bilingual education
reading, writing, and rhetoric

by Richard C. Seder
Director of Education Studies, RPPI
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Richard C. Seder is the director of education studies for the Reason Public Policy Institute, a national public policy research organization. Mr. Seder has done extensive work in the area of quantitative and qualitative research on the structure of educational systems; school choice programs; accountability issues; and the impact of expenditures on student achievement. Before joining RPPI, Mr. Seder worked as a research assistant to the executive director for the Cato Institute in Washington, D.C., where he assisted in a study analyzing the relationship between public and private post-secondary institutions in three states. Prior to that, he was the recipient of a Charles G. Koch Fellowship through the Center of Market Processes examining the effects of immigration on the U.S. economy. Additionally, Mr. Seder has served as a project director for the Allegheny County School System in Pennsylvania, where he conducted extensive research on 43 public school districts. Mr. Seder holds a Masters in Science in Public Policy and Management from the Heinz School at Carnegie Mellon University in Pittsburgh as well as a double bachelors degree in Government and Economics from Beloit College in Wisconsin.
Executive Summary

How best to serve limited-English proficient (LEP) students has been at the center of both the pedagogical and political struggle known as bilingual education for more than 30 years. The eyes of the country are focusing on California and what many consider the future of bilingual education.

Over 1.3 million students are classified as limited-English proficient in California, nearly 40 percent of the nation’s LEP population. Until February 1998, the state mandated the use of native language instruction to educate LEP students. However, for a variety of reasons, approximately 30 percent of LEP students received the majority of their academic instruction in their native language, while 16 percent received no special instructional services at all.

Because of data limitations and the general lack of evaluation, dropout rates and other educational measures do not differentiate between those students who received special instructional services and those that have not. The lack of comprehensive data lends itself to misrepresentation, by both bilingual education proponents and opponents.

Research on the effectiveness of bilingual education is at best inconclusive. Both sides of the debate over the use of native-language instruction cling to the research results that support their particular argument. However, few research studies go without questions surrounding methodology, sample, or in the interpretation of results.

Consensus of research conclusions in favor of one methodology over another is unlikely given the diverse nature of these students—languages, family and community backgrounds, prior education and English exposure—and the diverse circumstances that school districts face. To expect such a result would ignore the complexities surrounding the issue.

Conclusion

Given the conflicting research results of bilingual education and the diverse population of limited-English proficient students and schools, one “best” instructional program should not be mandated across all schools and districts. Instead, state and federal policymakers should provide districts the opportunity to innovate with instructional programs to properly meet the needs of LEP students. At the same time, policymakers should incorporate evaluation and accountability components into their policies to ensure that those instructional programs adopted are effective.
Obscured in the political rhetoric is the term bilingual education. What constitutes bilingual education instruction? The various sides of the debate clutch to their anecdotal and empirical evidence that definitively proves that bilingual education is either a rousing success or a dismal failure. Estimates of the expenditures on providing special services range from not-nearly-sufficient to an extraordinary and growing burden on state and local resources.

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

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

This policy brief provides a brief overview of:

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

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

**Background**

**A. Students**

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

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

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

Given the growth in this segment of the student population, comparison to previous generations of immigrants and the type of education that they received proves difficult. Full English immersion may have been the only option available, and had some success with LEP students, given the relatively small numbers in the schools. Given the small numbers, more personalized attention may have been given to these students both within the classroom and through peer coaching. Regardless, in the 1960's, nearly 50 percent of Mexican-American LEP youth did not complete the eighth grade.
The issues of whether or not to provide special services and what kind of services to provide to limited-English proficient students are spelled out in federal and state laws, court rulings, and policies and regulations. Limited-English proficient students were first recognized under federal law under Title VI of the Civil Rights Act of 1964. Title VI ensures equal educational opportunities for students by requiring that there be no discrimination on the basis of race, color, or national origin in the operation of any federally assisted programs.

To meet the specific needs of LEP students, Title VII of the federal Elementary and Secondary Education Act of 1968, also known as the Bilingual Education Act, was established to provide funding for various education programs to meet the needs of this student population. The act was recently reauthorized in 1994 under the Improving America's Schools Act (IASA).

The basis for the continued reauthorization of the Bilingual Education Act rests with federal and U.S. Supreme Court decisions. Perhaps the two most influential decisions regarding the provision of special services to LEP students are the 1974 Lau and 1981 Castaneda decisions. Based on the inclusion of limited-English proficient students under Title VI of the Civil Rights Act, the U.S. Supreme Court, in 1974, decided in Lau v. Nichols that an equal education is not provided if non-English-speaking students cannot understand the teachers, textbooks, or curriculum, in this case Chinese students in San Francisco.

In the Lau case, the Court did not detail a specific remedy or pedagogical solution. Instead, it deferred to Department of Health, Education, and Welfare guidelines:

1. California 1,262,982 39.9%
2. Texas 457,437 14.5%
3. New York 236,356 7.5%
4. Florida 153,841 4.9%
5. Puerto Rico* 143,769 4.5%
6. Illinois 107,084 3.4%
7. Arizona 98,128 3.1%
8. New Mexico 84,457 2.7%
9. New Jersey 52,081 1.6%
10. Washington 51,598 1.6%

STATES WITH THE LARGEST LEP ENROLLMENTS, 1994–95

<table>
<thead>
<tr>
<th>State</th>
<th>LEP Enrollment</th>
<th>National Enrollment</th>
<th>% Cumulative</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>1,262,982</td>
<td>39.9%</td>
<td>39.9%</td>
</tr>
<tr>
<td>Texas</td>
<td>457,437</td>
<td>14.5%</td>
<td>54.4%</td>
</tr>
<tr>
<td>New York</td>
<td>236,356</td>
<td>7.5%</td>
<td>61.8%</td>
</tr>
<tr>
<td>Florida</td>
<td>153,841</td>
<td>4.9%</td>
<td>66.7%</td>
</tr>
<tr>
<td>Puerto Rico</td>
<td>143,769</td>
<td>4.5%</td>
<td>71.2%</td>
</tr>
<tr>
<td>Illinois</td>
<td>107,084</td>
<td>3.4%</td>
<td>74.6%</td>
</tr>
<tr>
<td>Arizona</td>
<td>98,128</td>
<td>3.1%</td>
<td>77.7%</td>
</tr>
<tr>
<td>New Mexico</td>
<td>84,457</td>
<td>2.7%</td>
<td>80.4%</td>
</tr>
<tr>
<td>New Jersey</td>
<td>52,081</td>
<td>1.6%</td>
<td>82.0%</td>
</tr>
<tr>
<td>Washington</td>
<td>51,598</td>
<td>1.6%</td>
<td>83.7%</td>
</tr>
</tbody>
</table>

Source: Data is from the SEA Survey forms submitted by the SEAs. *Limited Spanish Proficient is used in place of Limited-English Proficient for Puerto Rico.
Where inability to speak and understand the English language excludes national origin-minority group children from effective participation in the educational program offered by a school district, the district must take affirmative steps to rectify the language deficiency in order to open its instructional program to these students.⁶

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

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

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

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

3. The school’s program must demonstrate that students are making progress in overcoming language barriers. No matter how reasonable a school’s original choice of program may be or how exhaustive are the resources dedicated to the program, the failure of students to make progress obligates the school to revise its program.⁷

According to interpretation by California’s Little Hoover Commission, “This decision also made it clear that while schools must have two goals — helping students attain English proficiency and ensuring that they make academic progress in the overall curriculum — the schools are free to pursue the goals sequentially rather than simultaneously.”⁸ This allowed districts to choose and implement programs that may sacrifice a student’s over-

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**GRADE LEVEL OF STUDENTS NOT FLUENT IN ENGLISH**

<table>
<thead>
<tr>
<th>Grade Level</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>K-3</td>
<td>44.93%</td>
</tr>
<tr>
<td>4-6</td>
<td>24.24%</td>
</tr>
<tr>
<td>7-9</td>
<td>18.25%</td>
</tr>
<tr>
<td>10-12</td>
<td>11.29%</td>
</tr>
<tr>
<td>Ungraded</td>
<td>1.29%</td>
</tr>
</tbody>
</table>

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

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

The Congress finds that it is the purpose of this title to help ensure that limited English proficient students master English and develop high levels of academic attainment in content area;9

In 1994-95, approximately 300,000 limited-English proficient students nationwide received their education through Title VII-funded instructional programs, roughly nine percent of the total LEP population. Five major instructional programs are designed to serve LEP students under Title VII (the number in parentheses denotes the percentage of total LEP students receiving that particular program in 1994-95): Transitional Bilingual Education (6 percent), Developmental Bilingual Education (0.3 percent), Special Alternative Instructional Program (2 percent), Family Literacy Program (0.1 percent), and the Special Populations Program (1 percent).10

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

C. California Law

From 1872 until 1967, California law required all instruction to be in English under Section 71 of the California Education Code. In 1967, this statutory mandate was repealed by Senate Bill 53. In 1976, the state enacted the Chacon-Moscone Bilingual/Bicultural Education Act, followed by the Bilingual Education Improvement and Reform Act of 1980.

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

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

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

- Place students who do not speak English fluently into a program of instruction in English language development.
- Give each student primary-language access to the core curriculum (based on the level of proficiency in English and native language).
- Make specially designed academic instruction in English available to those students who are advanced enough in English to warrant it.

- Assign an adequate number of “qualified” teachers to implement the English language-development program.

- Assign an adequate number of “qualified” teachers to implement the primary-language-instruction program.\(^\text{13}\)

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

1. Demonstration of educational results—allows a school to adopt an alternative-instructional program, but the school must be able to prove that students perform at a level equal to or greater than the statewide averages. The burden of proof is upon the district and requires additional resources dedicated to the department’s evaluation process;

2. Assignment of teachers with Commission on Teacher Credentialing (CTC) authorizations—deals with qualifications of teachers, all staff have special certificates issued by the Commission on Teacher Credentialing. Five hundred districts chose this option in 1991-92;

3. Local designation of other qualified teachers—districts may set up their own credentialing program for staff under department review;

4. Plan to remedy shortage of qualified teachers—if a school district has made every attempt to obtain the specified number of qualified instructors and comes up short, the district can devise a plan to remedy the situation over a specified period of time. Some 490 districts chose this option in 1991-92;

5. General waiver authority—if Option 4 fails, the district may request a waiver from that specific requirement, or for an alternative-instructional program. The waiver does not dismiss the district from federal requirements. Approximately 300 districts qualify for this option;

6. Small and scattered LEP populations—if a district has fewer than 51 and no single school has more than 20 students in a particular language group, the district is exempt from meeting the compliance review for that language group. About 850 districts qualified for this option for one or more language groups.\(^\text{14}\)

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

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

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

### D. California Funding

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

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

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

Special Instructional Programs for Limited-English Proficient Students

A. California Participation

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

Dropout rates for Hispanic students in the United States are higher at 12.4 percent in 1995 compared to 4.5 percent for whites and 6.4 percent of blacks (California dropout rates: 5.6% for Hispanics; 2.4% for whites; and 6.6% for blacks). While this figure represents LEP and English-fluent Hispanics, those students speaking Spanish at home (again not an accurate indication of English fluency) were more likely to have repeated at least one grade. However, we should be hesitant to designate the dropout rate as an indication that bilingual education has failed. Hispanics tend to drop out more, not because of academic achievement (4 percent). Rather, 38 percent of Hispanic dropouts gave economic reasons (desire to work, financial difficulties, home responsibilities) for dropping out. Also, very little research has disaggregated the dropout figure according to instructional practices received.

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

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

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

Research Results

A. “Bilingual Education Programs Do Not Work”

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

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

While Figure 2 is alarming, bilingual education proponents claim that traditional transitioning takes place anywhere from two to seven years into the program. However, the Little Hoover Commission noted, “Whether one expects students to transition in two, three, four, five or even six years, there is no “bulge” in the redesignation figures that accounts for the eventual transition of the hundreds of thousands of students who are not fluent in English.”

Given this pattern of program achievement, thousands of students would eventually graduate without fluency in English. But again, there may be perverse financial incentives involved that may limit the official redesignation rate, allowing for actual numbers of students identified as proficient being much greater.

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

### Table 2: LEP Instructional Services

<table>
<thead>
<tr>
<th>Service</th>
<th>Number</th>
<th>% of Students</th>
</tr>
</thead>
<tbody>
<tr>
<td>English Language Development (ELD) Only</td>
<td>158,640</td>
<td>11.5%</td>
</tr>
<tr>
<td>ELD and “Sheltered English” Instruction</td>
<td>274,845</td>
<td>19.9%</td>
</tr>
<tr>
<td>ELD, sheltered English and primary language support by paraprofessionals</td>
<td>298,395</td>
<td>21.6%</td>
</tr>
<tr>
<td>ELD and academic subjects through the primary language</td>
<td>410,127</td>
<td>29.7%</td>
</tr>
<tr>
<td>Not receiving any special service*</td>
<td>239,386</td>
<td>17.3%</td>
</tr>
<tr>
<td>California totals</td>
<td>1,381,393</td>
<td>100.0%</td>
</tr>
</tbody>
</table>

Source: California Department of Education, 1997. *includes withdrawn at parents request
formed up to the point of their research, only 72 proved to be methodologically acceptable — true experimental design with random assignment to control and treatment groups, controlled for student and family characteristics, the comparison group included LEP students of the same ethnicity and language background, outcome measures did not include grade equivalents, and additional educational treatments were eliminated or controlled for. Table 3 shows the comparison of transitional bilingual education (TBE) to submersion, English as a Second Language instruction, and developmental bilingual education (DBE) on second language reading, language, and math. The percentages in Table 3 indicate the percentage of studies showing a program doing better than the alternative program being compared to, the percentage showing no difference, and the percentage of studies that showed worse performance than the alternative. Included in the table are the number of studies comparing programs. This method of analysis is often called the vote-counting method. When comparing transitional bilingual education to submersion, the method of doing nothing for LEP students, 22 percent of studies showed TBE to be superior, 33 percent to be inferior, and 45 percent to be no different in tests measuring reading. When comparing TBE and submersion in language arts, 7 percent showed TBE to be superior, 64 percent showed TBE to be inferior, and 29 percent showed TBE to be no different. When comparing TBE to structured immersion, taking the multiple forms of full immersion and two-way immersion programs, no study showed TBE to be superior to structured immersion in reading, language arts, or math. From a policy standpoint, because of the multiple forms classified under structured immersion, we should pay careful attention to which of the structured immersion programs did better than the TBE programs and which did no better. This delineation is unclear from the results given.

Researchers continue to debate the methodological validity which Rossell used in her choice of studies to include in her analysis. We should also pay close attention to the nature of the evaluations done, who was tested, at what point were they tested, what were the measured differences between programs before coming to the definitive conclusion that native-language programs are wholly ineffective. Another source of debate is the method of vote-counting which continues to be of debate in the scientific community in making conclusive determinations about the effectiveness of competing programs. Though Rossell's analysis has some problems, it should not be completely discounted, and research cited as showing that native-language programs are superior in providing educational services to LEP students, as measured by student test scores in multiple subject areas, are equally problematic.

Another evaluative research study that native-language program opponents point to is the Ramirez study conducted for the U.S. Department of Education. The Ramirez study compared two types of native-language-instruction programs (transitional and developmental bilingual education) and immersion programs from districts in California, Florida, Texas, New York, and New Jersey. All three programs proved to be effective in providing educational services to limited-English proficient students, with all students reaching comparable skills levels in reading, language arts, and math. “Students in all three programs realized a growth in English-language and reading skills that was as rapid or more so than the growth that would be expected for these children had they not received any intervention.” Because of this, native-language proponents also point to the Ramirez study as justification for their program models. At the very most, the Ramirez study put forward the bilingual education
notion that native-language instructional programs are not the only effective method of teaching LEP students.

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

BW studied five schools, each considered to have an optimally implemented program in place. The conclusion was very similar to the Ramirez conclusions, that the success of each program is greatly dependent on how they are implemented by the individual schools. BW, realizing the complexities surrounding the educating of limited-English proficient students, concluded, “The public debate about this question has too often been cast as a choice between bilingual or English-only programs. The challenge of educating [English learners] is much too complex to be reduced to such a simplistic formulation.”

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

**C. Bilingual education and labor market earnings**

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

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

![Graph showing number of students transitioning from nonfluency to fluency from 1982 to 1997.](figure2.png)

Source: State Department of Education

However, when they disaggregated the student population by how recent their families immigrated to the United States—first-generation, second-generation, third-generation—the authors found that the more recent the immigrant, the worse off they were in earnings if they were provided bilingual education. For first-generation immigrants who received bilingual education, wages were approximately 50 percent less than their English-immersed peers. Second-generation students earned approximately 30 percent less. There was no significant difference in wages within the third-generation student population based on bilingual education exposure.30

The authors note, however, that the sample that they are analyzing may be biased. The students in this sample were first added when they were sophomores in high school. This eliminates all students that dropped out prior to this stage in schooling. If non-bilingual education Hispanic LEP students drop out at a greater rate than those receiving bilingual education, the study results could be skewed. Secondly, Lopez and Mora’s analysis does not distinguish the type of bilingual education services provided, nor the duration that the students were involved in these programs. The authors refer to bilingual education as any instructional program that utilizes the child’s primary language. This includes English as a Second Language (ESL) programs where instructional assistance in the primary language varies from one class to half the school day. The authors note the heterogeneity of bilingual education programs offered to students. Finally, the sample of students analyzed was first questioned in 1980, six years after the Lau decision. It could be argued that very few schools offered a thorough and well-designed bilingual education program for students in their native language at that time.

Researchers from George Mason University, Wayne Thomas and Virginia Collier, completed perhaps the largest evaluative study of bilingual education programs to date, including over 700,000 student records from 1982 to 1996. Their analysis was done both cross-sectionally (different students at different points in time) and longitudinally (same students over time).

### Table 3

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<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>TBE Better</td>
<td>22%</td>
<td>19%</td>
</tr>
<tr>
<td></td>
<td>TBE Worse</td>
<td>33%</td>
<td>33%</td>
</tr>
<tr>
<td></td>
<td>No Difference</td>
<td>45%</td>
<td>48%</td>
</tr>
</tbody>
</table>

### Effectiveness of Bilingual Education by Test Outcomes

<table>
<thead>
<tr>
<th>Reading*</th>
<th>Language</th>
<th>Math</th>
</tr>
</thead>
<tbody>
<tr>
<td>Source: Is Bilingual Education an Effective Educational Tool?, Center for Equal Opportunity, Table 1, p. 23. *Oral English achievement for preschool programs.</td>
<td></td>
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</tr>
</tbody>
</table>
Their research questions centered around: “Which instructional practices lead to eventual achievement parity between English learners and native-English speakers?” This is the definition of “works” that the authors use in their evaluation.

Their research followed students in “well-designed and implemented” programs of two-way bilingual education, developmental bilingual education with content-based ESL, transitional bilingual education with content-based ESL, transitional bilingual education with traditional ESL instruction (typically remedial style instruction, structure versus content), ESL programs taught through academic content, and ESL pullout programs (structure-based versus content-based instruction). The authors defined “well implemented” as those programs that have been in effect for a number of years, with teachers that have been thoroughly trained to fully deliver the chosen instructional program completely, and with substantial administrative support to help deliver the instructional program in its entirety. These conditions fully satisfy the Castaneda tests to meet the needs of LEP students.

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

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

![Figure 3](source.png)

where English-language development was provided throughout the curriculum rather than in a limited and separate capacity. Also important is the emphasis given to each language. Those programs that stressed the importance of each language equally in the curriculum were the most successful — that is, primary language was as important as English, but also English was as important as the native language.31

The two-way and developmental bilingual education programs evaluated provided students with long-term achievement parity with native-English speakers in four to seven years. However, LEP students in the other programs make only enough progress relative to English speakers to maintain the initial achievement gap, but do not achieve academic parity with their native-English-speaking peers. Collier and Thomas point out that transitional bilingual education, as it is often implemented in schools, fares no better than the best ESL programs implemented.

Part of this disparity may come from the fact that those students classified as English-proficient are what some researchers label conversationally English proficient and not academically English proficient.32 Jim Cummins asserts that a significant level of conversational fluency can be achieved in two to three years, whereas fluency in a language to fully grasp cognitively demanding material may require five to seven years to attain. The authors assert that if students are redesignated too soon, they typically do not achieve academic parity with native-English speakers. Collier and Thomas conclude their study by recognizing some of the limitations to fully implementing many of the instructional programs described (too few students, shortage of bilingual staff, etc.) and the failure of many bilingual education programs currently implemented to serve limited-English proficient students. They recommend that districts teach LEP students with a cognitively challenging curriculum, both in the native language and in English — to treat the program as an enrichment program rather than a remedial program. They also recommend that districts whose instructional programs are failing to develop a new program that better meets student needs, both short-term and long-term.

One of the major criticisms of Collier and Thomas's work involves the sample of schools and students studied. Five urban and suburban districts were chosen based on the authors' assessment of which programs were well implemented to avoid inclusion of implementation problems in their analysis. However, this non-random choice of districts raises selection bias questions in the analysis. Collier and Thomas's analysis also limits their study to following students within the specified districts. The authors recognize the relatively high mobility rates within this student population, so those students that leave the given district are lost from the sample and analysis.

The authors also do not disaggregate the performance of recent immigrants and second and third generation LEP students in the various program methods. Can we assume that one program model is equally effective across all LEP student sub-populations?
tive-English peers while gaining full cognitive fluency in English.

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

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

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

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

Policymakers and architects of instructional programs to meet the needs of LEP students should consider several goals central to the design of effective policies and programs. First, they should evaluate how quickly students achieve English proficiency and to what level of proficiency. The necessary means must be undertaken to meet both of these goals.

As an example, Collier and Thomas assert that LEP students, without thorough native-language instruction, do not typically close the gap with their English-speaking peers. This conclusion, however, assumes that schools teach all students the same way. While their assertion may lead some districts to move towards greater native-language instruction, others may move to a longer school year or after-school and summer enrichment programs to bridge the achievement disparity.
Lastly, overall program evaluation and accountability is essential to properly meet the needs of the LEP population. If a program is not succeeding according to the first two goals above, then an alternative instructional plan should be implemented. The role of the federal and state governments should shift from ensuring district compliance with mandates to a purely evaluative role. Districts should be evaluated on their demonstration of academic and English-language progress with these students rather than on adherence to administrative guidelines or specific programs.

School districts, especially large school districts with many schools, are also cautioned against adopting a one-size-fits-all instructional approach across all district schools. Doing so ignores the diversity of needs in various LEP sub-populations. While instituting multiple instructional methods across schools within a single district make evaluation more difficult, we should not assume that students residing within the same geographic boundaries all learn in the same manner. We should assume that instructional programs will vary across districts throughout the state, but also recognize that instructional programs may vary throughout schools within districts. The recent California state board decision allows districts to develop local instructional plans for LEP students, moving away from favoring native-language instruction. However, this does not exempt districts from compliance with federal law with regards to these students. Additionally, current state board policy does not include any requirements for assessment at either the state or local district levels. Along with providing districts the flexibility to design local programs to meet the full educational needs of all LEP students, policymakers should include evaluation and accountability requirements to ensure that those needs are being met.

Another policy consideration relates to the supplementary funding of programs serving LEP students. The funding mechanisms currently in place institute a perverse incentive structure for school districts in both their classification as LEP students and reclassification of students as they achieve English-language proficiency. The new California state board policy does not change this situation. While no specific pedagogy is pushed on California districts, district and school administrators still face financial incentives in their classification and redesignation policies because of the additional resources garnered by having additional LEP students. A funding mechanism should be instituted that provides schools with the necessary resources to effectively serve this student population without relying upon the classification and redesignation of LEP students.

There is also legislation in Congress that would change the way that federal Title VII funds would be distributed. Grants should be awarded to instructional programs that effectively address the needs of LEP students, regardless of native-language use. Funding mechanisms that continue to favor one teaching method over another limit the innovation in designing effective district programs. The breadth of research surrounding the issue of how to instruct limited-English proficient students does not warrant concluding that any one method of instruction is best. Consensus of research conclusions in favor of one methodology over another is unlikely given the diverse nature of these students — languages, family and community backgrounds, prior education and English exposure.

What is consistent across the major evaluative studies is that those programs that are well implemented, designed to meet the needs of the local student population, with clear goals and objectives, with teachers and administrators in support of the designated program, and with resources well utilized can succeed in meeting the needs of these children. Thus, policies that facilitate diverse local program development and implementation, along with thorough evaluation should ultimately be pursued.
Glossary of Terms

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

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

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

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

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

Language Majority Students: native English speakers.

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

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

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

Subtractive Bilingualism: English language development replaces native language development.

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

Two-Way Bilingual Education: language majority and minority students are schooled together, each serving as peer teachers. Curriculum is taught in both English and designated minority language. In 1997, there were 202 two-way programs in 22 states and the District of Columbia, with 184 of 202 operating in English and Spanish.
1 Given the high drop out rates, low achievement on standardized test scores, high incidences of poverty, and limited formal schooling on the parts of parents and other family members.


8 Little Hoover Commission, A Chance to Succeed: Providing English Learners with Supportive Education, July 1993, p.12

9 Improving America’s Schools Act (IASA), PL. 103-382, 1994.


11 Public Law 103-382, Sec. 7116.


13 Ibid., pp. 56-57.

14 Ibid., pp. 57-58.


19 National Center for Education Statistics, The Condition of Education 1997, U.S. Department of Education, pp. 66-67; California Department of Education, Educational Demographics Unit, 1995-6. (Event dropout rate: percentage of those students in grades 10-12 who were enrolled the previous October, but were not enrolled and had not graduated the following October.)


24 Ibid., Table IV-3.


