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LOCAL IMPLEMENTATION AND INTERPRETATION OF ARIZONA BILINGUAL
EDUCATION STATUTES AND POLICIES

The University of Arizona

PH.D. 1986

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LOCAL IMPLEMENTATION AND INTERPRETATION
OF ARIZONA BILINGUAL EDUCATION
STATUTES AND POLICIES

by

Paul Richard Shell

A Dissertation Submitted to the Faculty of the
Department of Educational Administration
In Partial Fulfillment of the Requirements
For the Degree of
DOCTOR OF PHILOSOPHY
In the Graduate College
THE UNIVERSITY OF ARIZONA

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As members of the Final Examination Committee, we certify that we have read
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entitled Local Implementation and Interpretation of
Arizona Bilingual Education Statutes and Policies

and recommend that it be accepted as fulfilling the dissertation requirement
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SIGNED:

Paul R. Shell

This dissertation is dedicated to

AUDREY COKER

The greatest blessing a man can have is to find a friend who can open his eyes, warm his heart, and make him wiser. Audrey is such a friend. Her kindness, wisdom, support, and guidance made this study a reality. I would like to express my sincerest gratitude for being permitted a tiny corner of her life.

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TABLE OF CONTENTS

	Page
LIST OF TABLES.....	ix
ABSTRACT.....	x
1. THE PROBLEM.....	1
Introduction.....	1
Background of the Study.....	4
Statement of the Problem.....	8
Purpose of the Study.....	9
Research Questions.....	10
Limitations.....	10
Assumptions.....	11
Definition of Terms.....	12
2. REVIEW OF THE RELEVANT LITERATURE.....	14
Introduction.....	14
Definitions of Implementation.....	14
The Nature of Implementation Research...	16
Compliance in Implementation:	
Factors.....	19
Common Goals.....	22
Reliable Knowledge Base.....	23
Incentives and Sanctions.....	24
Effective Authority.....	24
Compliance in Implementation:	
Perspectives.....	26
Political/Legal Perspective.....	27
Organizational Perspectives.....	32
Professional Perspective.....	36
Citizen Perspective.....	41
3. METHODOLOGY.....	45
Introduction.....	45
Identification of Sample Districts.....	45
Preparation of Questionnaires.....	47
Field Testing of Questionnaires.....	49
Personnel Identification Survey.....	50
Mailing of Stage One Questionnaires.....	50
Stage One Data Assessment.....	52
Stage Two Interviews.....	53
Analysis of the Data.....	53

TABLE OF CONTENTS--Continued

	Page
4. ANALYSIS OF THE DATA.....	55
Introduction.....	55
Programs Implemented Under the 1981 State Statutes.....	57
Compliance with the 1981 1981 State Statutes.....	62
The Annual Report of the Arizona Department of Education.....	66
Interview with Official from the Arizona State Department of Education.....	68
Replacement of the 1981 Bilingual Statutes.....	75
Synthesis of Findings and Prior Research.....	85
5. CONCLUSIONS AND RECOMMENDATIONS.....	90
Summary.....	90
Research Question One.....	91
Research Question Two.....	93
Research Question Three.....	93
Research Question Four.....	95
The 1984 Bilingual Statutes.....	96
Conclusions.....	97
Recommendations.....	100
APPENDIX A: ARIZONA BILINGUAL EDUCATION STATUTES 1981.....	104
APPENDIX B: ARIZONA DEPARTMENT OF EDUCATION ANNUAL REPORT FORM UNDER 1981 STATUTES.....	108
APPENDIX C: ARIZONA BILINGUAL EDUCATION STATUTES.....	111
APPENDIX D: ARIZONA DEPARTMENT OF EDUCATION ANNUAL REPORT FORM UNDER 1984 STATUTES.....	119

TABLE OF CONTENTS--Continued

	Page
APPENDIX E: BILINGUAL STUDY QUESTIONNAIRE.....	124
APPENDIX F: BILINGUAL EDUCATION STUDY QUESTIONNAIRE.....	132
REFERENCES.....	140

LIST OF TABLES

Table		Page
1	District OLP/LEP Program Options.....	58
2	Characteristics of Bilingual Programs Found in School Districts in the Sample Area.....	62
3	A comparison of the 1981 and the 1984 bilingual statutes.....	76
4	OLP/LEP Programs Options for School Districts Under the 1984 Bilingual Statutes.....	79
5	Data required from school districts in the annual report under the 1981 and the 1984 bilingual statutes.....	81
6	A Comparison of Statutorily Required Activities for Superintendent of Public Instruction under the 1981 and 1984 Bilingual Statutes.....	84

ABSTRACT

The study investigated the degree of compliance of selected Arizona public school districts with a set of state statutes which placed a limit on the amount of bilingual education services a district could provide to students. The existing literature on implementation and compliance suggested that several conditions might influence districts to implement programs of instruction which would be at variance with the state laws.

The study used questionnaires to gather program data from 40 school districts in southeastern Arizona. These questionnaires were screened to determine those districts offering programs of instruction which exceeded the restrictions of state law. Six such districts were found. Interviews were conducted with program administrators in each district to determine the explanations for noncompliance. An interview was also obtained with an Arizona Department of Education official to determine the role of the state regarding the bilingual statutes.

Information obtained from the interviews revealed that several of the programs had been established under federal pressure to provide equal educational opportunity to limited-English-proficient children. These programs had

existed long before these state statutes were put into effect in 1981.

Data also indicated that the state statutes lacked enforcement mechanisms. The state agency responsible for those programs received no mandate to monitor districts or to enforce state restrictions. Also, this agency was federally-funded with a primary loyalty to federal priorities to keep programs in operation and with a service rather than an enforcement orientation toward local districts. No enforcement of the restrictions found in the 1981 bilingual statutes took place. Furthermore, administrative regulations for the 1981 statutes were formulated which permitted programs of instruction exceeding state limitations to continue.

In 1984 new bilingual statutes were put into effect which removed the restrictions of the old statutes. The new statutes are discussed from the historical perspective of the earlier statutes.

CHAPTER 1

THE PROBLEM

Introduction

The Tenth Amendment of the United States Constitution makes education the responsibility of the individual states. All states have formulated laws to establish, operate, and regulate a system of public schools. The resulting state statutes become the major source of educational policy in the country. To understand how education operates within a state, it is necessary to have some idea of the laws which guide it.

However, mere knowledge of the corpus of educational laws is insufficient. An understanding of the process of law and law making, its dynamics and its functions, is equally important. Grilliot (1979) observes:

Law is not merely a body of static rules to be obeyed by all citizens who are subject to its sanctions. It is a dynamic process by which rules are constantly being adopted and changed to fit the complex situations of a developing society (p. 4).

Grilliot points to the dual nature of law--as both product and process. Law embodies society's articulated values. At the same time, it contains the process through which these values are discussed, affirmed, and codified.

Despite a fundamental moral imperative to obey the laws of society (Anderson, 1979; Kennedy, 1962), the process through which laws are created also generates the potential for noncompliance. In the political interchange through which law is developed, the interests and values of competing groups come into conflict. Through the compromise inherent in this process, the values and interests of some groups are accommodated and even championed as society's official policy.

The struggle among competing views does not end with the codification of official policy. Those groups whose interests were frustrated during the legislative processes do not normally abandon their original values, especially if they are central to the group, just because the values are not part of the official policy of the larger society. In fact, these groups may comply with the official policy with varying degrees of zeal, while continuing their efforts to change the law to reflect their values and interests.

This dynamic quality of law is frequently either overlooked or disregarded when law is contemplated exclusively from its product aspect, as rules and regulations to be followed unswervingly. When viewed more realistically in its dual aspects of product and process,

law's dynamism is readily apparent. Law is not fixed and immutable but constantly evolving in a slow but deliberate metamorphosis.

Therefore, the official, codified public policy contained in a statute passed at a given point is unlikely to be the final word of society on the issue, especially if the statute deals with a complex and controversial social topic which generates continuing thought and discussion within the society. Some laws are changed because they prove to be pervasively unpopular or unenforceable; others need alteration because they were poorly designed or conceptually flawed. Still others require modification to adapt to the rapidly changing demands of society.

The statutes enacted by legislative bodies to promote social order and regulate institutional and individual behavior should, therefore, be studied and researched to see if they are functioning as intended. Laws governing public education need to be investigated to see if they realistically and adequately address the needs of school districts and provide sufficient discretion to local officials in seeking and applying solutions to local educational priorities.

In education, as in other areas of society, the law exerts both its stabilizing and its dynamic forces. Even though education is a primary institution for the promulgation of societal and cultural values, educational institutions do not always implement or comply with statutory regulation as legislators envisioned they would. Compliance and implementation studies have both become appropriate and relevant areas of inquiry for researchers interested in studying the impact of law on education. The study of policy formation and analysis is equally pertinent to such investigation. In fact, the examination of the relationship between law and education draws upon thought and findings from a number of social sciences.

Background of the Study

The study investigates Arizona's recently replaced bilingual education statutes, sections 15-705 through 15-707 of the Arizona Revised Statutes. They became effective in January of 1981 and were replaced with new legislation in April of 1984. During the years they were in effect, these statutes were intended to provide appropriate educational programs in the public schools for students whose home language was other than English and whose proficiency in English was limited. The study will

hereafter use the acronym OLP/LEP (see Definition of Terms, p. 10), to refer to these students).

Section 15-705 specifically limited any special programs of bilingual instruction to the first eight grades of any common or unified school district. All instruction occurring outside these special programs was to be given in English. The statute further mandated the revocation of certification for any teacher failing to comply with this particular section of the statutes. Not only did such language appear to prohibit bilingual instruction programs at the high school level, but it also promised a very harsh punishment for any teacher providing such instruction in defiance of or in ignorance of the law.

An Administrative Regulation of the State Board of Education, section R7-2-306(A), appeared to resolve this dilemma by stating that:

School districts may also provide special instruction in the English language to high school students whose primary or home language is other than English and who, by reason thereof, have limited English proficiency and may provide bilingual education to such high school students where required by Federal statutes, regulations or pursuant to conditions of Federal grants.

However, this regulation failed to point out that there are no federal statutes which require bilingual education.

The major federal statute which explicitly affects OLP/LEP students, other than Title VI of the Civil Rights Act of 1964, is the Equal Educational Opportunities Act (EEOA) of 1974. Section 1703(f) of that act, requires only "appropriate action to overcome language barriers that impede equal participation in . . . instructional programs." The act does not spell out what constitutes "appropriate action," and courts have thus far concluded that Congress did not intend the term to mandate bilingual education programs (Casteneda v. Pickard, 1981).

Furthermore, the regulations failed to mention that conditions of federal grants cannot supercede a state law where one exists. Sacken (1983) notes:

The second contingency in the regulation, purporting to release districts seeking to comply with the conditions of a federal grant, simply ignores the law. If a federal grant program offers special funds tied to the sole condition that participants provide bilingual instruction during the high school years, the district has the quite simple obligation to ignore the program. State law expressly prohibits satisfaction of the triggering condition attached to the grant funds (p. 32).

Therefore, the apparent resolution of conflict offered by the State Board of Education's Administrative Regulation turns out to be a hollow promise.

Actually, unlike section 1703(f) of the EEOA, the Arizona statutes did not require any special treatment for

OLP/LEP students. The statutes permitted such treatment but they did not require it. Providing no specialized program at all was one of the options open to local school districts under the Arizona statutes. Despite the obligation under section 1703(f) of the EEOA, there was no assurance under Arizona statutes that OLP/LEP students were in fact receiving any specialized educational treatment.

Finally, Arizona's statutes limited any special courses of bilingual instruction to a period of four years for any common school pupil. Such a restriction limited the choices of local districts if additional specialized instruction was believed necessary. It also placed a burden on local school districts in dealing with their own unique programmatic needs in that it prevented the continuous use of bilingual programs beyond four years for any student. It should be further noted that section 1703(f) of the EEOA places no such limits on "appropriate action."

The Arizona statutes, with their requirements, punishments, restrictions, and even their lack of requirements, placed real and considerable constraints on local school districts. School district officials and program implementors were denied the flexibility and

control to determine what was "appropriate action" to meet local conditions.

Although special language instruction programs at the high school level were forbidden by state statute, the need for such programming might still exist in various communities within the state. A four-year limit on bilingual instruction might frustrate local desires for flexible programming to meet educational needs exceeding this limitation. If some communities' desires did not mesh with these restrictive state statutes, local school district officials would be placed in the awkward position of having to choose obedience to the laws of the state or providing requested assistance to students under their supervision.

Statement of the Problem

The problem was to determine the effectiveness of the Arizona bilingual education statutes just described in regulating the amount and the type of specialized language instruction programs for OLP/LEP students in selected Arizona public school districts. The study also measured compliance, as well as evaluated mechanisms chosen by school districts to implement the statutory requirements.

Purpose of the Study

The study sought to examine a set of statutes which were somewhat unique for educational laws. Statutes dealing with education frequently regulate funding, curriculum content, and even the school calendar, but rarely seek to regulate a teaching methodology. By the state's own definition, found in section 15-707(D), bilingual education is "instruction through the media of English and another language for understanding, speaking, reading and writing." This is just a teaching methodology, nothing more.

The statutes also exhibited a statutory design more common to traffic laws than to education. These statutes placed an absolute ceiling or limit on permissible services, which were, again, methodological in nature.

The purpose of the study was to examine the relative effectiveness of this statute, through an inquiry into the pattern of compliance with the statutes in selected Arizona school districts, in regulating services in educational settings. The study's purpose was also to examine the programmatic strategies and structures used by districts to implement the legislature's dictates under these statutes.

Research Questions

The following questions served to guide the study:

1. What programs were implemented by local school districts under ARS 15-705-707 (1981) to meet the educational needs of OLP/LEP students in their districts?
2. Were the programs implemented by local school districts for OLP/LEP students in compliance with the statutory requirements of ARS 15-705-707?
3. If a school district's program for OLP/LEP students was found not to comply with the requirements of ARS 15-705-707, what explanation did the district offer for its choice of program offering?
4. What monitoring or enforcement efforts were made by the Arizona State Department of Education to secure compliance by local school districts with ARS 15-705-707?

Limitations

There were a number of factors which will limit the general findings:

1. Data were gathered from all public school districts of three counties of southeastern Arizona: Cochise, Pima, and Santa Cruz.
2. Much of the data were gathered by self-reporting instruments and interviews. These data were subject to the criticisms which are applicable to these procedures.
3. Data were gathered only from programs for OLP/LEP students in each district.

Assumptions

This research was based on the following set of assumptions:

1. That the researcher would be able to acquire information from each district reflecting the current and official policy regarding OLP/LEP student programs in each district.
2. That accurate information could be secured through self-report and interview methods.
3. That the data gathered reflected the actual conditions in the schools relative to the implementation of bilingual instruction programs.
4. That this study would be of value in understanding the process of implementing educational policy.

Definition of Terms

Compliance. Actions and behaviors taken in accordance with laws, policies, and regulations of decision-making bodies and executive officials.

Implementation. The stage during which laws and policies designed to effect social compliance and change are made operational by organizations and individuals.

Implementation Research. A research approach which concentrates upon the process of translating policy into programs. The approach is characterized by the use of non-statistical methods, such as document analysis, observation, unstructured interviews, and questionnaires, to examine problems which emerge in the process of implementing a policy.

Innovation. A term frequently used in implementation research to refer to a new technology, idea, or practice resulting from a policy decision. It is essentially an intrusion into an established routine and necessitates an organizational response or reaction to it.

OLP/LEP. Other-Language-Proficient/Limited-English-Proficient. This term describes children who demonstrate normal language acquisition and function in a language other than English but who have not yet acquired the full range of language function in English.

Bilingual Education. The definition for this study is that of the Arizona Revised Statutes, section 15-707(D): "instruction through the media of English and another language for understanding, speaking, reading and writing."

Mutual Adaptation. A term originated by Berman and McLaughlin (1976) to describe the most successful type of interaction between an innovation and its organizational setting during implementation. Both the innovation and the organization make adaptations to one another.

Cooptation. Another term used by Berman and McLaughlin (1976) to describe a type of interaction between an innovation and its organizational environment in which only the innovation undergoes adaptation. The organizational participants do not adapt to the innovation.

Prescribed Behavior. Activities which are advised or mandated by a law, policy, or regulation.

Proscribed Behavior. Activities which are prohibited by a law, policy, or regulation.

CHAPTER 2

REVIEW OF THE RELEVANT LITERATURE

Introduction

The concept of compliance and the process of implementation are necessarily intertwined. Laws and policies are translated into action through the process of implementation. Implementors of programs must evaluate their efforts for compliance with the empowering mandate. Neither can be viewed entirely independent of the other. For this reason, a review of the relevant literature on implementation proves especially insightful into the relationship between the two. It provides a better understanding of compliance by social agencies and institutions than does an exclusively legal perspective.

Definitions of Implementation

The first step in the discussion of implementation is to attempt to define the term. In this instance, however, the task is more formidable than it appears. First, the study of implementation is a young field. It is in transition, still growing, still defining itself. A conclusive definition is therefore premature. It is also an interdisciplinary field. Researchers from fields as

diverse as law, political science, education, and anthropology study implementation. Each field tends to adjust its definition to suit its own disciplinary perspective. Lastly, implementation is a very broad concept encompassing political, organizational, technical, and bureaucratic areas. Each defines implementation according to its own viewpoint.

Despite this diversity, there are common elements in the many definitions of implementation. While the purpose here is not to produce an inventory of definitions, it may be instructive to review a few of the most noteworthy before setting forth the definition which directs this study.

From the field of law, Clune and Lindquist (1981) say: "We define implementation as the process and art of deliberately achieving social change through law" (p. 1045).

The definition offered by Baum (1981) shows a largely political science bent: ". . . implementation is best defined as the relevant actions and inactions of public officials who are responsible for helping to achieve objectives contained in previously enacted policies" (p. 39).

Hargrove (1982) offers a more comprehensive definition of implementation: "I define the term to have two minimal requirements. First, the actions required by the law are carried out; and second, those actions encompass both formal compliance with the law and organizational routines consistent with compliance" (p. 21).

Finally, Williams (1980) suggests that: "Implementation may be described most briefly as the stage between a decision and operations. It is the next hard step after the decision, involving efforts to put in place--make operational--what has been decided" (p. 1).

These definitions represent the variety as well as the similarity of perspective researchers from various disciplines assume as they approach the study of implementation. By drawing together elements of these definitions, the definition offered by this study can be ascertained, which is as follows: "Implementation is the stage during which laws and policies designed to effect social compliance and change are made operational by organizations and individuals."

The Nature of Implementation Research

The body of literature on implementation research is not large. Implementation research has existed as a

field of inquiry for scarcely two decades. It developed as investigators sought to find better explanations for the apparent failures of the numerous Federal social programs of the sixties and seventies than traditional outcome evaluations could provide. Hargrove (1975) points to this inadequacy as he notes:

Evaluation is not the same thing as research upon implementation because it usually concentrates upon ultimate program impact without asking about the institutional means of achieving that effect or, if short run, inquiries into limited questions of program efficiency. In either case, a concern with institutions as agents of program efficiency is not central to the work of much of what goes under the heading of evaluation (p. 7).

Implementation research sought explanations for why programs appeared to fail. Statistical evidence of failure offered by evaluation studies simply could not provide such explanations. What was needed was a different approach, a different focus, and different methods of study.

Prior to the formal study of implementation, researchers concentrated upon either the policymaking process or the outcomes of programs stemming from particular policies. The execution of and compliance with the ruling policy were assumed to be more or less automatic and were virtually ignored as subjects of research. McLaughlin (1976) remarks about this widespread

phenomenon: "The area between inputs and outputs--the implementation stage--is relatively unexplored in all social service areas, and is only recently beginning to receive attention in the area of education" (p. 399).

Implementation research took the interval between policy formation and outcome evaluation as its primary domain. It concentrated its attention upon organizations and the individual actors within them as the basic translators of policy into action. This new research also assumed an eclectic approach to methodology, drawing strategies and techniques from numerous and varied disciplines in its search to find adequate tools to suit its purposes.

With a new approach, new focus, and many different techniques, implementation research could begin to examine what outcome evaluation could not. It could look at how well a policy was put into practice by the organizations responsible for the delivery of services to clients. This was an important ability, as Scheirer and Rezmovic (1983) point out:

To correctly attribute the observed outcomes of a social problem to the intervention, the researcher should have empirical evidence on the extent to which program components were implemented. Without such evidence, researchers may erroneously conclude that an intervention was ineffective when, in fact, treatment

implementation was inadequate to afford a valid test of the program (p. 599).

Implementation research could provide an important service to policy makers and implementors alike. It could help avoid premature declarations of failure and salvage both programs and policies.

Compliance in Implementation: Factors

Compliance very quickly became a prominent issue in implementation studies. Several early implementation studies focused upon the implementation of the Elementary and Secondary Education Act (ESEA) of 1965, especially upon Title I of that act. Two of these studies, Murphy (1971) and McLaughlin (1976), reached somewhat similar conclusions regarding problems of compliance with the provisions of the act.

Murphy's study offers some quite perceptive explanations for the compliance problems he found. He points out that, at the time the ESEA was passed, the issue of federal control of schools was being widely and hotly debated. He also notes that:

It is important to understand that the reform was not a response to public pressure. Unlike the great national programs passed during the New Deal, Title I did not arise from public demand. The poor were unorganized and had made no demands for such legislation. Nor was Title I a natural outgrowth of tried and tested programs at the local level (p. 37).

The combination of these elements created an atmosphere in which there was little local support for Title I and little natural inclination on the part of local school officials to comply with federal demands.

In addition, Murphy suggests that the U. S. Office of Education (USOE), the administrative agency of Title I, was "indisposed to compliance activities" (p. 51). This indisposition was due, in part, to a shortage of personnel. It was also due to the service-oriented attitude of the professionals at USOE who saw their jobs not as enforcement but as "one of trouble-shooting, answering complaints, and providing service" (p. 42). Interestingly, Murphy also found this same attitude at work among the professionals in the state education agencies in their dealings with local school districts. This attitude, coupled with a long tradition of local control of schools, placed relatively little emphasis on compliance for local school districts.

Lastly, Murphy also discovered that there was an ineffective system of incentives and sanctions operating in Title I. The complicated formula-grant mechanism worked to create a virtual entitlement for each state and locality and to weaken federal control. Congressional intervention on behalf of local constituents helped to

further undermine USOE control. The largest culprit was the federal system itself. Murphy observes:

In the federal system, states have no inherent reason for following federal directives . . . unless they are rewarded or penalized for their action. Since states receive their full entitlement for mere participation in Title I--as opposed to producing some specified result, or doing a good job--there are virtually no reasons to follow federal directives (p. 57).

All of these factors placed federal officials in a very weak bargaining position and greatly complicated efforts to pressure school districts into compliance with federal rather than local priorities.

McLaughlin (1976) studied the implementation of Title I by looking at the notion of compliance and the assumptions underlying the concept. She looked at four factors which are assumed to promote compliance with policy regulations: common goals, the presence of a reliable knowledge base, a system of incentives and sanctions, and the exercise of effective authority. McLaughlin looked at these elements separately to see how each one shaped the implementation of Title I.

It should be noted that the framers of ESEA Title I were aware of these four factors and had anticipated that each would come into play as the reform legislation was implemented. Incentives and authority were

established as formal control mechanisms to ensure compliance with the intent of the law.

Common Goals

McLaughlin found that Title I lacked common goals. Various groups approached Title I with their own interpretations and their own working agendas. State and local officials and even some congressmen viewed Title I as general aid and worked to make it so. Many national-level education associations also wanted general support for ongoing school programs. They lent their support to Title I only to get a law on the books which they regarded as a symbolic first step toward general aid. After the bill was passed they essentially abandoned it, moving on to other interests. Reformers saw the thrust of Title I as the elimination of poverty. They were convinced that properly educated poor children would do better economically as adults. To these people, among whom were numerous high government officials, Title I was much more than mere symbolism.

These ideological and political differences, combined with the general, nationwide suspicions about federal encoachment upon local control of schools, had a negative effect on compliance efforts at all levels in the implementation process. Efforts were frequently bent

towards the alteration of federal directives rather than upon compliance with them.

Reliable Knowledge Base

McLaughlin described the knowledge base to which she referred this way:

The knowledge necessary for compliance includes both knowing what to do and receiving feedback about the success or adequacy of the consequent activities. 'Knowing what to do' implies not only that the subordinate has adequate tools and technology to carry out a directive, but also that he understands the rules of the game--that he has good information about what it is he is supposed to do (p. 403).

She found that schoolmen had neither kind of knowledge in 1965 when the ESEA was passed. Reformers were wrong about the assumed knowledge base.

Reformers passed Title I on two erroneous assumptions. They assumed that educators possessed reliable remedial knowledge to correct the special problems of the disadvantaged. Despite arguments of educators to the contrary, they, in fact, had no such reliable knowledge.

Reformers also assumed that schoolmen had reliable procedural knowledge with which to build and implement effective remedial programs for poor children. Once again, the facts show that schoolmen had no such knowledge. This dual lack of knowledge, coupled with the absence of shared

and mutually understood goals, further aggravated compliance with Title I.

Incentives and Sanctions

McLaughlin, as had Murphy (1971), found that the control mechanisms of Title I were, in effect, practically useless. There was no incentive for school districts to do as federal directives required, nor any real sanction if they failed to do so. The one incentive was money and that was awarded for participation, not for producing federally desired results. McLaughlin's findings supported those found earlier by Murphy. Federal control had been eroded by congressional interventions and by the effect of a monetary entitlement. These facts, the lack of reliable knowledge, the vague, conflicting goals begin to suggest some reasonable explanations for various compliance problems and program failures.

Effective Authority

Once again, McLaughlin found, as had Murphy in his earlier study, that the oversight agencies of Title I, the USOE and the several state education agencies (SEA) were quite ineffective in monitoring and enforcing program regulations. Congressional pressures contributed to the erosion of what little federal power there was. But the

decisive factor was the attitude of professional staff members, who simply did not envision their role as one of enforcement. The result was very little effective authority at the federal level.

To summarize McLaughlin's study of Title I implementation, each of the four factors assumed to encourage compliance with policy directives was found to be quite inadequate for the task. There was, as it turned out, very little reason for local school districts to comply with Title I requirements. Confusion over goals, intentional or otherwise, created many compliance headaches for administrative agencies which lacked both the bargaining strength and the professional will to enforce the regulations of Title I law. Local districts, through the intervention of their congressional representatives, frequently and rather easily sidestepped federal interests in favor of their own local interests. As for incentives to comply with federal rules, the only real one was money. There was no real incentive to do a good job with the money, however, since there was no penalty for doing a poor one.

In view of these considerations, it is almost inconsequential that educators also lacked the requisite knowledge of how to help the poor overcome their

educational problems, both in terms of the proper treatments to apply and in terms of the construction and implementation of programs. Under such circumstances, it is easy to see how Title I, plagued with compliance and implementation problems, became labeled a failure as an instrument of national policy.

Compliance in Implementation: Perspectives

While knowledge of the factors which serve to promote compliance is necessary, it may be insufficient by itself. Hargrove (1975) suggests that social science research drawn from four areas of inquiry will assist in further understanding both the concept of compliance and the process of policy implementation. His four areas of inquiry are: (1) political/legal implementation, (2) organizational functioning, (3) the performance of professionals, and (4) the relationships between citizens and government. There is obviously some overlap between these categories but the important point is that the perspective toward compliance and implementation is different in each area.

The focus of this review will be upon the compliance perspectives within each of these areas and upon how that perspective might influence the implementation process.

Political/Legal Perspective

The political/legal field enjoys considerable esteem and respect in American society. Children are socialized from birth to respect and defer to authority. Consequently, most of us grow up believing it to be right and proper to obey the law and as adults continue to maintain this attitude. Thus, partly through prior conditioning, partly through education, lawmakers, judges, and others in positions of authority in the political/legal system come to view compliance as the predominant mode of implementation of laws, policies, and judicial decisions. As a result, compliance and implementation become most intimately bound, most nearly equivalent in the political/legal sphere. So close is this relationship and so great the expectations for compliance, that, until the very recent past, lawmakers gave little or no thought to the problems of implementation.

The implicit theory of compliance which emerges in the political/legal sphere is relatively straightforward. Laws, policies, regulations, and judicial decisions are to be obeyed. If not, a sanction is applied. Compliance, and thus implementation, is expected as a logical consequence of policy enactment. Failure to comply would appear to derive from a deficiency of some sort or just from

perversity. The appropriateness of this theory, especially as applied to social service delivery institutions, is debatable (Anderson, 1979; McLaughlin, 1976).

The theory assumes that the individual or the institution which must comply with the policy has (a) the capacity to comply, and (b) the willingness to comply. It also appears to assume, despite the close association of compliance with implementation, that, as Berman (1982) states: "compliance is a discrete, definable act bounded in time and substance" (p. 56). These assumptions, especially when applied to institutions such as school districts, may be erroneous.

School districts vary enormously in both their capacity and their willingness for compliance. Institutional factors such as the competence of school leadership, the number and quality of teachers and other school personnel, the amount and the kinds of available resources, and the difficulty of the problems facing the district differ widely from district to district. All of these factors have tremendous influence upon a district's capacity for compliance (Berman, 1982).

Both the capacity and the willingness of a school district to comply with laws and policies can be affected

by the content of the laws and policies. As Berman (1982) observes:

. . . local institutions often cannot comply because some laws unintentionally imply a process of change that amounts to a basic institutional reform of a type local systems may not be capable of achieving, . . . local institutions instead resist or comply symbolically . . . (p. 54).

Furthermore, if the changes required by these directives are controversial, a school district's compliance is affected by a political process of its own. Competition between local actors and interest groups influences or even makes decisions about compliance, regardless of school leaders' personal beliefs about the correctness of the directives.

A final complication derives from the assumption that compliance is a simple, discrete act. For some laws and regulations this may be so. Paying a fine, observing a speed limit, or filing a form of some sort may result in compliance with these directives. In social service delivery organizations, such as school districts, formal compliance requirements may be satisfied with the filing of a plan or program. However, this one act of compliance may be a mere first step in a rather lengthy process, the end result of which may bear little resemblance to the initial plan or program (Berman, 1982).

Thus, the simple theory of compliance seems somewhat inadequate to explain compliance or noncompliance issues for organizations such as school districts. The assumptions upon which the theory rests appear to be frequently erroneous when applied to complex institutions like school districts. What appears to be lacking in this theory is the concept of values and the effect of values upon compliance.

Stover and Brown (1975) espouse a utility theory of compliance. Like the simple theory of compliance, this theory rests in part upon the assumption of physical capacity to comply with a directive. It differs from the simple theory in the assumption that people and institutions place values upon the behavior prescribed or proscribed by laws, regulations, and policies. As Stover and Brown (1975) express the proposition:

. . . the greater the expected positive value to individuals of behavior proscribed by law, the less the likelihood of compliance (or similarly, the greater the expected positive value of behavior prescribed by law, the greater the likelihood of compliance) (p. 365).

The theory also suggests that value is placed both upon engaging in the behavior as an end in itself as well as upon the consequences of such behavior.

Utility theory stresses the relationship of values and perceived legitimacy of the law to compliance. It

suggests that people tend to obey laws which they perceive as legitimate. People also value obeying the directives of persons or institutions whose authority they view as legitimate.

Stover and Brown (1975) are quick to point out, however, that utility theory does not suggest that people are always rational in the sense of being willing or able to calculate their actions so as to achieve maximum gratification. Subconscious motives are often as important as rational ones. Finally, utility theory does not imply that a person's values are constant over time but may change as the individual and the situation changes.

The enrichment provided by the addition of values to compliance theories may yield greater understanding of the variation in compliance with the law. Compliance, especially for complex organizations, cannot be easily explained by a simple theory of compliance. Even the addition of values to compliance theory, while of great practical importance to understanding problems of compliance, does not go far enough. Greater understanding of the functioning of organizations and the perspectives they bring to bear on compliance is required.

Organizational Perspectives

As mentioned earlier, policymakers often expect compliance, and its close counterpart, implementation, to occur more or less automatically, as a matter of course. Implementation researchers have learned otherwise. As Berman (1978) notes:

The article of faith that unites implementation analysts is a belief that the carrying out of a policy, the installation of a technology, the realization of a plan, or the enforcement of a law is neither automatic nor assured. On the contrary . . . the outcomes of social policies and innovative plans generally have been unpredictable and unfortunate, at least in the eyes of their designers (p. 160).

Compliance by institutions is not as easy as policymakers sometimes perceive it to be. Within the organizational setting there are numerous individual actors, competing needs and interests, keen competition for finite resources, and varying weaknesses and competencies. All of these elements have an influence upon the institution's ultimate compliance with the law and upon the manner in which organizations in general view the concept of legal compliance.

There are some essential differences between the political/legal field and the organizational perspective and in the way both view compliance. In the

political/legal field the framing of policy is the most important consideration in defining policy.

Compliance/implementation follows as a matter of course.

In the organizational field the quality of policy execution is as important as the quality of policy conception. Compliance and implementation are not as intimately linked in this field as in the political/legal field. Implementation is a process leading to compliance in the organizational field. Still, the implementation process occupies a very central role in this field. The process of implementation transforms policy from a legal abstraction into an institutional entity. The organizational setting provides policy with a programmatic identity. Therefore, knowledge of the functioning of organizations is vital in defining what policy is and why it is or is not implemented.

Organizations are essential links in the chain of activity which transforms social policy into functional programs for important public problems. It is the organization which delivers the services authorized by the policy directives to service recipients. The capacity of organizations to provide these services is a pivotal issue in understanding organizational views toward policy compliance.

The capacity of an organization to provide services is important because 1) it helps to determine the quality of services provided by the organization, 2) it provides evidence as to the quality of the program implemented by the organization, and 3) it helps to determine, in part at least, the degree of organizational compliance with the directive policy. Since organizations vary widely in the capacity to provide services due to resource, personnel, and competence differentials, they also vary widely in their ability to comply with policy directives, regardless of their willingness to do so.

Policymakers are generally aware of organizational capacity differences. Policies are written loosely enough to allow for some variation in programs and local discretion when policies are implemented by organizations, as noted by Leithwood and Montgomery (1980):

Innovations vary substantially in the degree of specification provided by the policy maker, developer, or initiator . . . policy statements devoid of significant practical specification demand extensive inference and further specification as part of the implementation and evaluation process. In these circumstances it seems likely that policy makers have no choice but to accept a range of practices as legitimate manifestations of their policy. They may indeed have little idea of what their policy will look like in practice until confronted with some actual examples (p. 202).

Compliance for organizations becomes a narrow range of alternative possibilities rather than a single, unalterable act.

It is important to indicate at this point a significant difference in outlook between policy makers and leaders of organizations. Policy makers tend to focus upon the framing of policy, then upon securing compliance with policy directives. The leaders of organizations generally take a more service-oriented attitude, focusing more upon the provision of services to clients than upon compliance with overriding mandates. That is, organizations quickly develop a priority of needs, tasks, and issues based upon the characteristics of the particular organization. Clune and Lindquist (1981) remark upon this procedure:

Regulation of organizations almost always qualifies as difficult--to-do law. Organizations have deeply ingrained priorities. These may compete with legal directives, and organizations are skillful at maintaining existing priorities in the face of external pressure. (p.1091-92)

Priorization is another aspect of the organizational perspective's view of compliance. In the organizational field compliance loses some of the urgency it seems to possess in the political/legal perspective, at least when it means compliance with externally created and enforced policies.

nithin organizations there are two sides to the compliance coin. There remains an ongoing concern with securing compliance with both external and internal policies from subordinates within the organization. It is important to understand the views toward compliance of this group of professional individuals to further our knowledge of the complexities of compliance.

Professional Perspective

Professionals perform special functions within organizations. They are the technicians of the implementation process. They are the individuals who deal directly with the recipients of the services required by the policy being implemented. As such, the professionals' values, attitudes, and performance bear directly upon the success or failure of policies and programs. Rein and Rabinovitz (1978) note that:

Even when all the conditions demanded by the legal imperative have been satisfied, the law still will be put into effect only if it does not violate the civil servants' sense of what is reasonable or just (p.311).

The organization's ability to comply with external directives thus frequently hinges upon the performance of its professionals.

The individuals who compose the various groups of professionals within organizations are brought up from

childhood with much the same early education and conditioning toward authority and compliance as are policy makers and organizational leaders. Professionals generally have the same basic beliefs about the moral propriety of obedience of laws, regulations, and policies.

Professionals, both within and without formal organizations, also experience a later period of education and training in which they are impressed with the norms and values of their chosen profession. Their earlier values, beliefs, and priorities undergo expansion, alteration, and refinement. Professionals who enter organizations bring these attitudes and value orientations with them, as observed by Simon (1967):

The professional and the specialist come into modern organization because the organization's ability to provide the services demanded of it depend on their technical knowledge and skills. But the professional and specialist bring to the organization not only these skills, but values as well-values that are acquired during professional training and enforced by the desire for professional approval and esteem (p.96).

The strength of these professional values is reinforced by the opportunity to work with other professionals from the same field within an organization. The shared values become shared behaviors and soon are established professional norms and standards which influence both the professionals and the overall operation

and definition of the organization. Professionals within organizations thus influence, and are influenced by, the organizations within which they work.

The possession of a strong set of values and ethics and specialized technical skills permits a certain amount of autonomy for professionals in their work. Over time, this professional discretion itself becomes a treasured norm of the profession, and is recognized and honored by other professions as well. The privileged lawyer-client relationship, the confidential doctor-patient or the priest-confessor relationships, and academic freedom for teachers are but a few of these discretionary norms. This independence to control their work provides professionals with both identity and considerable power within the organizations for which they work.

Both the technical skills and the discretion of professionals become important aspects of the implementation process, as Berman and McLaughlin (1976) observe about schools:

...local school districts are so structured that, in order to implement significant innovations, there must be a process of mutual adaptation. The initial design of an innovative project must be adapted to the particular organizational setting of the school, classroom, or other institutional hosts, and at the same time, the organization and its members must adapt to the demands of the project (p.349).

The skills and discretion required to adapt projects hopefully lie within the domain of expertise of the professionals involved. The willingness and the ability of the organization and its members to adapt to the project are indicators of their desire to comply with the policy behind the project. Thus, if mutual adaptation occurs this is an indication that the organization and its members wish to comply with both the letter and the spirit of the law.

This observation fits with other findings by Berman and McLaughlin (1976). They discovered two other kinds of interactions between the project and the organizational setting which they called cooptation and nonimplementation. Cooptation was defined as adaptation of the project to the organizational setting but no adaptation by the participants within the organization to the project. Nonimplementation involved no adaptation of either the project or the organizational participants. In compliance terms, cooptation could be defined as complying with the letter but not the spirit of the law. Nonimplementation would seem to signify noncompliance. Thus, the quality of the implementation process used by organizations can serve to indicate the general tendencies

toward compliance with policy, and the quality of implementation is tied to the technical skills and discretion of professional participants in these organizations.

There is a negative side to professional discretion which even a firm set of professional values does not seem able to offset. Lipsky (1976) studied groups of professionals which he labeled "street-level bureaucrats" (p.197). He defined these individuals as 1) having considerable discretion in their work, and 2) dealing directly with service recipients in the performance of their jobs.

Lipsky found that these professionals had to perform under heavy levels of stress. These individuals tended to develop mechanisms to cope with and simplify their tasks. The result was that the services they delivered tended to be biased, stereotypical, and discriminatory. Compliance for this group becomes pro forma at best. Organizational work stresses, the burnout syndrome, can apparently become so intense as to distort both performance and value systems for this group of professionals.

Professional values and discretion would appear to play a vital role for both organizations and

professionals. Both implementation and compliance are influenced by these attributes. The influence of values on compliance was earlier noted by Stover and Brown's utility theory. But values cannot always sustain quality professional performance, as Lipsky discovered. The effect of sustained and stressful contact with service recipients on the performance of professionals, implementation, and compliance form the final area of examination in this review.

Citizen Perspective

The first three perspectives outlined here were those of the producers of services and their influence upon one another. Most implementation and other types of research to date has focused upon one or more of these areas. The citizen perspective, often ignored by research, is that of the consumer of the services provided by government actions.

American consumers today are vigorous, vigilant, and vociferous. Long accustomed to the traditions of American democracy, especially the rights of freedom of speech and assembly, citizens/consumers take an active role in expressing their wants, needs, opinions, and even their evaluations of the performance of the producers of services. They are not content to let policy makers,

organizations, or professional individuals mold their lives for them, as James (1982) observes:

...it is true today, and will continue to be true in the future, that individual and family choice are not enough. It is equally (if not more) crucial to be able to influence the laws, policies, and financial provisions that determine what choices there will be. All citizens...necessarily look to public authority when trying to improve their lives and those of their children. While people may 'vote with their feet' when choosing a school, they also vote outright, not to mention lobbying, protesting, and sometimes actively resisting in order to shape the arena in which choices are distributed. They not only make choices in the education marketplace; they also put pressure on government to improve the institutional structures in which their choices occur (p.606).

Citizens today are thus hardly disposed toward passive compliance or uncontested policy formation regardless of prior education and conditioning toward authority and obedience to laws and regulations. They feel they are within their rights when they voice their opinions. They also feel they are exercising their rights when they feel their opinions go unheard and they attempt to withdraw themselves from the support of services, organizations, and individuals.

Consumerism can have both negative and positive effects on the compliance efforts of both organizations and professionals. Citizen participation in organizations can provide support for policies and programs and promote

changes to improve the organization. Effective and meaningful communication between professionals and citizens can encourage mutual trust and respect.

On the negative side, citizen involvement based on distrust and dissatisfaction can lead to delays, increased costs for services, and bureaucratic rigidity. For professionals, as mentioned earlier, it can lead to stress and the deterioration of the services they provide. Consumerism based on frustration and suspicion can thus result in further impairment of the services it sought to improve. Citizen participation must therefore be exercised responsibly by consumers and treated responsibly by those in authority to secure the maximum benefits from the activity.

The implications of the citizen perspective of compliance are that, even though citizens obey most laws, they will likely seek to influence those laws and policies that impact most heavily on their perceived needs and desires. Their activities, in turn, are felt by organizations and professionals as they attempt to cope with and meet the demands of the clients they serve, while at the same time trying to comply with policy directives. The impact of citizen participation does not always have a

positive effect on organizational and professional compliance efforts.

Compliance, then, is not a simple task or a simple concept. It is a complex mixture of capacity, willingness, values, and pressures. It is variously seen by different groups as a discrete act, a range of alternative activities, or something to be resisted or influenced. Difficulties of mutually recognized definitions and mutual comprehension by all relevant segments of society make compliance an enduring issue for policy makers, program implementors, and consumers alike.

CHAPTER 3

METHODOLOGY

Introduction

This study was a form of historical and descriptive research. It attempted to evaluate the set of state statutes regulating the availability of bilingual instruction methodology in Arizona's public schools from 1981 through the spring of 1984. It also sought to determine the reasons behind non-compliance with the statutes where such was found to occur.

Identification of Sample Districts

The study was conducted in all public school districts within a tri-county area of southeastern Arizona. The school districts within the chosen region represented both rural and urban sites. The counties of Cochise, Pima, and Santa Cruz were chosen as the sample area by using information from a 1982 report from the Arizona State University's Center for Bilingual Education entitled: State of Arizona Policy Analysis: The Non-English Speaking Child.

This report states that:

From The State Department of Education's Home Language Survey we are better able to determine, by county, specific OLP/LEP student population information. . . . In comparing the public school population to the Home Language Survey population for each county, we find high Spanish language needs in Cochise, Santa Cruz, and Yuma counties....Other key counties are Maricopa, Pima, and Pinal ...(p. 37, 42).

Therefore, school districts located in the chosen counties were expected to contain large concentrations of Spanish-speaking children. Additional data from the Arizona Department of Education's 1981 ESEA Title VII Bilingual Primary Language census report gave figures for the percentage of Hispanic/Spanish students enrolled in the schools by county. The report then broke down the figures showing the percentages of the total school population reporting Spanish to be their primary or home language.

In Cochise County 31.1% of the total school population of 14,111 was Hispanic/Spanish. 25.6% (12,779) of the total enrollment reported Spanish as their primary or home language. 82.1% of the Santa Cruz County school population of 4,044 was Hispanic/Spanish; 80.3% (3,888) of the total population indicated that Spanish was their primary or home language. No total enrollment numbers were given for Pima County, but the percentage of students

reporting to be Hispanic/Spanish was 28.6% while 17.6% of the total population listed Spanish as their primary or home language (p. 40, State of Arizona Policy Analysis: The Non-English Speaking Child). Given the lack of prescription in Arizona's statutory provisions for education OLP/LEP students, it was also expected that these schools would reveal varied instructional programs designed to deal with the particular educational needs of these children.

Preparation of Questionnaires

The investigation of the school districts took place in two stages. The first stage employed a pair of questionnaires to gather information from every district in the sample, while the second stage relied upon the use of structured interviews in selected districts.

The questionnaires requested limited demographic information describing the characteristics of the school districts and the OLP/LEP population (e.g., characterization of district as urban or rural, participant's relationship to the school district, numbers and language group of OLP/LEP students). The questionnaires asked for information regarding the services provided for OLP/LEP students both before and after 1981 to ascertain the impact on programming offered

by school districts of the passage of the Arizona bilingual education statutes. The questionnaires also requested an evaluation of the services provided by local districts in terms of funding, staff, instructional materials, and community support.

Two separate, but somewhat overlapping questionnaires were prepared for use in Stage One. These questionnaires were intended to solicit similar information from different sources within each district. The hypothesis behind the creation of two questionnaires was that district officials might be inclined to conceal evidence of possible non-compliance with state laws, while teachers might be more open about their daily practices. A comparison of the content of the separate questionnaires would provide a check upon the veracity of informants and provide a stimulus for more in-depth investigation in Stage Two.

The questionnaire labeled Bilingual Study Questionnaire was sent to a selected, top-level administrative official in each district. Only one of these questionnaires was sent to each district. Where possible, this questionnaire was sent to the specific official who was responsible at the administrative level for OLP/LEP programs. In those instances when such an official was not identifiable, the questionnaire was sent

to the district at large with the expectation that it would be routed to the proper official by the district. This questionnaire was taken to represent official district policy regarding OLP/LEP programming in the district.

The questionnaire labeled Bilingual Education Study Questionnaire was sent to teachers in the OLP/LEP programs at the building level, and, in some instances, to building principals. It was intended to solicit the perceptions and observations of building level personnel regarding the programs and practices in their districts for OLP/LEP teachers or administrators in every school in which an OLP/LEP program was reported to exist. The result was that in large districts in which programs existed in several schools, an equivalent number of Bilingual Education Study Questionnaires were mailed out. Small, rural districts with only one program in a single school taught by a single teacher responsible for all OLP/LEP programming for the district received only one questionnaire.

Field Testing of Questionnaires

Both questionnaires were field tested prior to mailing. Utilizing personnel from the University of Arizona, and local school teachers and administrators in the Tucson area, the questionnaires were analyzed to see

if they elicited the desired information. After a review of all comments and criticisms of the field testers, revisions were made in both questionnaires before they were sent to the school districts.

Personnel Identification Survey

It was essential to the study that recipients of the questionnaires were in fact people in each district who had knowledge of the program being examined. It was necessary, therefore, to attempt to identify the administrators and teachers directly involved the OLP/LEP student programs. To achieve this goal, a telephone survey was conducted of school districts to identify teachers and administrators responsible for OLP/LEP programs. In those cases where programs existed in several schools within the district, at least one person was identified in each school.

Mailing of Stage One Questionnaires

Mailing of the questionnaires began in mid-May of 1984. The first mailing consisted of forty questionnaires directed to administrators at the district office level of each school district in the tri-county area of the study. This mailing consisted of a letter to each district soliciting their participation in the study, a copy of the Bilingual Study Questionnaire, and a list of documents

desired for review. The documents were expected to provide additional data on the district's OLP/LEP policies, program history and philosophy, and anticipated directions for the program. The documents requested included:

1. statements of district policy regarding OLP /LEP program offerings
2. written OLP/LEP program descriptions published by the district
3. the annual state report detailing the current 1983-84 OLP/LEP program
4. projections for the forthcoming year
5. evaluations of last year's program
6. information on parent support groups for bilingual programs within the community

Shortly after the initial mailing to school district officials, a second mailing was directed to building level personnel in each district. This mailing consisted of a letter asking for the recipient's participation in the study and a copy of the Bilingual Education Study Questionnaire. In cases of multiple school OLP/LEP programs, one questionnaire was sent to the person in charge of this program at each school which contained an OLP/LEP program.

Since it was late in the school year and there was some uncertainty about how much longer schools would be in

session, these questionnaires were directed to the participant's home when possible. In those instances when a home address was unobtainable, the questionnaire was sent to the school where the participant worked. It was believed that mailing the questionnaire to the participant's home address might also ensure greater confidentiality for these individuals.

Stage One Data Assessment

Once all survey data was obtained from responding districts and individuals, these materials were reviewed to ascertain each school district's compliance with the Arizona bilingual education statutes. On the basis of the data gathered, the districts were separated into two groups: Those whose OLP/LEP programs were in obvious compliance with Arizona's statutes, and those whose programs appeared to be out of compliance with the state statutes. The districts whose programs seemed not to comply with the statutes were the ones selected for Stage Two interviews. No further study was conducted of districts whose programs complied with state law. A follow-up phone call was made to all districts claiming to have no OLP/LEP programs at all to ascertain their reasons for providing no such instructional assistance, even though this was not a violation of state law. This call

was used to determine whether the district was, however, potentially in violation of federal law.

Stage Two Interviews

On-site interviews were conducted where possible with the top administrative official responsible for OLP/LEP programming in each district selected for inclusion in Stage Two of the study. Telephone interviews were conducted when on-site interviews were not possible. During Stage Two an interview was also conducted with a top official in the Arizona State Department of Education to investigate the state's role in monitoring and enforcing the Arizona bilingual education statutes in each school district.

Analysis of the Data

There was on-going analysis of the data throughout the conduct of the study. The outcome of each analysis served as a guide for further analysis or for research design modifications. Early analysis of the dual questionnaires obtained revealed that one of the questionnaires was sufficient to gather the required data. The companion questionnaire was excessive. The hypothesis that district officials would be more reluctant to disclose information than teachers proved erroneous. Also, the portion of the questionnaire which requested an

evaluation of the services provided by the district developed no usable data. Very few participants had completed this part of the questionnaire. It was not possible to develop a composite description by county regarding this information, and the small amount which had been generated was deleted from further consideration.

Similar analysis of survey data obtained prompted follow-up telephone calls to districts claiming to provide no specialized programs for OLP/LEP students. Lastly, the information gathered from school districts suggested the value of expanding the original research design to include an in-depth interview with an Arizona Department of Education official.

As this study utilized a descriptive research format and methods of data gathering, no statistical procedures were employed in assessing the data.

CHAPTER 4

ANALYSIS OF THE DATA

Introduction

Analysis of the data proceeded from the research questions listed in Chapter 1. The specific research questions were:

1. What programs were implemented by local school districts under ARS 15-705-707 (1981) to meet the educational needs of OLP/LEP students in their districts?
2. Were the programs implemented by local school districts for OLP/LEP students in compliance with the statutory requirements of ARS 15-705-707?
3. If a school district's program for OLP/LEP students was found not to comply with the requirements of ARS 15-705-707, what explanation did the district offer for its choice of program offering?
4. What monitoring or enforcement efforts were made by the Arizona State Department of Education to secure compliance by local school districts with ARS 15-705-707?

Questionnaires sent to 40 school districts in the sample area provided the information on the programs implemented under the 1981 statute. Interviews with local district and State Department of Education officials provided the data on noncompliance and enforcement efforts.

It should be mentioned here that some substantial difficulties were encountered while carrying out the study. First, considerable resistance was met in several districts both at the onset and during the course of the study. Cooperation and participation in the study were initially denied in some of the larger districts, even though complete confidentiality had been promised to all districts and individuals involved in the study. Great effort was required to finally persuade some of the participants to offer even reluctant cooperation, although a few districts and individuals were quite willing to contribute their perceptions and knowledge of programs.

Second, and somewhat related to the first difficulty, was an inability to secure the documents which had been requested from districts for review. Some districts, notably those reporting no programs for OLP/LEP children, also reported having no documents related to OLP/LEP programming. Other districts were either unwilling to talk about what documents they had or simply ignored the request for documents. Only two districts were willing

to share any documents, and, as it turned out, the documents they provided were not district documents at all, but documents which were readily available for review from the Arizona State Department of Education.

Programs Implemented
Under the 1981 State Statutes

Survey data was obtained from 30 (75%) of the 40 districts included in the sample. Of the responding districts, 7 (23%) of the districts described themselves as urban, while 23 (77%) called themselves rural.

The data revealed five different options in the districts' approach to OLP/LEP programming both before and after the passage of the 1981 state bilingual statutes. The options were 1) to provide no special program at all, 2) to provide ESL through a regular classroom teacher (ESL only), 3) to provide ESL through a regular classroom teacher assisted by a bilingual teacher aide, 4) to provide bilingual instruction through a monolingual English-speaking classroom teacher assisted by a bilingual teacher aide, and 5) to provide bilingual instruction through a bilingual classroom teacher. Table 1 shows the five options and the number of districts utilizing each approach before and after 1981.

Table 1. District OLP/LEP Program Options.

Program Option	Before 1981	After 1981
1. No Program	12 (40)	10 (33%)
2. ESL Only	5 (17%)	11 (37%)
3. ESL and Aides	4 (13%)	1 (3%)
4. Bilingual Instruction Aides	3 (10%)	3 (10%)
5. Bilingual Instruction Teacher	6 (20%)	5 (17%)

Table 1 demonstrates that the major effect of the 1981 state bilingual statutes was the increase in ESL Only programming for OLP/LEP students. Close inspection of the data revealed that the losses in each of the categories of the table after 1981 contributed to the increase in the ESL Only category. Two districts which formerly had no programs began ESL Only programs, three districts which had ESL & Aides before 1981 lost their aides and kept just the ESL portion of the program, and one district which had previously provided a bilingual instruction program replaced it with an ESL Only program after 1981.

Table 1 also shows that, despite the large increase in the use of ESL Only programs after 1981, approximately one-third of the reporting districts of the

sample reported that they continued to provide no special assistance programs to OLP/LEP students. Even though providing no program was permissible under the 1981 statutes, the relatively large number of districts in the sample exercising this option warranted further investigation.

In February, 1985, telephone interviews were conducted with district officials in each of the districts reporting no programs after 1981 for OLP/LEP students. The purpose of these interviews was to assure that accurate data had been obtained through the questionnaire and to inquire into the reasons behind the districts' lack of programming. Information obtained through these interviews revealed that the questionnaire data indicating that the districts provided no programs for OLP/LEP students was in fact accurate. District officials in all ten districts verified that, at the time they completed the survey instrument, they had no students enrolled in their districts who fell into the OLP/LEP category. All said that the Mexican-American students in their schools were English-speaking. In two of the ten districts one OLP/LEP student had enrolled in each district during the ten month interval between the completion of the questionnaire and the telephone survey.

District officials further indicated that in those instances when an OLP/LEP student did enter the district, they used an ESL approach on an as-needed basis (assigning the student to a currently employed classroom teacher at whatever grade level the student entered). They believed that this approach was best for them since oriental students speaking different languages (Thai, Vietnamese, Korean, etc.) were sometimes enrolled, the linguistic resources of the community were very limited, and few students at any one time had ever needed such special instruction.

All officials questioned said they felt no need to construct an OLP/LEP program just to have one on paper, preferring to tailor any services to the needs of the students when and if they entered the district. Asked if they had ever been questioned by the Arizona State Department of Education about their lack of OLP/LEP programming, all district officials indicated that the district had not been questioned by either state or federal authorities on this matter.

Of the five program options described in Table 1, the bilingual instruction programs were most central to the study. Part of the purpose of the study was to investigate the pattern of compliance of local districts

with the 1981 state bilingual statutes. Under these statutes school districts could legally provide no specialized instruction programs for OLP/LEP students. Therefore, the 10 school districts which provided no special programs after 1981 were in compliance with the state statutes. Similarly, ESL instruction was permitted K-12 under the 1981 statutes with no limit on years of service to students. All 12 districts providing ESL to OLP/LEP students after 1981 were also obeying the 1981 statutes.

Only districts which chose to provide bilingual instruction for OLP/LEP students could conceivably violate the 1981 statutes. By offering bilingual instruction to OLP/LEP students in grades 9-12, school districts would have been out of compliance with statutory requirements (even though administrative regulations for the statute were apparently contradictory). In addition, districts which permitted K-8 students to remain more than four years in a bilingual program would have violated the 1981 statutes. Thus, there were two ways for districts to be out of compliance with the state statutes: 1) by providing any bilingual instruction beyond grade 8, and 2) by allowing students to receive services in excess of four years.

Compliance with
the 1981 State Statutes

Questionnaires from school districts reporting bilingual instruction programs for OLP/LEP students were carefully reviewed to determine the nature of each program. Table 1 shows 8 districts from the sample area providing bilingual instruction: 3 utilizing bilingual aides to reinforce the instruction of monolingual English-speaking teachers, and 5 utilizing bilingual classroom teachers to provide instruction. Table 2 shows the characteristics of the bilingual programs.

Table 2. Characteristics of Bilingual Programs Found in School Districts in the Sample Area.

Grade Span	Number	Means of Instruction
1. K-6	1	Aides
2. K-8	4	2 Aides, 2 Teachers
3. K-12	3	Teachers

It should be observed that all 8 districts' programs potentially violated the 1981 statutes by allowing the possibility of services to students beyond the four-year limit. The 3 districts which provided

services beyond grade 8 were in direct violation of the statute's ban on services beyond grade 8.

In order to probe more deeply into possible violations of the 1981 statutes and to find out what explanations district officials might offer for noncompliance, interviews were scheduled in each district offering bilingual programs with the specific district official responsible for the bilingual program. On-site interviews were scheduled when possible; telephone interviews were scheduled when on-site interviews were not possible. All interviews were conducted in February and March of 1985.

The interviews produced some very interesting data. First, 6 of the 8 districts frankly admitted that they placed no limits at all on the number of years an OLP/LEP student might remain in their bilingual programs. They said they were aware of the express four-year limit in the 1981 statute but felt that local officials had the discretionary authority to disregard the ceiling on services if needed. As one district official expressed it:

My interpretation is that this was - that the school board could go beyond as long as it met with the state requirements. They could go beyond and offer them as they were needed. The district had the option to offer services to students as they were needed.

This comment is typical of the responses of the responses of other school officials among the six districts. They

believed that as long as they met the minimum of four years of service to OLP/LEP students, they had the discretion to offer additional services based on existing student needs. The remaining 2 districts said they complied with the four-year limit on services.

Second, 4 of the 8 bilingual programs originated in the late 1960's or early 1970's. At least 3 of these districts received citations from the Office of Civil Rights (OCR) for failing to provide equal educational opportunities to all students within the districts. Subsequently, these districts either began or expanded bilingual programs with federal funds and guidance. At least 2 of the 3 K-12 bilingual programs fall into this category. Therefore, these programs were already in operation when the 1981 codification of the state statutes occurred. These school districts were in an awkward position, as one school district official observed:

It's hard to structure a bilingual program under this statute because you've got OCR looking down, and OCR doesn't care about grade level. They've got the rights of students in mind whether they're in first or twelfth grade. They wanted something done. . . .

I know that the (U.S.) Constitution gives the state, you know, kind of the power with education; however, when you've got the OCR saying we're going to pull out all federal money out from under you if you don't start complying with the needs of LEP students, that becomes a bear, full of politics.

Asked if the state had objected to the continuation of programs which did not conform to the state's 1981 statutes, local officials observed that the state had not objected. One district official reported that the school district's attorney had consulted with the state Attorney General's office about the situation. The district official observed:

The Attorney General's office said it was okay. Apparently they found no conflict because, again, the federal regs giving the leeway. The Attorney General's office really didn't want to get into challenging federal law at that point because, I think, of the sensitivity of the language issue.

District officials were asked about the Arizona State Department of Education's position regarding the acceptance of federal funds by state school districts for secondary bilingual programs which were illegal under the 1981 state statutes. Once again, district officials noted that the State Department had not forbidden or discouraged the acceptance of such funds. One official commented:

No, they didn't say we couldn't, and, as a matter of fact, they left it open for districts to decide if they wanted to violate that (state statute) or not. I think they kind of said: there are your options. This is what other people have done. They give you all the information then, in essence, they leave it to the board (of education) to decide what they want to do.

Finally, district officials were asked about the monitoring efforts made by state officials to assure

compliance by local school districts with the 1981 state bilingual statutes. All district officials said the only requirement they had to perform for the state was to complete a two-page report form for the annual report published by the Arizona State Department of Education. No other monitoring of local programming was done, to the knowledge of district officials, although all admitted that the State Department always freely provided advice and assistance when requested.

The Annual Report of the
Arizona Department of Education

Although very few documents were uncovered during the course of the study, both a copy of the two-page report form districts completed for the annual report and a copy of the 1982-83 Annual Report of the Arizona Department of Education were obtained. Each of these documents were reviewed to see what information they might provide about the degree of compliance by local school districts with the 1981 state statutes.

The district report form requested information on:

- 1) student identification and assessment, 2) the numbers of students participating in ESL and bilingual programs,
- 3) the number of instructional staff, 4) the amount and source of funds expended for the OLP/LEP program, 5) a description of the proposed program for the upcoming

school year, and 6) the methods of reporting program goals and student progress to parents. However, the report form did not elicit data at the level of detail necessary to determine compliance with the statutes. Although the form required the number of students participating in the OLP/LEP program, it requested only the aggregate number rather than a breakdown by grade level. Secondary programs could remain effectively unreported in this manner. Furthermore, the form requested no information regarding how long students were remaining in the OLP/LEP program. Thus, the possibility of students continuing in bilingual programs beyond the allowable four years would be undetected by state officials. Therefore, the report form collected no usable data on the practices by local school districts which would constitute noncompliance with the 1981 statutes.

As might be expected, a review of the Department's cumulative annual report revealed that it was not possible to ascertain whether districts had K-12 or 9-12 bilingual programs, nor could any information be found on compliance with the four-year limit on services. Although filled with information on student assessment tests, funding sources and amounts, numbers of instructional personnel, and district program descriptions, the annual report contained

no useful material on compliance with the 1981 state bilingual statutes.

Interview with Official from the
Arizona State Department of Education

At this point a decision was made to expand the original plan of the study. As originally conceived, the interviews with school district officials were thought to be sufficient for gathering all the information on compliance with the 1981 bilingual statutes required to conclude the study. However, the interviews with school district officials raised the issue of the state's role in monitoring and enforcing its own statute. The decision was made to contact the Arizona Department of Education to discover how these state officials interpreted their role in relation to the state statutes in question and why they had assumed the role that they had.

An interview was arranged with the State Department of Education official responsible for matters involved in OLP/LEP programming in the state. This official was the most knowledgeable person regarding the state's activities in this area. Several important facts emerged from this interview.

When asked about the monitoring and enforcement efforts of the agency related to the 1981 bilingual statutes, the state official said that no such efforts

took place from 1981 through the spring of 1984. The explanation for this inactivity was that prior to the 1981 recodification there was categorical funding for bilingual education under several state statutes. During the period from 1968 through 1980 the State Department of Education did conduct on-site monitoring of local school districts because the department was in charge of allocating categorical funds to local school districts. However, when the state statutes were recodified, all categorical funding was deleted from the statutes. Because it was no longer allocating funds, the agency felt that it no longer had the obligation to conduct on-site monitoring of school districts. During this period it just collected the annual data on the provision of services to OLP/LEP students described in the previous section.

The state official provided a related explanation of the lack of agency enforcement activity:

I might say that part of the demeanor of this agency is currently one of service as opposed to enforcement, sort of there being an assumption that districts wish to operate in good faith and abide by state statutes, and that the function of the state can be well exercised through assisting districts to do that.

This Department of Education office was thus predisposed to assist school districts by responding to requests for assistance with problems and meeting obligations. The Department was not eager to assume a regulatory role with

local school districts, nor to impose sanctions for noncompliance.

The clearest insight into the reason for the lack of a state role in enforcing the state bilingual statutes came in the following statement from the state official:

I think it's important to note that the bilingual education office is primarily a federally-funded office with specific obligations under Title VII of the Elementary and Secondary Education Act and, within the last two years, also funded by Title IV of the Civil Rights Act. There is only one position in our office that was a state-funded position and, in addition to state statute, that position was also responsible for foreign language consultant services and refugee education. So when we speak of the role of our office, many times there's a perception that we are the state-funded office for the conduct of and oversight for state law, and while we do that, it is sort of officially secondary to our obligations to the federal funding sources from which we draw our salaries. It must be known that we are not, the office as a whole is not, funded for state obligations.

With no clear mandate from the legislature to monitor bilingual programs, no real desire to perform an enforcement function, and with primary loyalty to the federal offices which supported its existence, it is easy to understand why this portion of the agency could allow federal priorities to provide services to students overcome implicit obligations to enforce state statutes. When asked if there was any other state office in charge of the enforcement of the 1981 bilingual statutes, the state official's answer was negative. Therefore, no state

enforcement agency existed to enforce the 1981 statutes, only a federally-funded office, inclined to protect federal over state interests, if compelled to choose.

When asked about the agency's awareness of districts which permitted students to participate in OLP/LEP programs for more than the four-year ceiling stipulated by the 1981 statute, the official's response was:

Well, let me say that there was widespread disregard, shall I say, for that requirement, especially in those districts that were under comprehensive educational plans by the Office of Civil Rights, in which the districts had given an assurance to OCR through those students as long as those needs were still present. So, some districts were providing services for more than four years.

The official also acknowledged an awareness of some 9-12 bilingual programs which were created under similar circumstances. Even though the office was not officially monitoring bilingual programs under the 1981 statutes, it was aware of districts which were in violation of the statutes' requirements.

The information offered by the state official provided a clearer perspective on the dilemma for both school districts and state officials imposed by the 1981 bilingual statutes. These statutes had existed with their restrictions on services and with only minor alterations since 1969. Compliance with the requirements of the

federal OCR meant that some programs, notably programs of bilingual instruction, were implemented by school districts in spite of state restrictions. Moreover, as Levin (1983) points out, the OCR's position towards districts found out of compliance during this period was to require the Lau Guidelines, a comprehensive approach to bilingual education. The problem for both school districts and state officials was how to reconcile the conflict of state restrictions and the demands of the federal government.

Finally, the state official was asked to discuss the administrative regulations which were prepared for the 1981 bilingual statutes. These regulations did not predate the establishment of OCR-mandated bilingual programs, as had the statutes, but were revised in 1980 at the initiative of the State Department of Education. As mentioned in Chapter 1, these regulations appear to contradict the statutory ceiling on services contained in the statutes. The state official agreed:

There was no authorization under statute for the provision of services to students at the high school level. The State Board of Education, in its introductory language to the Board rule, attempted to bridge this gap between federal requirement and state restriction by allowing programs at the high school level when required by federal statutes, regulations or pursuant to the conditions of federal grants. That is conceivably beyond what they could have done,

and yet were advised by the Attorney General's office not to further confound the bind that school districts were in.

The official later added:

I'm sure that if a case had ever come to light, you know, a particular case, there could have been some question as to whether the Board had the authority in its rules to make the provision for that. But they were also aware that federal statute preempts state restriction and, I guess, tried to help districts out of a bind.

A very important role of the Arizona Department of Education, as well as of the State Board of Education, in relation to the 1981 bilingual statutes was to attempt a resolution of the apparent differences between state and federal authority and regulation. Even though the State Board's administrative regulations were acknowledged to rest on questionable legality, they were put into effect by state educational officials with full knowledge and advice from the State Attorney General's office. The administrative role of the state in relation to the bilingual statutes was not to enforce its statutory limits, but to protect local district programs designed for children requiring specialized instruction.

The official was asked to describe the procedures for establishing administrative regulations for an Arizona statute, and asked if there had been any deviations from the usual procedure for the regulations in question. The following steps were outlined:

1. Preparation of a draft of the regulations by a staff office
2. Review by a top management team from the Department of Education
3. Review by the Arizona Attorney General's office
4. Presentation to the State Board of Education for a Board vote to hold a public hearing
5. Filing of the regulations with the Arizona Secretary of State's office
6. 45 day waiting period
7. Public hearing

The official said that the administrative regulations for the 1981 bilingual statutes followed this normal procedure.

The official added that, even though the regulations may have exceeded Board authority, the Attorney General's office gave its okay, and:

. . . keep in mind this went through the whole process. It wasn't that somebody just wrote this and said, isn't this a neat, sneaky way to get everybody to do what they want. It was pretty up front.

The state official expressed the opinion that the formulation of a solution to the perceived OLP/LEP program dilemma through the use of administrative regulations might not have been the best method.

But I know there could have been another way, and that would have been for everybody to say

wait a second, let's not do it through rule. Let's try and revise the statute. And the feeling was, at that time, there was much more to lose than to gain because of the reading of the legislature. . . . we would not have come away from, especially at that time, in the legislative character, we would not have come away from an effort to revise on the winning side.

Therefore, education officials in the State Department created a politically expedient, if questionably legal, solution to this apparent educational and political dilemma. They followed the routine procedure for formulating the regulations, and the regulations were put into effect without difficulty, even from the legislature.

Replacement of the 1981 Bilingual Statutes

In the spring of 1984, the Arizona state legislature drafted and passed new legislation to replace ARS 15-705 thru 15-707. The new legislation removed the four-year limit on student participation in bilingual programs as well as the ban on secondary level bilingual programs. Also removed was section (C) of ARS 15-705 which threatened the revocation of teaching certification of teachers who did not abide by the statutory limitations or used a language other than English for purposes of instruction. Table 3 presents a comparison of the old and the new bilingual statutes.

Table 3. A comparison of the 1981 and the 1984 bilingual statutes.

1981 Statutes	1984 Statutes
1. 4 year limit on student participation in bilingual programs	1. no limit on student participation
2. ban on secondary bilingual programs	2. no ban on secondary programs
3. threat of revocation of certification of teachers	3. revocation clause removed
4. provision of services permitted where OLP/LEP students enrolled	4. provision of services required where OLP/LEP students enrolled
5. no specific reference to voluntary or non-voluntary participation or parental notification	5. voluntary, not required student participation in programs and only with parental notification
6. no specific requirement on census and diagnostic procedures for school districts	6. specific instructions on census procedures and diagnostic assessment and reassessment for school districts
7. no specific requirements except numbers 1 and 2 above	7. specific requirements for establishment of Bilingual and ESL programs with specified options

Table 3--Continued

1981 Statutes	1984 Statutes
8. minimum qualifications of teachers to be set by the Superintendent of Public Instruction	8. by 1987-88 bilingual instruction classes must be taught by certified teachers with bilingual endorsements
9. preparation of annual report to Superintendent of Public Instruction	9. preparation of annual report with increase in specific level of detail
10. no specific monitoring and enforcement role for Superintendent of Public Instruction regarding school district compliance with the statutes	10. detailed monitoring and enforcement role for Superintendent of Public Instruction regarding school district compliance with the statutes

Besides the removal of the restrictions of the old statutes, Table 3 shows some other very important changes. First, from a policy standpoint, the new statutes have been brought more in line with federal directives by moving from a permissive to a mandatory perspective on the provision of services. Where an OLP/LEP student population exists in a district, some specialized services must be provided for these children, at minimum an individual instruction program (IEP) for each separate child, at maximum a comprehensive bilingual or ESL program. Although the provision of services by school districts is made mandatory where there are OLP/LEP children present, the statutes clearly point out that student participation in specialized instruction programs is completely voluntary, and parental notification and consent is required.

Second, the statutes mandate a primary home language assessment and specific diagnostic procedures in every school district. Rediagnosis of currently enrolled OLP/LEP children in bilingual and ESL programs is also required at least every two years. The old statutes contained no such requirements.

Third, the new statutes detail several programmatic options from which school districts may choose to meet their statutory obligations. Districts can make their program selection based upon local capability

and community desires, as well as the number of OLP/LEP students enrolled in the district. Table 4 displays the program options available to school districts under the 1984 statutes.

Table 4. OLP/LEP Programs Options for School Districts Under the 1984 Bilingual Statutes.

10 or more OLP/LEP Students	10 or Fewer OLP/LEP Students
1. Transitional Bilingual, K-6	Any of the options as listed at the left for 10 or more students
2. Language Learning Program, 7-12	or
3. Bilingual-Bicultural, K-8 or K-12	Individual Instructions Programs (IEP) for all students not enrolled in one of these four program options
4. ESL with a Cultural Component	

The no-programs option which existed under the 1981 statutes has disappeared completely, except in the case of a district which has absolutely no students in the OLP/LEP category. Given the mandatory assessment techniques, moreover, there is less likelihood that OLP/LEP children will get "lost" in a district.

Fourth, Table 3 illustrates another important difference between the 1981 and the 1984 statutes. By the 1987-88 school year, the new statutes will require that classes of bilingual instruction be taught by certified classroom teachers with a bilingual education endorsement. This requirement will mean the end of another of the options under the 1981 statutes listed in Table 1: a bilingual program taught by a monolingual classroom teacher with a bilingual aide. Such programs will not be permissible as of 1987-88.

Fifth, as indicated in Table 3, an annual report remains a requirement under both the old and the new bilingual statutes. However, the 1981 statutes did not require extensive data reporting, and the characteristics of district programs, as observed earlier, were essentially unrevealed. The new bilingual statutes require an increased volume of data, as well as an increase in the level of detail in reporting information. Table 5 shows a comparison of the data required under both the 1981 and the 1984 statutes.

As can be observed from Table 5, no public school district in the state will escape reporting certain kinds of information under the new statutes. Furthermore, certain categories of data must be reported by grade level and by school. In contrast, the reporting requirements

Table 5. Data required from school districts in the annual report under the 1981 and the 1984 bilingual statutes.

1981 Statutes	1984 Statutes
<u>All School Districts</u>	<u>All School Districts</u>
None required	<ol style="list-style-type: none"> <li data-bbox="900 657 1339 810">1. Number of students with primary home language other than English, by grade level by school <li data-bbox="900 847 1376 969">2. Identification and Assessment Procedures used to Determine above number <li data-bbox="900 1006 1318 1131">3. Number of Limited English Proficient students, by grade level by school

Table 5--Continued

1981 Statutes	1984 Statutes
<u>Only Districts Providing a Special Course for LEPs</u>	<u>Only Districts with LEP Students Enrolled</u>
<ol style="list-style-type: none"> 1. Program Explanation 2. Funds Expended: Amount and Purpose during Fiscal Year (Note: source not required by statute but requested by report form of Arizona Department of Education) 3. Plans for the Ensuing Year 	<ol style="list-style-type: none"> 4. Description of Program Services 5. Number of Participating Students per Program, by grade level by school 6. Language Proficiency Pupils in Program, by grade level by school 7. Achievement Test Data on Participating Pupils, if Available 8. Reassessment Criteria and Procedures 9. Source and Amount of Funds Expended 10. Number and Qualifications of Program Staff

under the 1981 statutes were quite general. More detail was requested in the Arizona Department of Education's report form than was actually required by the 1981 statutes, and that form still did not elicit detailed programmatic information.

Finally, Table 3 reveals the establishment of a clear, detailed monitoring and enforcement role for state education officials in securing school district compliance with the new statutes. In fact, a separate statute (ARS 15-756) specifies the monitoring and enforcement duties of the Superintendent of Public Instruction under the 1984 statutes. Table 6 contrasts the required duties of the Superintendent of Public Instruction under both the 1981 and the 1984 bilingual statutes.

Table 6. A Comparison of Statutorily Required Activities for Superintendent of Public Instruction under the 1981 and 1984 Bilingual Statutes.

1981 Statutes	1984 Statutes
1. establish testing standards and qualifications for students to quality for each grade level prior to and after completion of each program	1. enforce the compliance of school districts with the requirements of the statutes
2. establish minimum qualifications for instructors in OLP/LEP Programs	2. monitor and review all requirements for fiscal and programmatic reporting of bilingual and ESL programs
3. establish that school districts seeking support have suitable facilities	3. prepare an annual report to the legislature
4. prepare annual report to the legislature	

As can be seen from Table 6, the role of state education officials has become directly involved with the enforcement of requirements under the new statutes. Whereas the 1981 statutes were silent regarding the enforcement process for the four-year limit on student participation in bilingual programs or of the ban on secondary level bilingual programs, the 1984 statutes

specifically assign the enforcement duties to the State Department of Education.

Synthesis of Findings
and Prior Research

Research evidence supports the findings of this study. Clune and Lindquist (1981) address the issue of policy design, noting that:

One of the most basic constraints on the effectiveness of laws is the design of the laws themselves . . . problems with implementation often relate back to the intrinsic limitations of the underlying legal structure. . . . Very often the crucial decisions which determine how effective a law can be in achieving the underlying social goal are made in the legal mandate (p. 1056).

Clune and Lindquist further suggest that successful implementation requires "premeditating, targeting, oversight, and control" (p. 1079).

As noted earlier, ARS 15-705 through 707 contained a design flaw. No monitoring or enforcement mechanism had been created by policymakers to compel or persuade local school districts to accept the limitations on services in bilingual programs. During the interval these statutes were in effect, no efforts were made by a state education agency to enforce the requirements of the statutes, with the sole exception of preparing the annual report.

The absence of a provision for the enforcement of the statutes contributed to the activities of the Arizona

Department of Education relevant to ARS 15-705 through 707. Since categorical funding had been removed from the statutes, the department, with no clear mandate to enforce statutory requirements, did not feel obligated to monitor school district activities. Interview data had revealed that the department preferred an assistance role with local districts rather than one of enforcement. Murphy (1971) had encountered a similar service-oriented attitude on the part of a state department of education agency.

Furthermore, the agency of the Arizona Department of Education responsible for OLP/LEP programming in the state was both a state and federal agency. Although this agency was responsible for enforcing state law which fell within its domain, it was federally funded. Interview data revealed that this agency felt that its state duties were officially secondary to its federal obligations.

Kirst and Jung (1980) relate that one of the objectives of Title I was to increase the capacities of state departments of education.

Title I also initially provided one percent of its \$1.3 billion for state agencies (now two percent of its \$3.08 billion) for state agencies to administer the Program. In effect, ESEA represents a deliberate policy of underwriting the growth and reorientation of state departments of education which had historically been independent of, and in part, antagonistic to increases in federal administrative control (p. 10).

By increasing the capacities of state departments of education, the federal government extended its policies into the very heart of state education control mechanisms.

Ingram (1977) suggests that all grants-in-aid were designed for the advancement of federal policies.

The underlying logic of federal grants-in-aid as an implementation technique is that the federal government can hire states with money to run its errands and do its will (p. 500).

Thus, federal influence was felt at both the state and local school district level through grants-in-aid. At the district level funds were received to construct programs; at the state level funds were used to assist local district efforts.

However, as discovered in this study, some of the bilingual programs created with federal funds, especially those begun or expanded to meet OCR requirements, were in conflict with the ceiling on services in the state statutes. Guidelines for ARS 15-705-707 were written by the State Department of Education which attempted to reconcile the conflict between state law and federal requirements.

Levin (1983) describes OCR's use of the 1970 Memorandum promulgated by HEW to implement Title VI of the Civil Rights Act of 1964 and the Lau Remedies created after Lau v. Nichols (1974). OCR used these sets of guidelines to persuade school districts to establish

programs for OLP/LEP students, particularly the bilingual programs. The essential observation to make in this instance is that the federal government used guidelines to solve perceived problems, just as the state guidelines for ARS 15-705-707 were used to resolve the conflict between state and federal policies. The use of guidelines to solve a problem was not an isolated instance in the case of ARS 15-705-707.

Another aspect of the state guidelines for ARS 15-705-707 was the lack of fidelity between the proscriptions contained in the statutes and the permissiveness of the guidelines for the statutes. ARS 15-705-707 banned secondary-level bilingual programs, yet the guidelines for the same statute permitted secondary programs. Bardach (1977) points out a reason for slippage between the contents of statutes and their administrative guidelines:

Die-hard opponents of the policy who lost out in the adoption stage seek, and find, means to continue their opposition when... administrative regulations and guidelines are being written. Many who supported the original policy proposal did so only because they expected to be able to twist it in the implementation phase to suit purposes never contemplated or desired by others who formed part of the original coalition. They too seek a role in the administrative process. (p. 38)

The political process which created the statutes continued during the guideline development stage with different

inputs, different actors, and sometimes with a different final product. In the case of ARS 15-705-707, the legislature created the statutes, while the State Department of Education formulated the guidelines--with somewhat different results.

Finally, the issue of numbers should be raised. Districts whose programs were deemed to be out of compliance with the state statutes had large OLP/LEP student enrollments, whereas other districts revealing no compliance problems with ARS 15-705-707 had relatively fewer OLP/LEP students. This finding reflects the comment of Justice Blackman in his concurring opinion in Lau v Nichols (1974):

I merely wish to make it plain that when, in another case, we are concerned with a very few youngsters, or with just a single child... I would not regard today's decision... as conclusive upon the issue whether the statute and the guidelines require the funded school district to provide special instruction. For me, numbers are at the heart of this case and my concurrence is to be understood accordingly.

Chapter 5

CONCLUSIONS AND RECOMMENDATIONS

Summary

The study sought to investigate the degree of compliance of selected Arizona school districts with a set of state statutes which placed a limit on the amount of permissible educational services to students. Data was gathered from a tri-county area of southeastern Arizona by means of questionnaires sent to districts and interviews of district officials. Additional information was collected from the State Department of Education in the form of an interview of a top official and a few documents.

It was expected that the results of this study would reveal why some school districts had implemented bilingual instruction programs which exceeded or ignored the specific limitations set forth in the 1981 state bilingual statutes. The study was also expected to disclose the role state education officials had played in regulation school district activity under these statutes.

The questions deemed pertinent to the research effort were as follows:

1. What programs were implemented by local school districts under ARS 15-705-707 (1981) to meet the educational needs of OLP/LEP students in their districts?
2. Were the programs implemented by local school districts for OLP/LEP students in compliance with the statutory requirements of ARS 15-705-707?
3. If a school district's program for OLP/LEP students was found not to comply with the requirements of ARS 15-705-707, what explanation did the district offer for its choice of program offering?
4. What monitoring or enforcement efforts were made by the Arizona State Department of Education to secure compliance by local school districts with ARS 15-705-707?

The findings relevant to each of the above research questions follow.

Research Question One

It was discovered that school districts in the sample area used five different options in OLP/LEP programming: 1) to provide no program, 2) to provide ESL through a regular classroom teacher, 3) to provide ESL plus a bilingual teacher aide, 4) to provide bilingual instruction through a monolingual classroom teacher and a

bilingual teacher aide, and 5) to provide bilingual instruction through a bilingual classroom teacher.

The major program change after the passage of the 1981 bilingual statutes was determined to be a 20% increase (from 5 to 11) in the number of ESL programs taught by regular classroom teachers after 1981. Decreases were noticed in other program option categories: a 10% decrease (from 4 to 1) in the number of districts providing ESL with a classroom teacher and a bilingual aide, a 7% decrease (from 12 to 10) in the number of districts providing no programs for OLP/LEP students, and a 3% decrease (from 6 to 5) in bilingual instruction taught by a bilingual classroom teacher. No change was found in the number of districts offering bilingual instruction by providing a bilingual aide for a monolingual classroom teacher.

The data revealed that before 1981 40% of the districts reported that they provided no programs for OLP/LEP students and after 1981 33% reported that they continued to provide no programs for these students. Interviews with administrative officials from these districts were conducted to determine why so many districts seemed to be ignoring this category of students.

The interview data revealed that districts officials felt they had no need to establish any specialized instruction program because 1) they assertedly

had no OLP/LEP students in their districts; 2) all Mexican-American students in their districts were said to be English-speaking; or 3) they provided ESL on an as-needed basis if an OLP/LEP student enrolled in the district.

Research Question Two

Of the five program options utilized by districts participating in the study, only bilingual instruction programs potentially might have been out of compliance with the 1981 statutes. Bilingual programs could violate the four-year limit on student participation and/or provide instruction in grades 9-12, both of which were illegal under the 1981 state statutes.

Evaluation of the survey data and interviews with district officials demonstrated that 6 of the 8 bilingual programs operating after 1981 were in conflict with the state's statutory restrictions: 3 of the K-8 programs ignored the four-year limit on student participation, and the 3 K-12 districts ignored both the four-year limit and the ban on secondary programs.

Research Question Three

Interviews with school district officials indicated that many school districts disregarded the four-year limit on services because they felt they had the

discretion to do so. They believed that they could exceed the limit if they concluded the student's need for continued services existed. They interpreted the statutes to mean that as long as they provided a minimum of four years of participation in programs to students, they could provide more if they needed or wanted to do so.

Other data revealed that at least 3 of the programs out of compliance with state law were originally established under pressure from the federal Office of Civil Rights. Officials from these districts expressed a heavy obligation to meet both the needs of students and the desires of the federal government. They concluded that the federal requirements superceded state restrictions under these circumstances, even though they expressed concern for the need to obey state law.

District officials were questioned about the efforts state officials had made to press school districts to conform with the mandates of the 1981 bilingual statutes. Local officials indicated that making an annual report to the Arizona Department of Education was their only state-imposed requirement from 1981 to June of 1984. No other monitoring or enforcement efforts were made by state officials.

Research Question Four

An investigation into the monitoring and enforcement role of state education officials under the 1981 state bilingual statutes began with a review of the annual report of the Arizona Department of Education. It was discovered that this report did not request data at sufficient particularity to detect any violations of the requirements of the 1981 state bilingual statutes. It was also determined that state officials did not otherwise require school districts to report data so as to be able to make determinations of compliance.

An interview with a key State Department of Education official yielded an acknowledgement that no efforts were made to monitor OLP/LEP programs under the 1981 statutes because the Department no longer allocated categorical funds to OLP/LEP programs. Moreover, the official said that the policy of the Department was, at that time, one of service rather than enforcement.

The state official further explained that the office which the official represented was federally funded and that its primary obligation and loyalty was to promote federal rather than state initiatives. Thus, no state-funded enforcement process existed to oversee the 1981 bilingual statutes; all activities emanated from this

federally-funded office within the State Department of Education.

The state official pointed out that the major motivation of state education officials after passage of the 1981 bilingual statutes was to insulate existing OLP/LEP programs from statutory restrictions. Through the promulgation of new administrative regulations for the 1981 statutes, State Department of Education officials, with the approval of the State Attorney General's office, attempted to reconcile the differences between state and federal legislation so that existing bilingual programs could continue to function, notwithstanding their facial violation of state statutes.

The 1984 Bilingual Statutes

New bilingual statutes were passed by the Arizona state legislature in early 1984. These statutes repealed ARS 15-705-707 and removed the restrictions on programs of bilingual instruction. The new statutes mandated that districts which had OLP/LEP students provide services for them, required the screening of students in all school districts to identify OLP/LEP students, and detailed a range of programmatic options from which districts might select to provide specialized instruction for OLP/LEP students.

The new statutes also mandated that school districts report a considerable body of data on OLP/LEP programs at a very specific level of detail. Most important of all, the statutes mandated a specific monitoring and enforcement for state education officials. The statutes also required that by 1987-88 all bilingual instruction programs be taught by certified teachers with a bilingual education endorsement.

Conclusions

The study revealed that slightly over 75% of the participating school districts had implemented program options under the 1981 bilingual statutes which conformed to the requirements of the statutes. However, the majority of the districts included in this number were rural and had very few or no OLP/LEP students enrolled in their districts. The greatest concentrations of OLP/LEP students were found in larger urban districts. These districts contained most of the programs which were in conflict with the restrictions of the 1981 statutes.

Therefore, it would be misleading to conclude that school districts complied routinely with the 1981 bilingual statutes. On the contrary, these statutes did very little to regulate the services provided to the greatest number of OLP/LEP students. Rural districts had few OLP/LEP students and felt little urgency to implement

a program option which might not comply with the state statutes. These districts also had fewer monetary and staff resources to build more elaborate OLP/LEP programs.

On the other hand, urban districts did feel an urgency to meet the specialized needs of large numbers of OLP/LEP students. This urgency stemmed, in part, from general federal mandates to provide adequate services to OLP/LEP children. In addition, federal authorities provided the incentive of incremental federal funding (and the sanction of general termination of federal funds) to encourage the implementation of the programs they wanted put into practice. In contrast, the state had just removed all categorical funding from its 1981 statutes. Therefore, in the face of federal pressures and the enticement of federal funding, the restrictions of state statutes were disregarded. Thus, where the state statutes were put to their severest test, in large urban districts, the statutes were unable to control the particular programs they sought to restrict.

A critical flaw in the 1981 bilingual statutes also contributed to their failure to achieve their desired controls on programs. The legislature had failed to create a clear and meaningful monitoring and enforcement role for state education officials in relation to the specific proscriptions on bilingual programs mandated in the

statutes. In addition, the removal of categorical funding from the state statutes caused the monitoring and enforcement efforts which had been taking place under prior statutes to cease.

This oversight on the part of the state legislature permitted state education officials to interpret their role in relation to the 1981 statutes in a manner compatible with their service orientation. It also resulted in the formation of administrative regulations for the 1981 statutes which served to protect existing OLP/LEP programs rather than to enforce statutory prohibitions. Thus, since no provisions were made to adequately implement state values, they were displaced by federal values: via federal funds for the establishment of approved programs and the federal requirements placed on the use of all federal funds.

Lastly, the prohibitions on services to children who needed services, at least in the view of educators responsible for their instruction, seemed to be artificial, arbitrary, and incompatible with the values espoused by members of the teaching profession. There was little incentive among those educators who supported the provisions of services to deny services to students where state and federal officials appeared to be granting approval of their efforts. Thus, there were several

factors which contributed to the lack of success of these poorly designed and poorly enforced statutes in securing the compliance of school districts with their restrictions.

Recommendations

This study provided valuable insights into the failure of a state statute to secure its intended purpose. It also revealed information about why school districts would disregard the requirements of legally-binding statute.

It is recommended that the implementation of the 1984 bilingual statutes be studied. Several aspects of the new statutes merit assessment to determine their effects on OLP/LEP programs in the state. The following areas of the statutes should be diligently investigated:

1. The effects of mandated diagnostic assessment: Do all districts have adequate resources and skills to properly conduct student diagnostic assessment? Will improvements in screening identify more OLP/LEP students, especially where none were discovered before? Will improved diagnosis result in an increase in the number of OLP/LEP programs, and if so, what kind of program will predominate in implementation?

2. The effects of mandated monitoring and enforcement of statutory requirements on programs: Will there be more or less variety in the kinds of programs implemented by school districts? What effect will the improvements in data reporting and collection have on programs? Will the new statutes be more faithfully implemented than were the old ones?
3. The changes in the role of the Arizona Department of Education: How will the fact that the oversight agency remains federally funded affect its monitoring and enforcement efforts? Will the service orientation which existed under the 1981 statutes be changed by its new enforcement role, and in what ways will it change?
4. The effects of the requirement that teachers in bilingual instruction programs be certified and possess a bilingual endorsement: How will this affect the quality of programs? How will this requirement affect the promulgation of bilingual programs?
5. The balance of state and federal influence on local district programs under the new bilingual statutes: Will both state and federal priorities for OLP/LEP student populations be properly reconciled under the 1984 statutes?

6. The effect of the program requirements contained in the 1984 statutes on teacher training programs at the state universities: Will there be a concomitant increase in enrollment and graduation of qualified teachers for the increased number of required OLP/LEP programs? Will there be a certification requirement for teachers of ESL? In addition, it is recommended that attempts to utilize the research methodology used in this study employ the following procedures.

1. The study should retain the use of both questionnaires and interviews. The use of questionnaires will facilitate the gathering of information on what exists, while interviews provide insights from insiders as to why it exists.
2. Discontinue the use of dual questionnaires as described in Chapter 3. This practice proved to be needless.
3. The study should attempt to include more onsite contact and visitation. This should reduce participant reticence and improve access to documents which help support questionnaire and interview data.

4. The study should seek to expand its sample area so that generalization from the data obtained would be improved.
5. The study should retain its flexibility and not be tied to a rigid design. This will permit the pursuit of pertinent information which emerges during the course of the study.

APPENDIX A

ARIZONA BILINGUAL EDUCATION STATUTES

1981

§ 15-705**INSTRUCTION****Ch. 7****§ 15-705. Conducting of schools in English language; bilingual instruction**

A. All schools shall be conducted in English, except special classes as provided in subsection B.

B. In the first eight grades of any common school district or unified school district where there are pupils who have difficulty in writing, speaking or understanding the English language because they are from an environment wherein another language is spoken primarily or exclusively, the school district may provide special programs of bilingual instruction.

C. A teacher who fails to comply with this section is guilty of unprofessional conduct and his certificate shall be revoked.

Added by Laws 1981, Ch. 1, § 2, eff. Jan. 23, 1981.

Historical Note**Source:**

Laws 1912, Ch. 77, § 73
Civ. Code 1913, § 2769.
Rev. Code 1928, § 1047.
Code 1939, § 54-1101.

A.R.S. former § 15-202.
Laws 1969, Ch. 95, § 2.
Laws 1973, Ch. 169, § 1.

Library References

Schools ⇨ 164.

C.J.S. Schools and School Districts § 485.

§ 15-706. Special educational programs; bilingual instruction and special instruction in English

A. There shall be special educational programs to carry out the provisions of this section and § 15-707 subject to certification by the superintendent of public instruction and pursuant to the rules and regulations prescribed by the state board of education relating to the administration of this section and § 15-707.

B. The state board of education shall establish:

1. Testing standards and qualification requirements for students to qualify for each grade level under this section and § 15-707 prior to and after completion of each program.

2. Minimum qualifications for instructors to teach under this section and § 15-707.

3. That school districts seeking support under this section and § 15-707 have suitable facilities.

Ch. 7

CURRICULUM

§ 15-707

C. The superintendent of public instruction shall enforce the compliance of school districts with the requirements of subsection B of this section.

Added by Laws 1981, Ch. 1, § 2, eff. Jan. 23, 1981.

Historical Note**Source:**

Laws 1969, Ch. 95, § 3.
A.R.S. former § 15-1097.
Laws 1973, Ch. 169, § 5.

Cross References

Facilities, see § 15-707.

Library References

Schools ↪164.

C.J.S. Schools and School Districts §
485.

§ 15-707. Bilingual instruction and special instruction in English; powers of the governing board; definition

A. The governing board of a school district may:

1. Provide a special course of bilingual instruction for common school pupils, not to exceed an accumulated period of four years per pupil, to expand the minimum curriculum and satisfy district goals and objectives.

2. Provide a special course of instruction for common school children who are having difficulty in speaking or understanding the English language. This special instruction in the English language shall be in addition to the regular course of instruction prescribed in all school districts.

3. Employ special bilingual teachers for the operation of special classes of oral English instruction or bilingual education.

4. In cooperation with another school district or districts, establish special classes of oral English or bilingual instruction for children who are having difficulty with the English language, or children who come from environments where the dominant language is other than English.

B. If the governing board of a school district complies with the provisions contained in this section and § 15-706, the special class or classes may be conducted by the school district in a classroom or school facility owned and maintained by the school district, or the school district may contract with other public agencies, within or without the school district, for the use of facilities in which to fur-

§ 15-707**INSTRUCTION****Ch. 7**

ther the education of children who are having difficulty with oral English language, or children who come from environments where the dominant language is other than English.

C. The governing board of a school district which provides a special course authorized in subsections A and B of this section shall prepare an annual report which explains the program conducted by the school district, the funds expended and for what purposes such funds were used during the preceding fiscal year. The report shall include plans for the ensuing fiscal year. The report shall be presented to the superintendent of public instruction, who shall present all such reports and his recommendations to the legislature during January of each year.

D. For the purposes of this section and § 15-706, "bilingual instruction" means instruction through the media of English and another language for understanding, speaking, reading and writing.

Added by Laws 1981, Ch. 1, § 2, eff. Jan. 23, 1981.

APPENDIX B

ARIZONA DEPARTMENT OF EDUCATION
ANNUAL REPORT FORM UNDER
1981 STATUTES

**BILINGUAL INSTRUCTION AND SPECIAL ENGLISH TRAINING PROGRAM
ANNUAL REPORT FY 83**

A school district providing a special course of Bilingual Instruction and/or Special English Training (BISET) program as defined in ARS 15-706, ARS 15-707, and pursuant to Rules prescribed by the Arizona State Board of Education, under R7-2-306, is required to prepare a program annual report as stipulated by ARS 15-707, Subpart C. In order to comply, please provide the following information:

School District _____

Contact Person _____ Telephone _____

1. Describe the process used by your school district to identify students whose primary or home language is other than English (R7-2-306).

Check all boxes that apply:

		Approx. % of Identification by This Means
a. Information collected from parents on enrollment form	<input type="checkbox"/>	_____ %
b. Information collected by survey of the home	<input type="checkbox"/>	_____ %
c. Student self-identification	<input type="checkbox"/>	_____ %
d. Teacher identification	<input type="checkbox"/>	_____ %
e. Paraprofessional identification	<input type="checkbox"/>	_____ %
f. Other _____	<input type="checkbox"/>	_____ %

2. Student Assessment:

a. Name of language proficiency assessment instrument(s) used (R7-2-306):

_____	_____
Name of Instrument	Publisher

b. Level or score used on above-mentioned instrument to determine student participation in BISET program (ARS 15-706):

c. In addition, what criteria does your school district use to select students for program participation?

3. Give a brief description of the current (1982-1983) Bilingual Instruction and/or Special English Training program conducted by your school district (ARS 15-707, R7-2-306).

4. Approximate number of limited-English proficient students participating:

- a. English as a Second Language (ESL) – Students receiving English instruction only
- b. Bilingual Instruction – Native Language and English as a Second Language Instruction

5. Indicate the number of Bilingual or ESL instructional staff in each of the areas listed.

Certified staff:	Number
a. Certified classroom teacher with Bilingual Education Teacher approved area	<input type="text"/>
b. Certified classroom teacher without Bilingual Education Teacher approved area	<input type="text"/>
c. Other _____	<input type="text"/>
Paraprofessional:	
a. Paraprofessional with AA Degree and Bilingual Certificate	<input type="text"/>
b. Paraprofessional with Bilingual Certificate	<input type="text"/>
c. High School Diploma or GED	<input type="text"/>
d. No High School Diploma	<input type="text"/>

6. Indicate the amount of funds expended by your school district in FY 83 to provide Bilingual Instruction and/or ESL Instruction in the areas listed below:

Program Source	Amounts
a. District funds	\$ _____
b. ECIA Chapter 1, P.L. 97-35	_____
c. ECIA Chapter 1 - Migrant, P.L. 97-35	_____
d. ECIA Chapter 2, P.L. 97-35 (Block Grant)	_____
e. Johnson-O'Malley Act, P.L. 93-638	_____
f. Indian Education Act, Part A, P.L. 96-318	_____
g. Civil Rights Act, Title IV, P.L. 88-352	_____
h. ESEA Title VII, P.L. 95-561	_____
i. Refugee Act of 1980, P.L. 96-212	_____
j. Other _____	_____

7. Check the box which describes your school district's proposed program plan for the 1983-1984 school year (ARS 15-707).

- a. Program will remain the same as in item number 3.
- b. Program will be modified. Describe.
- c. No program was conducted in 1982-1983 but one will be initiated during 1983-1984. Describe.

8. Check the method used by your school district to inform parents of participating students of program goals and student progress (R7-2-306).

	Check if conducted/provided in Home Language
a. <input type="checkbox"/> Parent Advisory Council meetings	a. <input type="checkbox"/>
b. <input type="checkbox"/> Letter to parents	b. <input type="checkbox"/>
c. <input type="checkbox"/> Home visits	c. <input type="checkbox"/>
d. <input type="checkbox"/> Report cards	d. <input type="checkbox"/>
e. <input type="checkbox"/> Parent-teacher conferences	e. <input type="checkbox"/>
f. <input type="checkbox"/> Newsletter	f. <input type="checkbox"/>
g. <input type="checkbox"/> Other _____	g. <input type="checkbox"/>

For assistance in completing this form, contact: Arizona Department of Education, Bilingual Office, 1535 West Jefferson, Phoenix, AZ 85007, Phone: 255-3204, Hotline: 1-800-352-4558. Submit form to same address. If more space is needed, please use additional page(s).

APPENDIX C

ARIZONA BILINGUAL EDUCATION STATUTES

1984

**ARTICLE 3.1. BILINGUAL PROGRAMS AND ENGLISH
AS A SECOND LANGUAGE PROGRAMS**

Article 3.1, consisting of §§ 15-751 to 15-756, added as Article 8, §§ 15-799 to 15-799.05, by Laws 1984, Ch. 169, § 2, effective August 3, 1984, was renumbered as this article and these sections. See Reviser's Note, post.

1984 Reviser's Note:

The above article and sections which comprise it were added by Laws 1984, Ch. 169, § 2 as article 8 and §§ 15-799

through 15-799.05 and were renumbered as article 3.1 and §§ 15-751 through 15-756, respectively, pursuant to authority of § 41-1304.02.

Derivation Table

Showing where the subject matter of sections added by Laws 1984, Ch. 169, § 2 was covered by repealed sections:

New Sections	Repealed Sections	New Sections	Repealed Sections
15-752	15-705	15-753	15-706
	15-707		
15-754	15-708		
	15-707		

§ 15-751. Definitions

In this article, unless the context otherwise requires:

1. "Limited English proficient" means having a low level of skill in comprehending, speaking, reading or writing the English language because of being from an environment in which another language is spoken.

BILINGUAL PROGRAMS**§ 15-752**

Ch. 7

2. A "pupil whose primary home language is other than English" means any pupil who identifies a home language other than English on the school enrollment form and home language survey.

Added as § 15-799 by Laws 1984, Ch. 169, § 2. Renumbered as § 15-751.

Historical Note**1984 Reviser's Note:**

Pursuant to authority of § 41-1304.02, 169, § 2 as § 15-799, was renumbered as this section, added by Laws 1984, Ch. 169, § 2 as § 15-751.

§ 15-752. Conducting of schools in English language; bilingual or English as second language programs; voluntary participation; parental notification

A. All classes shall be conducted in English except classes of bilingual instruction or foreign language instruction.

B. In any school district in which there are pupils who are limited English proficient, the governing board of the school district shall provide programs of bilingual instruction or English as a second language instruction as provided in this article. The primary goal of such programs is to allow the pupils to become proficient enough in English to succeed in classes taught in English. The governing board shall determine if a pupil is limited English proficient by assessing the pupil's language proficiency in comprehension, speaking, reading and writing, in both English and the primary home language.

C. Pupil participation in any program of bilingual instruction or English as a second language instruction is voluntary and requires parental notification. Parents or guardians who do not wish their child to participate in a bilingual program or English as a second language program shall so indicate in writing to the principal of the school in which the pupil is enrolled.

D. Pupils who are not limited English proficient may participate in bilingual programs if space is available.

Added as § 15-799.01 by Laws 1984, Ch. 169, § 2. Renumbered as § 15-752.

Historical Note**Source:**

Laws 1912, Ch. 77, § 73.

Civ. Code 1913, § 2709.

Rev. Code 1923, § 1047.

Code 1939, § 54-1101.

A.R.S. Former §§ 15-202, 15-705, 15-

707, 15-1098.

Laws 1969, Ch. 95, §§ 2, 3.

Laws 1972, Ch. 124, § 2.

Laws 1973, Ch. 169, §§ 1, 6.

Laws 1981, Ch. 1, § 2.

1984 Reviser's Note:

Pursuant to authority of § 41-1304.02, this section, added by Laws 1984, Ch. 169, § 2 as § 15-799.01, was renumbered as § 15-752.

§ 15-752

INSTRUCTION
Ch. 7

Administrative Code References

Bilingual instruction and special English training program, see A.C.R.R. R7-2-306.

Library References

Schools ¶163, 164.

C.J.S. Schools and School Districts ¶
484, 485.

§ 15-753. Census procedures; diagnostic assessment and reassessment

A. Each school district shall identify the number of pupils who have a primary home language other than English as follows:

1. Initial identification of such pupils from school enrollment forms.
2. By October 1 of each year, completion of home language surveys for all new pupils identified as having a primary home language other than English on school enrollment forms.

B. By December 1 of each year, the school district shall determine the language proficiency in both English and the primary home language of all new pupils identified as having a primary home language other than English. The school district shall use language assessment instruments approved by the state board of education to determine language proficiency.

C. A school district in which limited English proficient pupils are enrolled shall adopt language reassessment criteria and procedures as prescribed by the state board for the purpose of reclassification of pupils. The language reassessment criteria and procedures shall:

1. Be used at least once every two years with all limited English proficient pupils enrolled in bilingual programs or English as a second language programs to determine if the pupils have developed the English language skills necessary to succeed in English only instruction. A reclassified pupil may continue in a bilingual program or be placed in an all English program.

2. Be multi-faceted and shall include the following criteria:

- (a) A teacher evaluation of the pupil's English language proficiency and an assessment of the pupil's readiness to succeed in an English language course of study.

- (b) An objective assessment of the pupil's oral language proficiency, writing skills and literacy skills in English.

- (c) Parent opinion and consultation.

Added as § 15-799.02 by Laws 1984, Ch. 169, § 2. Renumbered as § 15-753.

BILINGUAL PROGRAMS
Ch. 7

§ 15-754

Historical Note

1984 Reviser's Note:

Pursuant to authority of § 41-1304.02, 169, § 2 as § 15-799.02, was renumbered this section, added by Laws 1984, Ch. as § 15-753.

§ 15-754. Bilingual programs and English as a second language programs; requirements

A. Each school district which has ten or more limited English proficient pupils in any kindergarten program or grade in any school shall provide a bilingual program or English as a second language program for the limited English proficient pupils. Beginning with fiscal year 1987-1988, classes of bilingual instruction shall be taught by teachers who possess a basic or standard certificate to teach with a bilingual education endorsement. A school district may meet the requirements of this subsection by implementing any of the following programs:

1. A transitional bilingual program consisting of an organized program of instruction which is conducted in kindergarten programs and grades one through six in which participating pupils receive instruction in and through English and the primary home language of the pupils. The principal goal of a transitional bilingual program is to increase the English language proficiency and academic achievement of the pupils in order to transfer them to all English instruction when they meet the reassessment criteria as prescribed in § 15-753, subsection C.

2. A language learning program for grades seven through twelve consisting of a structured bilingual program to promote English language proficiency and academic achievement through the use of the pupil's primary home language for instruction in the elective and non-elective content courses required for graduation.

3. A bilingual-bicultural program for kindergarten programs and grades one through eight or for kindergarten programs and grades one through twelve consisting of a system of instruction which uses two languages, one of which is English, as a means of instruction. It is a means of instruction which builds on and expands the existing language skills of each participating pupil which will enable the pupil to achieve competency and literacy in both languages. This instruction shall include the history and culture of this state and the United States, as well as customs and values of the cultures associated with the languages being taught.

§ 15-754

INSTRUCTION

Ch. 7

4. A formal English as a second language program consisting of:

(a) Daily instruction in English language development including:

(i) Listening and speaking skills.

(ii) Reading and writing skills.

(iii) Cognitive and academic skill development in English.

(b) A plan to develop an understanding of the history and culture of the United States, as well as an understanding of customs and values of the cultures associated with the primary home language of the pupils in the program.

B. Each school district which has nine or fewer limited English proficient pupils in any kindergarten program or grade in any school shall provide these limited English proficient pupils with either a bilingual program or English as a second language program as prescribed in subsection A of this section or shall provide an individual education program for each of these pupils which provides a plan for meeting the cultural and linguistic needs of the pupil. An individual education program must be provided for all limited English proficient pupils who are not enrolled in one of the programs described in subsections A and B of this section.¹ An individual education program consists of a systematic, individualized program of instruction designed to ensure equal educational opportunities for the pupil by promoting English language development and by sustaining normal academic achievement through the use of the pupil's primary home language for subject matter instruction, to the extent possible. Individual education programs do not require teachers who have the bilingual endorsement to their teaching certificate. Under the supervision of a certificated teacher, primary home instruction may be given by paraprofessionals, community members or pupils with proficiency in the primary home language serving as tutors.

Added as § 15-799.03 by Laws 1984, Ch. 169, § 2. Renumbered as § 15-754.

¹ So in original. Reference probably should be to subsec. A.

Historical Note

Source:

Laws 1966, Ch. 95, § 3.
A.R.S. Former §§ 15-706, 15-707, 15-1097, 15-1098.
Laws 1972, Ch. 124, § 2.
Laws 1973, Ch. 169, §§ 5, 6.
Laws 1981, Ch. 1, § 2.

1984 Reviser's Note:

Pursuant to authority of § 41-1904.02, this section, added by Laws 1984, Ch. 169, § 2 as § 15-799.03, was renumbered as § 15-754. The reference in subsection A, paragraph 1 to "§ 15-753" was substituted for the reference to "§ 15-799.02" to conform to the reviser's renumbering of that section.

Administrative Code References

Bilingual instruction and special English training program, see A.C.R.R. B7-2-306.

BILINGUAL PROGRAMS
Ch. 7

§ 15-756

Notes of Decisions

- | | |
|--|--|
| <p>1. In general
School district could keep a particular child in an effective bilingual education program for more than four years only</p> | <p>upon a showing that the child needed further bilingual instruction in order to participate equally in the school's regular program. Op.Atty.Gen. No. 183-085.</p> |
|--|--|

§ 15-755. Reporting procedures

A. Each school district shall submit a report to the department of education by June 15 of each year which shall include the following information:

1. The number of pupils identified as having a primary home language other than English by grade level by school.
2. The identification and assessment procedures used to determine if the pupils identified in paragraph 1 of this subsection are limited English proficient.
3. The number of pupils identified as limited English proficient by grade level by school.

B. Each school district which enrolls limited English proficient pupils shall submit a report on its bilingual programs and English as a second language programs to the department of education by June 15 of each year which shall include the following information:

1. A description of program services.
2. The number of pupils participating in each program by grade level by school.
3. The language proficiency of pupils participating in the program by grade level by school.
4. Achievement test data on participating pupils, if available.
5. Reassessment criteria and procedures.
6. The source and amount of monies expended.
7. The number and qualifications of program staff.

Added as § 15-799.04 by Laws 1984, Ch. 169, § 2. Renumbered as § 15-755.

Historical Note

1984 Reviser's Note:

Pursuant to authority of § 41-1304.02, 169, § 2 as § 15-799.04, was renumbered this section, added by Laws 1984, Ch. 169, § 2 as § 15-755.

§ 15-756. Powers and duties of superintendent of public instruction

The superintendent of public instruction shall:

1. Enforce the compliance of school districts with the requirements of this article.

§ 15-756**INSTRUCTION**

Ch. 7

2. Monitor and review all requirements for fiscal and programmatic reporting of bilingual programs and English as a second language programs.

3. Present a summary of the reports specified in § 15-755 and the superintendent's recommendations to the legislature in January of each year.

Added as § 15-799.05 by Law 1984, Ch. 169, § 2. Renumbered as § 15-756.

Historical Note**Source:**

Laws 1969, Ch. 95, § 3.
A.R.S. Former §§ 15-706, 15-1097.
Laws 1973, Ch. 169, § 5.
Laws 1981, Ch. 1, § 2.

1984 Reviser's Note:

Pursuant to authority of § 41-1304.02, this section, added by Laws 1984, Ch. 169, § 2 as § 15-799.05, was renumbered as § 15-756. The reference in paragraph 3 to "§ 15-755" was substituted for the reference to "§ 15-799.04" to conform to the reviser's renumbering of that section.

APPENDIX D
ARIZONA DEPARTMENT OF EDUCATION
ANNUAL REPORT FORM UNDER
1984 STATUTES

Due: June 15

District [REDACTED]

Contact Person

**ARIZONA LANGUAGE CENSUS
AND
PROGRAM REPORT
PART I**

This report form constitutes the first part of the annual report required by ARS 15-751-756 regarding bilingual programs and English as a second language programs.

Part I is a district level report and as such requests summary information for the district as a whole. Part II of the annual report is a register level report and as such requests information regarding the students on the particular register. Register level reports are sent under separate cover with active register code information pre-printed.

A. Source and Amount of Monies Expended (ARS 15-755 B.6)

On line one (1) District Funds, report only those costs which would not have been incurred except for the implementation of programs pursuant to ARS 15-751-756. Examples of such excess costs are:

- Conducting the identification of the primary/home language of students.
- Conducting the English and native language assessments.
- Training staff for ARS 15-751-756.
- Purchase of supplementary instructional materials, supplies, and equipment.
- Employment of supplementary instructional personnel. (Do not include the cost of regular classroom teachers who are implementing bilingual, English as a second language, or individual education programs in the regular classroom as such costs would have been incurred without the program(s).)
- Employment of supplementary administrative personnel. (Do not include the cost of building-level or district-level personnel whose costs would have been incurred without the program(s).)

On lines 2 - 8, report, by source, the amount of federal funds which were used to supplement the district program under ARS 15-751-756. (Each federal program listed has specific restrictions which pertain to the allowability of such funds to be used for the purposes of ARS 15-751-756. Contact the respective program office for assistance in this regard.)

Source	Amount
1. District Funds	\$ _____
2. ECIA Chapter 1, P.L. 97-35	_____
3. ECIA Chapter 1 - Migrant, P.L. 97-35	_____
4. ECIA Chapter 2, P.L. 97-35 (Block Grant)	_____
5. Johnson-O'Malley Act, P.L. 93-638	_____
6. Indian Education Act, Title IV, Part A, P.L. 96-318	_____
7. ESEA Title VII, P.L. 95-561	_____
8. Transition Program for Refugee Children P.L. 96-212	_____
9. Other _____	_____

B. NUMBER AND QUALIFICATIONS OF PROGRAM STAFF (ARS 15-755 B.7)

Report, by program option, the number and qualifications of the certified staff members who are designated as the providers of the instructional programs required by ARS 15-754. Also report the number and qualifications of the non-certified staff members who are assigned to each program.

	Certified Teachers with Bilingual *Endorsement	Certified Teachers with Provisional Bilingual *Endorsement	Certified Teachers without Bilingual Endorsement	Paraprofessionals with Associate of Arts Degree	Paraprofessionals with High School Diploma or GED	Paraprofessionals without Diploma or GED	Other Staff Specify
K-6 Transitional Bilingual	_____	_____	_____	_____	_____	_____	_____
7-12 Secondary Bilingual	_____	_____	_____	_____	_____	_____	_____
K-12 Bilingual/Bicultural	_____	_____	_____	_____	_____	_____	_____

*teachers in bilingual programs must hold one of these endorsements beginning with the 1987-1988 school year

	Certified Teachers with ESL *Endorsement	Certified Teachers with Provisional ESL *Endorsement	Certified Teachers with Bilingual *Endorsement	Certified Teachers with Provisional Bilingual *Endorsement	Certified Teachers without Endorsement	Para-professionals with Associate of Arts Degree	Para-professionals with High School Diploma or GED	Para-professionals without Diploma or GED	Other Staff Specify
English as a Second Language	_____	_____	_____	_____	_____	_____	_____	_____	_____
Individual Education Program	_____	_____	_____	_____	_____	_____	_____	_____	_____

*teachers in English as a second language programs must hold one of these endorsements beginning with the 1987-1988 school year

C. DESCRIPTION OF PROGRAM SERVICES (ARS 15-755 B.1)

Complete a separate form for each of the program options implemented by your district during the 1984-1985 school year for limited English proficient students. Check the authorized program option reported on this form.

<input type="checkbox"/> K-6 Transitional Bilingual	<input type="checkbox"/> English as a Second Language (ESL)
<input type="checkbox"/> 7-12 Secondary Bilingual	<input type="checkbox"/> Individual Education Program
<input type="checkbox"/> K-12 Bilingual/Bicultural	
(Please refer to ARS 15-754 for a full description of these program options.)	

List schools at which this option is provided.	Identify grade levels at corresponding schools at which this option is provided.	Check service delivery mode. If both modes are used at a given school, indicate the grades at which each mode is provided.		For Resource Room based programs, indicate the frequency and average amount of time service is provided.	
		Classroom-Based	Resource Room	Frequency	Average Time
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

Describe, in narrative form, the instructional services provided in this program option. Indicate any plans to modify these services for the 1985-1986 school year. Use additional pages if necessary.

APPENDIX E
BILINGUAL STUDY QUESTIONNAIRE

May 14, 1984

Dear Educator:

The enclosed questionnaire dealing with special educational programs for limited-English-proficient (LEP) students in Arizona public schools represents part of a study presently being conducted to investigate the effectiveness of the Arizona bilingual education statutes in effect during the 1983-84 school year. The results of the study will provide data for policymakers and educators regarding the effectiveness of policy design in securing organizational conformity with policy in the creation of educational programs.

Local school district officials are asked to participate in the study in two ways. First, districts are asked to provide copies of the following documents:

- district policy statements regarding LEP programs,
- LEP program descriptions,
- the annual state report detailing the 1983-84 LEP programs,
- projections of LEP programs for next year,
- 1982-83 program evaluations,
- information regarding community and parent support groups for LEP programming,
- any other documentation which you are willing to share to promote the understanding of your district's programs.

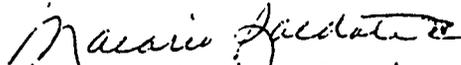
Second, the district official in charge of LEP programs is asked to complete the enclosed questionnaire. The instrument has been tested by a sample of professional educators and has been revised to secure the maximum amount of data in a minimum of time. Completion of the questionnaire should take about 20 minutes, though you are encouraged to share your knowledge and perceptions in as much depth as possible.

Since the Arizona legislature has just recently passed new legislation to replace the statutes under investigation in this study, there will be only a brief period of time during which the study can be carried out. Therefore, it will be appreciated if you can complete the questionnaire by June 1st and return it and the documents in the enclosed, stamped envelope. Your responses will be held in strict confidence.

I realize that this is an extremely busy time for all of us in education, and I certainly appreciate your assistance in completing this information. A summary of the results of the study will be available upon request.

Thank you for your time and cooperation.

Sincerely yours,



Director, Mexican American Studies & Research Center
University of Arizona

DIRECTIONS FOR THE COMPLETION OF THE QUESTIONNAIRE

PLEASE READ CAREFULLY BEFORE BEGINNING

This questionnaire has as its purpose the acquisition of as much information as possible about school district programming for LEP students. Please feel free to write any comments you wish regarding any item on the questionnaire. You may write in the margins, on the back of the pages, or even use additional paper. Please answer all questions as completely as possible using check marks, numbers, and written explanations as required by the item.

Please note that several questions request information about programs which existed before 1981, which is when the Arizona bilingual education statutes under investigation in this study took effect. Other questions seek information about programs which existed after 1981, which includes the time span from January 1981 thru the Spring of 1984.

Note that any questions referring to current practices refer to the 1983-84 school year.

Note also that where the term ESL only is used, the term refers to programs of English-as-a-Second-Language which are provided separate from, rather than as a component of, bilingual education programs.

Finally, if the documents you are sending contain the information requested by some of the items on the questionnaire, you may indicate on the questionnaire the proper document which contains the information instead of completing the questionnaire item if you wish.

BILINGUAL STUDY QUESTIONNAIRE

1. In which county is your district located?

_____ Cochise
 _____ Pima
 _____ Santa Cruz

2. Is this district

_____ urban
 _____ rural
 _____ other (explain) _____

3. What is the total number of students in the district in each category? (approximate figures permissible)

_____ total in district; _____ total LEP in district
 _____ total elementary; _____ total LEP elementary
 _____ total secondary; _____ total LEP secondary

4. Is there more than one minority language represented in the LEP student group in your school district?

_____ Yes _____ No

If Yes, how many languages are served in the LEP programs in your district?

_____ languages

Name the languages and give the number of LEP students in each language currently being served.

5. If there is more than one minority language group of LEP students represented in your district, what special services are provided for each language group? (Check all that apply)

_____ bilingual instruction in the students' native language by bilingual classroom teachers
 _____ bilingual instruction in the students' native language by bilingual teacher aides for monolingual English-speaking classroom teachers
 _____ ESL only (not as a component of a bilingual program) for all language groups
 _____ bilingual instruction for some groups, ESL for others
 _____ ESL or bilingual instruction for some groups, nothing for others
 _____ other (explain) _____

6. Prior to 1981, what specialized services were provided by your district for LEP students?(Check all that apply)
- bilingual instruction with bilingual classroom teachers
- ESL only
- bilingual teacher aides for monolingual English-speaking classroom teachers
- other (explain) _____
- none
7. At what grade level were specialized services provided for LEP students before 1981?
- elementary
- secondary
- both elementary and secondary
- neither
8. Circle all the numbers which encompass the grade levels at which programs for LEP students were provided prior to 1981.
- K 1 2 3 4 5 6 7 8 9 10 11 12
9. Before 1981, were the specialized programs provided for LEP students:
- pull-out: elementary secondary
- self-contained: elementary secondary
10. After 1981, what specialized services were provided for LEP students in your district? (Check all that apply)
- bilingual education with bilingual classroom teachers
- ESL only
- bilingual teacher aides for monolingual English-speaking classroom teachers
- other (explain) _____
- none
11. At what grade level are specialized services for LEP students provided currently?
- elementary only
- secondary only
- both elementary and secondary
- neither
12. Circle all the numbers which encompass the grade levels at which specialized programs for LEP students are currently being provided.
- K 1 2 3 4 5 6 7 8 9 10 11 12

13. After 1981, were the specialized programs provided for LEP students:

_____ pull-out: _____ elementary _____ secondary

_____ self-contained: _____ elementary _____ secondary

14. Is there a limit on the number of years an LEP student may remain in a bilingual instruction program in your district?

_____ Yes _____ No

If Yes, what is the maximum number of years an LEP student may remain in a bilingual instruction program in your district?

_____ years.

15. Is there a maximum number of years an LEP student may remain in an ESL only program in your district?

_____ Yes _____ No

If Yes, what is the maximum number of years:

_____ years.

16. What specialized services are currently offered for LEP students in grades 9-12? (Check all that apply)

_____ bilingual education with bilingual classroom teachers in self contained classrooms

_____ bilingual education; pull-out programs; resource teachers

_____ ESL only

_____ bilingual teacher aides for monolingual English-speaking classroom teachers

_____ other (explain) _____

_____ none

17. Are there individual courses taught at the secondary level using a language other than English but not as part of an organized bilingual program and not including foreign language classes?

_____ Yes _____ No

If Yes, please indicate the title(s) of the course(s):

18. How many years of ESL only are provided in your district?

_____ years at elementary level

_____ years at secondary level

19. How are specialized services for LEP students funded within your school district?
- _____ local district funds only
- _____ state funds only
- _____ federal funds only
- _____ combination local and state funds
- _____ combination local and federal funds
- _____ combination state and federal funds
- _____ combination all three funding sources
- _____ don't know
20. Total number of bilingual education program teachers in your district: _____.
- _____ = total number bilingual education program teachers with an official Arizona bilingual teaching endorsement
- _____ = total number bilingual education program teachers with an emergency Arizona bilingual teaching endorsement
- _____ = total number bilingual education program teachers without an Arizona bilingual teaching endorsement
21. Total number of teachers in district with Masters degree or higher _____; total bilingual education program teachers with M. A. or higher _____.
22. Average length of service all teachers in district _____; average length of service bilingual education program teachers _____.
23. Describe procedures used for placement of LEP students in programs. (Use reverse side if necessary)
24. Describe exit criteria from program for LEP students. (Use reverse side if necessary)
25. How are future LEP student needs assessed for the school district? (Use reverse side if necessary)

26. In your opinion, what improvements might be made in your district in each of the following areas to improve services to LEP students? (Use reverse side if needed)

a. funding -

b. staff -

c. community support -

d. instructional materials -

27. Please add any comments you would like to make which you think would assist in understanding the specialized programs your district offers for LEP students. Again, use the reverse side if necessary.

APPENDIX F
BILINGUAL EDUCATION STUDY QUESTIONNAIRE

May 14, 1984

Dear Educator:

The enclosed questionnaire dealing with special educational programs for limited-English-proficient (LEP) students in Arizona public schools represents part of a study presently being conducted to investigate the effectiveness of the Arizona bilingual education statutes in effect during the 1983-84 school year. The results of the study will provide data for policymakers and educators regarding the effectiveness of policy design in securing organizational conformity with policy in the creation of educational programs.

To secure accurate information about the programs provided by local school districts for LEP students, it is very important to ask the professionals who know the most about such programs to share their knowledge and expertise with the researcher. It is for this reason that you have been selected to participate in the study.

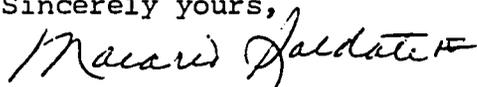
The questionnaire has been tested by a sample of professional educators and has been revised to permit the acquisition of all the necessary data while requiring a minimum of your time. The questionnaire should require approximately 20 minutes to complete, though you are encouraged to share your knowledge and perceptions in as much depth as possible.

Since the Arizona legislature has just recently passed new legislation to replace the statutes under investigation in this study, there will be only a brief period of time during which the study can be carried out. Therefore, it will be greatly appreciated if you complete the enclosed instrument by June 1st and return it in the enclosed, stamped envelope. Your responses will be held in strict confidence.

I realize that this is an extremely busy time for all of us in education, and I certainly appreciate your assistance in completing this information. A summary of the results of the study will be available upon request.

Thank you for your time, understanding, and cooperation.

Sincerely yours,



Director, Mexican American Studies & Research Center
University of Arizona

DIRECTIONS FOR THE COMPLETION OF THE QUESTIONNAIRE

PLEASE READ CAREFULLY BEFORE BEGINNING

This questionnaire has as its purpose the acquisition of as much information as possible about school district programming for LEP students. Please feel free to write any comments you wish regarding the items on the questionnaire. You may write in the margins, on the back of the pages, or even use additional paper. Please answer all questions as completely as possible using check marks, numbers, and written explanations as required by the item.

Please note that several questions request information about programs which existed before 1981, which is when the Arizona bilingual education statutes under investigation in this study took effect. Other questions seek information about programs which existed after 1981, which includes the time span from January 1981 thru the Spring of 1984.

Note that any questions referring to current practices refer to the 1983-84 school year.

Note also that where the term ESL only is used, the term refers to programs of English-as-a-Second-Language which are provided separate from, rather than as a component of, bilingual education programs.

BILINGUAL EDUCATION
STUDY QUESTIONNAIRE

1. In which county is your district located?
 - Cochise
 - Pima
 - Santa Cruz
2. Is this district
 - urban
 - rural
 - other (explain) _____
3. What is your relationship with the school district?
 - teacher
 - administrator
 - parent only
 - other (explain) _____
4. At what level is your association with the school district?
 - elementary
 - secondary
 - central office
 - other (explain) _____
5. Prior to 1981, what specialized services were provided by your district for limited-English-proficient (LEP) students? (Check all that apply)
 - bilingual instruction with bilingual classroom teachers
 - English-as-a-second-language (ESL) only (not as a component of a bilingual education program)
 - bilingual teacher aides for monolingual English-speaking classroom teachers
 - other (explain) _____
 - none
6. At what grade level were these specialized services provided for LEP students before 1981?
 - elementary only
 - secondary only
 - both elementary and secondary
 - neither

7. Circle all the numbers which encompass the grade levels at which specialized programs for LEP students were provided prior to 1981.
- K 1 2 3 4 5 6 7 8 9 10 11 12
8. Before 1981, were the specialized programs provided for LEP students:
- _____ pull-out: _____ elementary; _____ secondary
- _____ self-contained: _____ elementary; _____ secondary
- _____ other (explain) _____
9. After 1981, what specialized services were provided for LEP students in your district? (Check all that apply)
- _____ bilingual instruction with bilingual classroom teachers
- _____ ESL only
- _____ bilingual teacher aides for monolingual English-speaking classroom teachers
- _____ other (explain) _____
- _____ none
10. At what grade level are specialized services for LEP students provided currently?
- _____ elementary only
- _____ secondary only
- _____ both elementary and secondary
- _____ neither
11. Circle all the numbers which encompass the grade levels at which specialized programs for LEP students are currently being provided.
- K 1 2 3 4 5 6 7 8 9 10 11 12
12. Is there a limit on the number of years an LEP student may remain in a bilingual instruction program in your district?
- _____ Yes _____ No
- If Yes, what is the maximum? _____ years.
13. Is there a maximum number of years an LEP student may remain in an ESL only program in your district?
- _____ Yes _____ No
- If Yes, what is the maximum? _____ years
14. How many years of ESL only programs are provided in your school district?
- _____ years at elementary level
- _____ years at secondary level

15. Is there a program of bilingual instruction in the school with which you are associated?

_____ Yes _____ No

If Yes, circle or write in the number which corresponds to the following:

- a) number of bilingual self-contained classes:
 0 1 2 3 4 5 6 7 8 9 10 _____
- b) number of bilingual pull-out classes:
 0 1 2 3 4 5 6 7 8 9 10 _____
- c) number of bilingual classroom teachers with an official Arizona bilingual teaching endorsement:
 0 1 2 3 4 5 6 7 8 9 10 _____
- d) number of bilingual classroom teachers with an emergency Arizona bilingual teaching endorsement:
 0 1 2 3 4 5 6 7 8 9 10 _____
- e) number of bilingual classroom teachers without an Arizona bilingual teaching endorsement:
 0 1 2 3 4 5 6 7 8 9 10 _____

16. What specialized services are currently being offered for LEP students in grades 9-12? (Check all that apply)

- _____ bilingual education with bilingual classroom teachers; self-contained classrooms
- _____ bilingual education; pull-out programs; resource teachers
- _____ ESL only
- _____ bilingual teacher aides for monolingual English-speaking classroom teachers
- _____ other (explain) _____
- _____ none

17. Are there individual courses taught at the secondary level using a language other than English to teach content material but not as part of a bilingual program or as part of a program of foreign language instruction?

_____ Yes _____ No _____ Don't Know

If Yes, please indicate the title(s) of the course(s):

18. Is there more than one minority language represented in the LEP student group in your school district?

_____ Yes _____ No

If Yes, how many languages are served in the LEP programs in your district? (Indicate number: _____)

19. If there is more than one minority language group of LEP students represented in your district, what special services are provided for each language group? (Check all that apply)

_____ bilingual instruction in the students' native language by bilingual classroom teachers

_____ bilingual instruction in the students' native language by bilingual teacher aides for monolingual English-speaking classroom teachers

_____ ESL only (not as a component of a bilingual program) for all language groups

_____ bilingual instruction for some groups, ESL for others

_____ ESL or bilingual instruction for some groups, nothing for others

_____ other (explain) _____

20. How are specialized services for LEP students funded within your school district?

_____ local district funds only

_____ state funds only

_____ federal funds only

_____ combination local and state funds

_____ combination local and federal funds

_____ combination state and federal funds

_____ combination all three funding sources

_____ don't know

21. What is the established pupil-teacher ratio for bilingual instruction programs in your district?

_____ elementary level

_____ secondary level

22. Is the pupil-teacher ratio for monolingual English programs different from the pupil-teacher ratio for bilingual instruction programs?

_____ Yes _____ No

If Yes, what is the pupil-teacher ratio for the monolingual programs in your district?

_____ elementary level

_____ secondary level

23. In your opinion, what improvements might be made in each of the following areas to improve services to LEP students in your district? (Use reverse side if needed)

a. funding -

b. staff -

c. community support -

d. instructional materials -

24. Please add any comments you would like to make which you think would assist in understanding the programs your district offers for LEP students. Again, use the reverse side if necessary.

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