numbers of qualified bilingual teachers, in addition to those specializing in math, science, and special education in an effort to meet the demand for teachers who could equip students with the skills needed to enter into the work force</p>	<p>Right</p>

2017 A.B. 99	Established the Bilingual Teacher Professional Development Program to meet the demand for bilingual teachers that would be needed as dual immersion and other bilingual programs were established. Established the California Educator Development (CalED) Program that funded grants for activities that resulted in teachers obtaining new credentials authorizing them to teach special education, math, science, and <i>bilingual education</i> .	Sponsored by the Committee on Budget chaired by Democrat Phil Ting whose campaign had large contributions from the State Building & Construction Trades, the California Professional Fire Fighters Association, and the California State Association of Electrical Workers	To increase the numbers of qualified bilingual teachers, in addition to those specializing in math, science, and special education in an effort to meet the demand for teachers who could equip students with the skills needed to enter into the work force	Resource
2017 A.B. 1808	Appropriated over \$150,000,000 from the General Fund to establish the Teacher Residency Grant Program that provided funding to establish new teacher residency programs and expand existing programs that were responsible for recruiting and supporting the preparation of special education, science, math, technology, engineering, or <i>bilingual education</i> teachers.	Sponsored by the Committee on Budget chaired by Democrat Phil Ting whose campaign had large contributions from the State Building & Construction Trades, the California Professional Fire Fighters Association, and the California State Association of Electrical Workers	To increase the numbers of qualified bilingual teachers, in addition to those specializing in math, science, and special education in an effort to meet the demand for teachers who could equip students with the skills needed to enter into the work force	Resource

Table 2: Overview of the Legislation from 1998-2017

The rationale for each piece of legislation was closely tied to the backgrounds or source of donations that were provided to the campaigns of each sponsoring politician. Assembly members who were focused on funding schools on the basis of test scores sponsored early legislative bills, such as A.B. 615 and A.B. 1107. Senators who supported school reform also introduced subsequent bills such as S.B. 735 and S.B. 600. Since ELLs who struggled to understand academic content as they were pressured to obtain English skills often negatively

impacted test scores, it stands to reason that they were framed as part of a problem that required remediation and monitoring. Assembly Member John Laird who also served on the Labor and Employment Committee introduced A.B. 1802. Monies were allocated for mainstream programs in order to ensure that students obtain the necessary skills that they needed to enter the work force. By using his position of power to ensure that the bill was passed, Assemblyman Laird intentionally perpetuated the continued subordination of people of color in order to promote his personal agenda as a member of the Labor Committee. In addition, Mark Leno, the Chair of the Committee on Budget and Fiscal Review, promoted S.B. 828. The California Teachers Association heavily funded his election wherein he worked to increase the numbers of qualified teachers. Finally, A.B. 99 and A.B. 1808 were introduced by the Chair of the Committee on Budget, Phil Ting, whose campaign had large contributions from the Firefighters Association, the State Association of Electrical Workers, and the Building and Construction Trades, who all stood to gain from students who entered the work force possessing the bilingual skills that were taught by well-trained bilingual teachers. Each piece of legislation analyzed reflected the political negotiations and continued powerful influences that have impacted education. Unfortunately, these manipulations and concessions have simply been a repetition of the hierarchy that has controlled society throughout the history of bilingual education.

Chapter Six Conclusion

Language policy and legislation have continued to be influenced by the national and state political climate throughout the years. During the 20th century, the support for English was evident within the Reagan and Bush administrations of the 1980s as the Secretary of Education, William Bennett, pushed for a shift in Title VII funding from native language programs to English-only programs. This move reflected political opposition to bilingual instruction and a call for a return to a melting pot ideology (Ovando, 2003). Although the world witnessed the fall of the Berlin wall, the notable election result of Mikhail Gorbachev as the leader of the Soviet Union, and some of the most world's famous musicians coming together to produce "We are the World" to raise millions of dollars to stop hunger epidemics in Africa, within the United States this was also the time political conservatism dominated the tone of decision-making processes related to resource allocations, especially toward any subordinate groups.

During this same timeframe, with a recession looming, California attracted large numbers of illegal immigrants who many felt were costing taxpayers over five billion dollars a year in revenues for public services (Alvarez & Butterfield, 2000). Restrictive language policy once again returned as a form of social control just as it had in the early 1900s when the Naturalization Act of 1906 required immigrants to speak English (Ovando, 2003). Proposition 187 reflected a return to an ethnocentric climate by denying health, education, and social care to immigrants. While many believed that the decision stemmed from discontent with the state's economy, many others felt that the racial and ethnic divisiveness contributed to support for the initiative (Alvarez & Butterfield, 2000).

In 1998, however, the recession had finally lifted and economic growth led to increased job availability as well as real estate expansion. In the midst of these circumstances, it was

unlikely that economic discontent was the sole reason that led to the subsequent passage of Proposition 227 in California (Alvarez, 1999). The reoccurring opinion that Americans should speak only English fueled the passage of the controversial initiative. Proposition 227 reflected the nativist attitudes of many who may have felt both culturally and economically threatened by the rising numbers of Hispanics in California. In this case, it was possible that white voters who lived in school districts that were heavily populated by immigrants or Hispanics may have intentionally supported policies that racially targeted them (Bali, 2008). By requiring that all instruction be conducted in English within all public schools in California, Proposition 227 served to encourage English dominance over immigrants and ELLs (Perez Huber, 2011). Examination of California's legislation that was enacted in the years following Proposition 227 revealed that bilingual education has, more often than not, continued to be framed as a problem that has reflected the subordination of a significant number of language minority students.

While there have been 10 pieces of legislation that have been enacted in California when we focus on bilingual education and resources since 1998, the majority of them reflect the stance that immigrants' native languages and cultures have not been valued as much as the predominant United States push for monolingualism. This problematic framing of diverse languages reflects nativistic ideologies that have demonized those who were different and subordinate from the American ideal (Ovando, 1990). If we are to truly strive to achieve a goal of social justice and equity for all children, then it appears that policymakers will need to have a better understanding of how to best meet the needs of an ever-growing diverse population. Considering that language proficiency leads to access to, as well as choices of, different types of occupations as well as educational pathways, it becomes more than an issue of proficiency. In fact, the United States systemic pressure has always been to make linguistic minorities 'prove' that they were worthy of

receiving these opportunities. For policymakers to truly understand how to best meet the needs of diverse populations, language policies will need to be framed from a position in which language and culture are perceived as resources that must be valued and built upon (Perez Huber, 2011). Diversity can no longer be viewed as a threat to the identity of the United States' society and assimilationist policies should no longer perpetuate the belief that in order to be accepted into society, ELLs should be forced to renounce their language and culture (Cummins, 2001).

In the past, identity, human relationships, and respect were not reflected in the sweeping educational reforms that No Child Left Behind ushered in, and it was assumed that the linguistic abilities and cultural knowledge that ELLs possessed were irrelevant to their academic instruction in English (Cummins, Bismilla, Chow, Cohen, Giampapa, Leoni, Sandhu, & Sastri, 2005). Instead of working to build on the linguistic and cultural capital that ELL students possessed, teachers expected them to adapt to an English-only classroom that consequently reflected the white, middle class, English-speaking majority population (Brooks & Karathanos, 2009). Contrarily, research has shown that inter-dependence exists between first and second language development. Cummins' (1991) theory of Common Underlying Proficiency has shown that upon sufficient exposure to the second language, cognitive development of the first language transfers to the second language. Further studies have shown that students who receive instruction in both their first and second language demonstrate superior performance academically, linguistically, and cognitively than students who receive instruction only in their first language (Brooks & Karathanos, 2009). In the area of literacy, ELLs who have a high level of literacy in their native language will consequently develop high levels of literacy in their second language. Unfortunately, if a student has low levels of literacy in their native language, they will frequently struggle to acquire high levels of literacy in their second language (August

& Hakuta, 1997). High levels of cognitive development will occur in educational settings where the native language is built upon and valued rather than destroyed (Ovando, 2003).

In order to address the current reality facing ELLs, it is imperative that the complex issues facing them be understood. Even though some of these students arrive to school and are deemed to be English proficient, most are at varying stages of proficiency in reading, writing, listening, and speaking when measured by district language assessments. Subsequent differing linguistic and academic abilities found within the same classroom setting often pose a challenge for even the most experienced teacher. As a result, many ELLs fail to reach the same academic proficiency as their English-only peers and continue to lag behind as they progress through the educational system. In addition to the obvious linguistic challenges that they face, many of them come from low socio-economic conditions where resources are not readily available and they are forced to begin their schooling at much more of a disadvantage than English-only children (Gándara & Rumberger, 2007).

Unfortunately, conditions do not always improve as ELLs progress through school. According to Gándara and Rumberger (2007), there are seven prominent areas of concern likely to be found within educational school settings: access to properly trained teachers; opportunities for professional development for teachers; access to standards based tests that are specifically developed for English language learners; insufficient instructional time needed to meet academic goals; access to adequate curriculum and resources; inadequate facilities; and continued segregation that increases risk for failure. Although greater numbers of ELLs attending United States' schools have resulted in subsequent funding increases, little impact has been made on academic achievement. Poorly trained teachers have segregated ELL students, disregarded their developing English skills, and have used weak pedagogical practices to deliver incomprehensible

and slow-paced content. These subtractive perspectives of linguistic diversity must not continue if students are to be given every opportunity to learn (Robinson-Cimpian, Thompson, & Umansky, 2016). Unless resources and funding are utilized in a different manner than in the past, it is clear that the achievement gap will continue to exist (Jimenez-Castellaños, 2010).

While previous legislation enacted within the era of linguistic resentment focused on English-only educational remediation program models (1980s-2016), recent legislative bills following the passage of Proposition 58 in California reflect the current political trend that has placed much more importance on increasing the development of additional bilingual programs. Although the limitations of this study included the inability to examine the vast quantities of legislation that are passed in every state on a regular basis, it was insightful to see that California appears to be headed in a positive direction. Assembly Bills 99 and 1808 both served to address a critical need by working to adequately prepare and train bilingual teachers to meet the high demand. By focusing attention on language affirming, additive bilingual models, such as Dual Immersion programs that present language acquisition as academic enrichment, ELL students will develop academic proficiency in two languages instead of one (Thomas & Collier, 1998). Figure 1 specifies the characteristics found within an additive educational environment.

Schoolwide Characteristics

- A vision defined by the acceptance and valuing of diversity. Americanization and assimilationist practices are not the goal.
- Professional development characterized by collaboration, flexibility, and continuity with a focus on teaching, learning, and student achievement.
- Elimination of policies that seek to categorize diverse students, thereby rendering educational experiences inferior or limit academic learning.
- Connection and continued communication with surrounding community-particularly with the families of the students attending the school.

Teacher Characteristics

- Bilingual and bicultural skills and awareness
- High expectations of diverse students
- Treatment of diversity, culture, and language as assets to the classroom
- Ongoing professional development on issues of cultural and linguistic diversity and effective research-based practices
- Attention to and the integration of home culture and/or practices
- Focus on language development through meaningful interactions and communication

Figure 1: Characteristics of Additive Bilingual Programs

California has made strides within the past two years to improve the state of bilingual programs and language acquisition by framing bilingualism as a resource that is valued in the present global economy. By offering a Seal of Biliteracy (a designation that represents proficiency in English and a second language) on a student’s high school diploma, the state has successfully set a precedent for over 34 states to follow suit wherein research conducted by Gándara and Acevedo (2014) has already shown that these students are valued as more desirable to employers in a global economy. The State Superintendent recently issued a Global California 2030 plan that seeks to award three times the biliteracy awards that were awarded in recent years and to quadruple the quantity of dual immersion schools. In order to accomplish this, Assembly Bills 99 and 1808 will play a critical role in providing the bilingual teachers that will be needed

to accomplish this aggressive goal (Bong, 2018). By intentionally working to improve conditions for the state's 1.3 million ELLs, and by eliminating the restrictive English-only mandates of Proposition 227 with the passage of Proposition 58, California is preparing students to be successful in an ever-expanding multicultural economy.

As more and more dual immersion programs are begun, there are also specific goals as well as cautionary steps that must be taken in order to prevent ineffective practices from once again being put into place at the expense of the ELL population. Traditionally, a dual immersion program strives to create an additive environment where second language learners work alongside native speakers of the target language in order to have language models. Native speakers learn the minority language as ELLs maintain their native language and acquire English as their second language (de Jong, 2002). These programs have been proven to promote proficiency in two languages as well as academic achievement for both English-only students and ELLs from a variety of ethnic and socio-economic backgrounds. Successful outcomes, however, depend on a clear understanding of the program and implementation of the features associated with high quality programs.

The three main goals for dual immersion programs include: an emphasis in the development of high levels of language proficiency in both the first language as well as the second language, to achieve grade level proficiency in all academic areas, and to cultivate cross cultural understanding and appreciation (Christian, Howard, & Loeb, 2000). According to Thomas and Collier (2012, 2014), students who participated in well implemented dual immersion programs had higher levels of cognitive development and were much more engaged in their learning than those students who were not in dual immersion classes. Furthermore, attendance rates were higher, interest in school was higher, and they reported much higher

satisfaction than students in mainstream classrooms. In order to accomplish this, effective programs must implement the recommendations defined by Lindholm-Leary (2001, 2005) in Figure 2.

Key Features of an Effective Dual Immersion Program
<ul style="list-style-type: none"> • Have a vision and goals centered on bilingualism and thereby integrate language instruction throughout the curriculum • Provide at least six years of bilingual language instruction • Provide multiple opportunities for oral production of language that are both structured and unstructured • Use of non-English language for a minimum of one half of the instructional day and as much as 90% of the day in the early years of instruction • Maintain a ratio of students who speak each designated language (50:50 or 60:40-preferably not less than 70:30) • Define a separation of the designated languages during specific instructional blocks and have an established and enforced language policy within the classroom that encourages students to use the specific designated instructional language during the appropriate time • Optimize language practice and student interactions through the use of grouping strategies • Provide continued professional development focused on dual language immersion and second language learning strategies and maintains high quality instructional personnel • Promote active parent and school partnerships and communication • Maintain an additive environment that benefits from the full support of school administrators

Figure 2: Key Features of an Effective Dual Immersion Program

Limitations of Study and Future Research

Within the parameters of examining specific legislation in California, the limitations included extensive revisions of the Education Code that made it difficult to determine the origins of each bill. Although many bills often appear to be new or original pieces of legislation, in reality they consisted of numerous omissions and revisions that were not always relevant to the specific topic at hand. In order to determine the specific problem, it was important to remain

aware of the current political agenda that influenced the changes to take place. Frequently, national events impacted state legislation and thereby prompted new legislation that merely reflected what was already taking place on a grander scale. In the case of bilingual education, the ebb and flow of racist and nationalist agendas were often reflected in the manner in which bilingual programs were framed. When resentment prevailed, so too did problematic legislation. When it appeared that diversity was becoming more accepted, legislation then reflected wording that on the surface deemed bilingual education to be viewed as a right. The problem with all of this was the underlying economic impact wherein language diversity was viewed as having value. It became unclear whether language diversity was actually becoming a resource that was to be valued for its cultural and linguistic capital, or whether language diversity simply meant that the language majority group could once again benefit from employees who had the ability to speak more than one language as a way to become profitable at their expense. Further studies would need to be conducted to evaluate the economic benefit that language minority populations were actually gaining in comparison to the economic benefits that language majority groups were simultaneously acquiring. In addition, societal opinions of bilingualism could be evaluated to examine the correlating racial perceptions of immigrants in order to determine if their linguistic identities were indeed being touted as a resource or if they were once again being exploited as they had been throughout history.

Specific Contributions of the Current Study

The study provided an insight into the manner in which bilingual education has been perceived since the passage of Proposition 227. During an era when English only education was promoted, legislation reflected how budgetary allocations and support for personnel disenfranchised language minority students. By grouping bilingual education in the category

with those needing interventions, such as special education, it was communicated to the public and school personnel that these children were a problem that needed to be fixed. Examination of legislation enabled those outside of the realm of politics to understand how divisive and inequitable specific wording can truly be.

Historically, minority groups have not been represented at the polls when elections have taken place. This failure to become informed invites others to benefit from their negligence and thereby pass legislation that negatively impacts their social and economic well-being. Consideration of legislation has the power to provide people with information so they can then make an informed decision. Unless people take the time to consider the legal jargon in question, they cannot prevent historical dominance from being repeated.

Future Impact

As educators work to close the achievement gap, the progress of ELLs is critical. By the year 2030, language minority students will comprise approximately 40% of the total population of school-aged students in the United States (Berlinger & Biddle, 1995). By implementing legislation and policies that support additive enrichment bilingual programs for all students, language, cultural, and social class boundaries will cease to exist as students learn to solve problems and tackle issues from a cross national perspective. This ability to value the perspectives and knowledge of others will lead to a level of respect that is sorely needed and will ultimately contribute to a more collaborative spirit among people (Thomas & Collier, 1998).

The need for expansive and consistent language policies is clear and must prevail throughout California in order to resist the pressure from anti-bilingual mandates that have the power to foster inequities and impede educational success for thousands of students. Although racist and assimilationist views persist, policies that strive to frame immigrants, language, and

culture as problems must not continue. Destructive perceptions of people that deem them as a threat to society or less than capable of identifying with the majority population ultimately divide communities and breed contempt. Language policies must affirm an individual's linguistic identity, as linguistic identity is a significant part of one's overall identity, and foster an understanding of differences rather than reflect tolerance or resentment towards immigrants and their native cultures and languages (Cummins, 2001). Educators, as well as parents, community members, and legislators, must take steps to become knowledgeable with the research supporting bilingualism so that they can in turn advocate for those ELLs whose educational needs are not always met (Menken, 2013). In doing so, members of society can become informed of the resources that diverse populations bring to our society. Ultimately, the linguistic and cultural capital of our state will continue to increase and the relationships between language minority and language majority groups will improve through cross-cultural appreciation and understanding (Cummins, 2001).

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