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**RESEARCH AND POLICY:
FACTORS INFLUENCING THE DEVELOPMENT
OF BILINGUAL EDUCATION
IN THE VALLE ENCANTADO SCHOOL DISTRICT**

by

Mary Carol Combs

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A Dissertation Submitted to the Faculty of the
DEPARTMENT OF LANGUAGE, READING AND CULTURE

In Partial Fulfillment of the Requirements
For the Degree of

DOCTOR OF PHILOSOPHY

In the Graduate College

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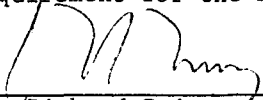
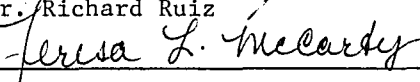
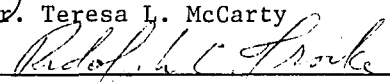
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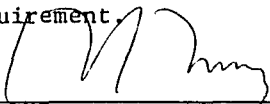
As members of the Final Examination Committee, we certify that we have read the dissertation prepared by Mary Carol Combs entitled Research and Policy: Factors Influencing the Development of Bilingual Education in the Valle Encantado School District

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Dedication

For Claudia Isabel and Sarah Maria

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ABSTRACT

Federal bilingual education policy generally has been characterized by inattention to research findings in second language acquisition theory. Studies have shown that learning English takes from five to nine years, and that providing students with substantial amounts of primary language instruction neither interferes with nor delays their acquisition of English. Nevertheless, the federal Bilingual Education Act has funded an increasing number of programs which do not use the student's primary language. This trend has been influenced by arguments concerning the notion of "local flexibility," or the idea that school districts are best suited to selecting the kinds of programs serving their language minority limited English proficient students.

The present study sought to determine whether a similar trend was evident in a local school district in the American Southwest on the border with Mexico. After a pilot study concluded that research in bilingual education played no role in the development of the district's educational policies toward language minority students, this study was conducted to explore other influences which, in the absence of research findings, contributed to the district's current policy. The study also explored how the notion of "local flexibility" was played out in a local setting.

Policy influences included **Title VII funding fluctuations** (and district inability or unwillingness to continue programs previously supported by the federal legislation); **community apprehension** (native language instruction was unnecessary

and stigmatizing); **local politics** (frequently related to personal conflicts arising between individuals or groups); **teacher recruitment and retention** (still serious obstacles to adequately staffing bilingual and ESL programs).

However, the most important influence on district policy was a **district-wide compliance review** of alternative language programs by the federal Office for Civil Rights (OCR). The OCR investigative team's reaction to the linguistic character of the community -- which district officials and others interpreted as an endorsement of ESL over native language approaches -- resulted in the establishment of a K-12 ESL program. The new program has direct consequences for the district's declaration that every student will graduate "bilingual, bicultural, and biliterate." Under the current ESL policy, this goal would appear to have little chance of success.

CHAPTER 1

INTRODUCTION

When I began my doctoral program in the fall of 1989, one of the first people I met was a young woman I will call Concepción Díaz, the coordinator of a Title VII-funded research project housed in the university department in which I was obtaining a doctorate. I was hired as a research assistant on the project, developed to examine the process of incorporating multicultural education concepts into university courses. Over the duration of my employment I came to appreciate Díaz' unique interpretation of the complex issues we were exploring together. More than academic colleagues, we became good friends during this time, as did our families, and remain so today.

One of the interesting details about Díaz' life was that she lived in Valle Encantado, a city of approximately 22,000 on the Mexican border. I visited the Díaz family often and became increasingly intrigued by the city. This was due in part to the physical charm of the city and its surrounding areas, but also to the warmth and generosity of the Díaz extended family, neighbors and numerous friends on both sides of the border.

Valle Encantado lies in a narrow pass connecting the two countries and its densely placed houses and buildings dot the steep canyons descending into the pass. At an elevation of 3,700 feet and surrounded by rugged mountains, the area is a part of what the early Spanish explorers called the "Pimería Alta" or the highlands of the

Pima Indians (Waters, 1981). Valle Encantado, U.S.A, faces its Mexican twin of the same name, a sprawling city of more than 200,000 people, a substantial number of whom have migrated to the border within the last twenty years, attracted by employment in the *maquiladoras*, or "twin plants."¹ Valle Encantado, U.S.A. is also the largest port of entry for winter vegetables in the country.

My primary academic interest in Valle Encantado was due to its unique cultural and linguistic character. For me, newly transplanted to the state after 10 years in Washington, D.C., Valle Encantado was an enigma: with its densely placed houses and buildings lining the steep, narrow streets, *música nortea* wafting from store fronts, and Spanish a ubiquitous presence, Valle Encantado was geographically a part of the continental United States but manifesting characteristics more Mexican than American. But neither is Valle Encantado truly "Mexican." Rather, it holds membership in a unique group of villages, towns, and cities making up a third country -- the border -- which has its own identity, its own food and music, and its own culture and language. It is "not simply American on one side and Mexican on the other," as Tom Miller (1981) put it in On The Border. Rather, he writes, "It is a colony unto itself, long and narrow, ruled by two faraway powers" (Miller, 1981, p. *xii*).

¹Unique to the border, *maquiladoras* are "small to medium size, labor intensive manufacturing plants that combine Mexican labor with foreign capital and technology" (De Gennaro, 1987, p. 33). These plants provide a solution for three basic interests: American companies seeking cheap labor, Mexico's need for foreign exchange, and gainful employment for Mexican workers (Williams, 1987).

Valle Encantado is part of this borderland culture, and its residents maintain economic and family ties to people and places "across the line." Those ties also are linguistic and result in a unique phenomenon, at least in Valle Encantado. The language of this border town is Spanish. One hears it everywhere -- in homes, churches, supermarkets, convenience stores, fast food restaurants, on the streets, in the post office, the library, in the local tourist information bureau, the local archive and historical museum, and almost anywhere else. In fact, as one life-long Valle Encantado resident told me, people expecting to find retail clerks willing to wait on them in English would have better luck in stores across the line in Mexico than they would in Valle Encantado, U.S.A. Other people I interviewed for this study supported my perception. On the U.S. side, they explained, stores served a primarily Mexican clientele, so the need for bilingual employees was less; most local residents were bilingual and could conduct their business in Spanish anyway.

The accuracy of these statements, as well as the emotions they might inspire, seemed to me over the course of my study to be largely dependent on the degree of one's proficiency in Spanish. In other words, how one *feels* about this state of linguistic affairs is largely a matter of how *inconvenient* it is to search out English-speakers in a place where functional bilingualism is the norm. For most of the I people interviewed, speaking Spanish is not at all inconvenient; the majority of them do so everyday in a wide range of contexts. Although one could imagine a scenario where fluent, Spanish-speaking American customers of a Mexican business *might* seek assistance in English, it seems unlikely that they would. To do so would be

somewhat unnatural, as many of the people interviewed for this study seemed to believe. Indeed, most considered it perfectly normal to use Spanish in one's daily life, whether for commercial transactions or personal interchange. That this easy tolerance of day-to-day communication in a language other than English was expressed by Mexican Americans and Anglos alike (the latter of whom were for all practical purposes monolingual in English) is indicative of bilingualism as a way of life on the border.

There was another place where I heard Spanish -- in Valle Encantado's school halls and school playgrounds. I had the opportunity to informally observe children in two elementary schools and in the city's high school. At the former, the children I saw were speaking Spanish to each other as they passed through the halls or the courtyard between classes. I heard English as well, but at one of the elementary schools children were using it to respond to a teacher who had addressed them in English.

On the day I was to interview the principal of the high school, I arrived about 30 minutes early and sat outside of his office watching the flurry of administrative activity before me. The principal's suite was adjacent to the main office, and as I waited I watched students, teachers, the school nurse, a maintenance man and other sundry visitors come and go, speaking with the secretaries behind the office counters. With the exception of the nurse and a couple of the teachers, the communication was in Spanish.

This struck me as a fascinating and somewhat paradoxical detail, given that bilingual education in Valle Encantado was not widely implemented in city schools, at least according to Concepción Díaz and other Valle Encantado residents I had come to know over the years. And yet bilingualism, in this context defined as the ability to converse and *do business* in both English and Spanish, appeared to be highly valued, not only for my initial Valle Encantado acquaintances, but the majority of people I eventually interviewed for my dissertation research as well, and in the very offices of the school itself.

I began to wonder, then, how bilingualism and biliteracy were developed in Valle Encantado. Given the commercial and social importance of Spanish in the community, did schools play a role at all in developing the language? Similarly, how did the Valle Encantado School District teach English to its children who entered the school system without the English skills necessary for academic success in an all-English environment? According to district officials, 84 percent of the district's kindergarten to fifth grade population is limited English proficient (LEP).²

² An explanation of the nomenclature used to refer to language minority students in this study is warranted. Throughout the literature on bilingual education, in general, students in need of special language services are referred to by a number of different terms. While a complete list of these terms -- or a discussion of the possible ideological assumptions underlying their use -- is beyond the scope of this study, a description of some of the terms drawn from the literature may be helpful. For example, one occasionally hears "linguistic" or "ethnic minority student." More common is "language minority student" or "language minority student of limited English proficiency." In the literature on legal aspects of bilingual education, "national origin minority student" appears to be one of two or three preferred expressions.

These percentages do not decline appreciably for the higher grades either: 79 percent of students in grades six to eight are considered LEP, as are 71 percent of high students in the tenth through twelfth grades. Given these extraordinary percentages -- indeed the clear majority of students in the district -- I was curious about the kinds of services the school district provided to (1) help children acquire English, and (2) foster bilingualism.

I also was interested in exploring whether the federal policy of "local flexibility" -- the idea that school districts should make their own decisions regarding Title VII program choices -- had any relevance in the Valle Encantado context, given that the Valle Encantado school district until very recently reported to

By far the most common term, however, and the one used by nearly all of the works cited for this study, is "limited English proficient" or "LEP" student. Indeed, the term is ubiquitous, and appears equally in federal and state statutes regulating educational programs for these students, in federal judicial decisions concerning their civil rights, and in the extensive body of scholarly and legal literature focusing on practically every issue concerning the education of language minority children.

I find the term "limited English proficient" troubling. It focuses on the *linguistic limitations* of a language minority child, rather than on the *linguistic strengths* he or she brings to school. The term reflects what Ruiz (1988) calls a "language as problem" orientation and is euphemistically related to other designations like "disadvantaged" or "at risk." Unfortunately, this orientation is clearly evident in federal bilingual education policy today. I use the term reluctantly, but do so because of its ubiquitous presence in case law and in the literature under review in this paper. I also use several of the terms mentioned above interchangeably, but most often utilize "language minority student." Still, the term is not without problems: in Valle Encantado Spanish speakers outnumber non-Spanish speakers. Indeed, language *minorities* constitute the *majority* of people in the area.

state authorities as an "ESL" district, or one that used English as a Second Language approaches.³

The Social and Political Context of Education in Valle Encantado

The school district plays a central role in social and political activity in the wider Valle Encantado community, and appears to be the pivotal institution around which social and political ties are created, divided, or reconfigured. School district administrators and school board members occupy prominent positions in the community, and as such, wield considerable influence on educational decisions. This is partly due to the fact that some district administrators, and most board members, owned or were affiliated with prominent businesses in the city. It was due also to the fact that some of these individuals served at various times on the city council, or as mayor of Valle Encantado. For example, the city's current mayor, William Morales, was president of the school board when I interviewed him. Likewise, the current principal of Valle Encantado High School, at one time served as mayor, councilman and school board member. The school district also frequently employed the spouses of administrators, usually as teachers. Similarly, most of the teachers I interviewed were married to other teachers, or to district support staff. I

³English as a Second Language (ESL) instruction is a monolingual teaching approach designed to facilitate acquisition of English language skills. ESL methodologies typically do not employ the student's native language, and language arts and content area instruction is conducted in English at the student's level of proficiency. ESL is an important, indeed, usually mandated part of all bilingual programs (Crawford, 1991; Ovando & Collier, 1985).

found throughout the course of my study that this "exchange" of public service positions was to repeat itself on more than one occasion.

Chapter 5 in this dissertation provides a good example of how educational issues in the district took on an added dimension in the wider community. In the summer of 1992, Valle Encantado residents took sides in a divisive school board recall election. Initially, the election issues involved an attempt by the former superintendent to align district curriculum to the Iowa Test of Basic Skills (ITBS), and his demotion of the two principals who had resisted the alignment. However, these issues quickly encompassed other unrelated concerns, including personal conflicts between several district administrators, and between prominent families in the community.

In short, the Valle Encantado school district in many ways organizes local social and political life, at least in the public arena, and the school's role as a purely educational institution is thus colored or distorted by the district's clear social-political role in this community.

Significance of the Study

With these questions and others in mind, I decided to investigate Valle Encantado school district policies and programs regarding bilingual or English as a Second Language (ESL) programs. As I will explain shortly, I undertook a pilot study in the fall of 1992 to investigate whether research in bilingual education influenced the district's policies toward language minority children. My interest,

already growing, was again influenced by Concepción Díaz, who in the early months of 1992 had filed a complaint with the U.S. Office for Civil Rights, charging that one of the district's elementary schools was discriminating against LEP children.

My interest in the relationship between bilingual education research and policy developed out of an observation that, at the federal level in any case, there appeared to be no relationship. This was because the last several reauthorizations of the Bilingual Education Act (Title VII of the Elementary and Secondary Education Act), with the possible exception of the most recent reauthorization, appeared to have all but ignored the research of academic scholars whose work had contributed much to our understanding of the phenomena of bilingualism and second language acquisition. For example, although research studies have demonstrated that academic proficiency in English may take from five to seven years to achieve (Cummins, 1981; 1989), the Bilingual Education Act Amendments in 1988 placed a three-year limit on a child's participation in a federally funded bilingual program. Other studies suggested that the "subtractive" nature of transitional bilingual education (TBE) programs in the United States -- in which the child's mother tongue is replaced with English -- appeared neither to teach English particularly well, nor to facilitate academic achievement in the child's native language (Cummins, 1989;

Ramírez, 1991).⁴ In fact, subtractive bilingual education programs can have a devastating effect on the child's linguistic and cultural identity (Lambert, 1984) and may lead to linguistic deficiencies in the second language (Ovando & Collier, 1985). Yet until the 1994 reauthorization (and arguably there as well) Title VII continued to promote a transitional approach to the education of language minority students, viewing their language and culture as "problems" to be overcome, rather than resources to be developed (Ruiz, 1984). Additionally, the legislation's objectives were frequently contradictory, as Tucker (1986) points out:

Federal legislation and much state legislation explicitly encourages *transitional* bilingual education. This legislation seems designed, on the one hand, to nurture the child's mother tongue and to encourage conceptual development in a strong language while gradually introducing a second language; but, on the other hand, abruptly withdraws recognition and credibility for the mother tongue as soon as possible and, I believe, in most cases before the building blocks of the mother tongue have been solidified. It is my firm conviction based on a careful, continual review of the literature from around the world that such transitional programs *must* provide instruction via the mother tongue for at least five to six years. (p. 15)

The lack of fit between research and policy in bilingual education has been pointed out both directly and indirectly in numerous published works (Crawford, 1995; Hakuta, 1986; Hakuta & Gould, 1987; Hakuta & Snow, 1986; Meyer &

⁴In transitional bilingual education (TBE) classes, language arts and content area instruction is in the student's first language, with support from English as a second language instruction as well, but only for a limited period of time. When the student is considered proficient enough in English to work academically, he or she is "transitioned" to an all-English classroom (Ovando and Collier, 1985). Typically, the student is exited from the bilingual program into a mainstream (English only) classroom within three years.

Fienberg 1992; Stanford Working Group, 1994; Troike, 1978, 1981). Missing in federal policy decisions, most of these works asserted, was attention to research which focused on the cognitive effects of bilingualism and the complex processes involved in second language acquisition. Policy ought to be driven by research insights that improve classroom instructional practices or develop dual language ability, rather than on narrower questions of program effectiveness such as "Has it worked?" (Association for Supervision and Curriculum Development, 1987; Crawford, 1995; Cziko, 1992; Hakuta & Gould, 1987). Such a simplistic question, suggested the Association for Supervision and Curriculum Development (1986), ignores the complexity of bilingual education and serves to fuel a divisive debate between "us" and them" (p. 11).

Instead, decisions regarding the direction and funding priorities of Title VII, to the extent that they are influenced by research at all, have relied on what many in the field of bilingual education refer to as "evaluation research." In the federal context, evaluation research in bilingual education has consisted of expensive and large-scale reviews of the literature on Title VII program evaluations. These reviews concluded, for the most part, that after multiple years of federal funding bilingual education programs were failing to produce positive results (Baker & de Kanter, 1981; Danoff et al., 1977). These conclusions have been challenged by a number of researchers, including Gray (1977, 1978), and Troike (1978), who criticized the "AIR Report" (Danoff et al., 1977), the first major review of the literature on Title VII evaluations, for its comparison of different programs labeled

bilingual and its failure to control for multiple variables. Willig (1985) challenged the Baker and de Kanter Report, the second major review of the literature, for including evaluations with questionable research designs.

Clearly, the quality of many of the Title VII program evaluations reviewed in the federal studies was poor, but not necessarily because the programs themselves were poor (although some certainly were). Troike (1978) points out that local evaluations suffered from severe shortcomings, and that the vast majority of them were worthless as a source of data on program results:

As an indication of the extent of their inadequacy, when the Center for Applied Linguistics surveyed over 150 evaluation reports as part of its work in developing the master plan for the San Francisco schools to respond to the Lau v. Nichols decision by the Supreme Court, only seven evaluations were found which met minimal criteria for acceptability and contained usable information. (p. 15)

Similarly, a review of 38 research projects and 1975 project evaluations by Dulay and Burt (1979) indicates critical weaknesses in their design, including among other flaws lack of control for students' socio-economic status or their initial language proficiency or dominance, inadequate sample sizes and lack of baseline comparison data or control groups, and excessive attrition rates among students. Unfortunately, the situation has changed little and bilingual education evaluations continue to suffer from numerous deficiencies and flaws (Lam, 1992; O'Malley, 1984).

My concern about the lack of "fit" between research and policy is admittedly partisan. I have been an advocate for bilingual education for a long time, both as a

means of teaching English and of developing literacy and fluency in a first language. But my advocacy has been based on and strengthened by my understanding of the predominant results of the research in the field, not merely on emotion or ideology. So, I wanted to learn whether Valle Encantado education policymakers relied on research to guide them in their program decisions. And if research was not a pivotal factor, I wanted to discover what was.

This study is an extension of the pilot project conducted in the fall of 1992. In that study, I had anticipated an inconsequential role for research as a factor in the development of Valle Encantado's policies affecting language minority children. As the discussion of the study results shows, my assumption was correct. Research in bilingual education (whether evaluation or basic) played no apparent role in decisions regarding the implementation of bilingual education in Valle Encantado. But the pilot study did not provide an understanding of the factors that *did* influence the district's current policy. As a consequence, I knew I had to undertake additional study and probe deeper. In the apparent absence of attention to research results as a factor, I wanted to discover what had influenced the policy in Valle Encantado; that is, why school district authorities made the particular program choices they did, and whether national, state or local politics predominated as the deciding factor.

As the present study will show, research in bilingual education played no role at all in establishing alternative language programs in Valle Encantado. Rather, policy decisions resulted directly from a comprehensive review of district programs by the Office for Civil Rights (OCR) in January 1993. OCR findings from this

investigation were negative. The district was charged with numerous civil rights violations and in order to avoid financial sanctions by the agency, moved quickly to resolve its bilingual program inadequacies.

My research has taken the form of a case study. I hope that this study of the development of Valle Encantado's bilingual and ESL policies provides an understanding of the forces that encourage -- or compel -- a school district's programs for its "language minority" LEP children -- who in the Valle Encantado context are actually "language majority" children. The study also considers the critical role that two recent Office for Civil Rights (OCR) reviews of bilingual and ESL programs Valle Encantado have played in shaping the district's policies.

In a broader context, this study is intended to inform academic and practical interest in policymaking about the myriad of factors influencing policy choices at the local level. I hope that researchers in bilingual education and related fields are able to see the extent to which research in second language acquisition, as well as threats of federal legal sanctions, actually inform the development of a bilingual education program model. While the study focuses on a small border community, its significance to policymakers in larger districts and at the state and federal level lies in identifying and understanding important circumstances that influence policy decisions -- circumstances shared by many school districts around the nation.

Research Questions

In order to explore bilingual education policies in Valle Encantado, and to gain an understanding of how and why school district administrators have made educational policy decisions affecting students -- who in a broader sense may be speakers of a minority language but who nevertheless are speakers of the majority language in Valle Encantado -- the study was focused on the following questions:

1. What is the connection between research in bilingual education and bilingual education policy at both the federal and local levels?
2. Do recent insights from basic, classroom or school-based, research on second language acquisition influence school district policy choices?
3. Given that the results of large-scale evaluation studies, such as American Institutes for Research study and the Baker and de Kanter Report, have affected education policies toward language minority students at the federal level, is there a similar influence at the local level?
4. What factors besides research findings influence the development of bilingual education policy?
5. Has the recent Office for Civil Rights (OCR) review of bilingual/ESL programs in the Valle Encantado school district influenced the way in which the district's "bilingual-bicultural-biliterate" policy is being implemented?
6. What reasons do school district staff state for supporting or opposing district policy?
7. What are the implications of this study for future policy and research in bilingual education?

Pilot Study

In order to begin thinking conceptually about a way to investigate my research interest, I conducted a small pilot project in the fall of 1992. In that project, I interviewed Joan Taylor-Ramírez, Valle Encantado's bilingual education director, about the district's bilingual and ESL policies as well as community attitudes toward bilingualism and bilingual education. Taylor-Ramírez was an acquaintance whom I had met at the university where we were both pursuing degrees; I felt she would be familiar with various research trends in the field of bilingual education. I also believed that her position would enable her to help influence and implement policy in the district. As the director of programs serving hundreds of children, Taylor-Ramírez occupied a position of considerable responsibility in her district. Generally speaking she enjoyed the respect and attention of parents and teachers. However, she encountered strong opposition from several district administrators to any non-transitional approaches to bilingual education, although she also appeared to wield some influence with school board members and claimed the full support of the district's superintendent of schools.

From Taylor-Ramírez's description of district policies, it was evident that the results of basic research had little practical effect on initial program design, although she was pushing the benefits of late-exit "maintenance" programs, rather than the predominant early-exit "transitional" models currently in place. She indicated that a child's home language was used to the extent necessary to achieve proficiency in English and was viewed primarily as a bridge into the mainstream classroom.

Although Valle Encantado's bilingual education director viewed her students' language and culture as resources to be developed, she freely admitted the difficulties inherent in working with administrators who were resisting the school board's bilingual-bicultural policy, adopted in the summer of 1990 (see Appendix A).

Indeed, she faced a difficult challenge. The majority of children entering the Valle Encantado public schools were Spanish-dominant. In fact, according to Taylor-Ramírez, it was not uncommon for a child to hear English only in school. In spite of proximity to Mexico and strong family ties on both sides of the border, Valle Encantado had been a traditionally "sink or swim" school district. Taylor-Ramírez explained:

Historically, Valle Encantado has been an ESL district... [but] even though we were "ESL" there was no formal ESL program at all until you got into high school. . . . It was easier to put [it] in the books and say "ESL," because the kids were in a "sink or swim" situation. That was their ESL.

From Taylor-Ramírez's brief history of district programs, it seemed that little language assistance had been available for language minority LEP students, and even since the state bilingual law had been passed in 1984, the schools had provided ESL only at the secondary level, and more recently, early-exit transitional bilingual education programs. Early-exit typically refers to bilingual programs which "graduate" their students within one to three years. Nevertheless, in August of

1990, the Valle Encantado School Board adopted what district officials commonly refer to as the "bilingual-bicultural-biliterate for all" policy.

The Department of Education's Office for Civil Rights (OCR) monitored the entire district and found evidence of non-compliance with federal civil rights statutes, thus jeopardizing its federal funding.⁵ The investigation was concluded in May, 1993. Two years later, Taylor-Ramírez was still spending much of her time attempting to bring the district into compliance.

Notwithstanding a supportive school superintendent and new school board which had supported the "bilingual-bicultural-biliterate" approach to language minority instruction, Taylor-Ramírez stated that she was forced to confront a largely Anglo teaching force opposed to bilingual education in any form. Interestingly, many of the most vocal teachers in her district commuted from Clarkston, a city about 65 miles north of Valle Encantado, where they were unqualified to teach in many of the city's bilingual programs because of their lack of Spanish language skills. Taylor-Ramírez commented about the implication of this for district policy:

One of the things that we have here is a lot of teachers who they will not hire in Clarkston. At our high school, I think more than half of

⁵Specifically, Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, and national origin in programs receiving federal financial assistance, and the Equal Educational Opportunity Act, which bars states from denying equal educational opportunity on the basis of race, color, sex, or national origin. OCR investigated the Walnut Grove school district twice, in October 1992 and again in January of 1993. These investigations are discussed more fully in Chapters 6 and 7.

our people commute from there. At one of our elementary schools -- where we have a hard time convincing people about bilingual education -- half the people commute from Clarkston. These people live in the Southwest, do not know Spanish. . . . All the ones that we have are Anglo. They can't a job in Clarkston because they're [not bilingual] . . . they need to serve the Hispanic population and so we give them a job down here, and now, here comes this person -- myself -- saying, "We have to serve the Hispanic population." That puts them in a really strange situation. Now they're back in the situation they [were in] up there. And so politically, that's our problem. But there's been an open-door policy for these people here in Valle Encantado, and there is no longer. Now we're saying "your position is good until we can find somebody who is bilingual." Well, people are upset. They've lived here for 10 or 15 years, and instead of learning Spanish, they want the kids to learn English in a year. That's our political situation. So the state may give funds and administrators may want this and that and the other, [but] you still have to work with the population of teachers that you have.

Valle Encantado's director also indicated that racism and bigotry helped explain district resistance to the bicultural aspects of educational programs.

My daughter has been in high school classrooms where the teacher says, "you're no good, you should go across the line and sell gum."

Or, "what are you doing here? You should be washing windshields at the border." This is what we get from our teachers.

But she was also quick to point out that such insensitivity was equally expressed in Spanish, and that being bilingual on the border would not necessarily "make you a good teacher if you can tell a kid what an idiot he is in his own language."

Taylor-Ramírez expressed the importance of knowing about basic research, even if important findings did not directly influence district program designs. She indicated that this type of research could better inform the instructional strategies of district teachers and offered examples of how to bring research findings to the attention of teachers and administrators. Additionally, she identified her own specific research areas warranting further investigation in the district. These included, among other issues, the need to study student achievement in Spanish, rather than through English language tests. Taylor-Ramírez also expressed a personal interest in developing whole language reading and writing approaches to the bilingual curriculum.

As I stated earlier, I was operating on the assumption that basic research was not a factor in district program design or curriculum models. My assumption was supported by the initial data: basic research did not affect program development choices, but not necessarily for the reasons I anticipated. First, the findings from basic research studies appeared to have had little impact on initial program design, although they might influence future design. Valle Encantado officials were rightly concerned about preserving the district's federal funding base and they appeared to

be attempting to meet minimal standards for educational program choices. Taylor-Ramírez mentioned the work of Jim Cummins, Steve Krashen, and Ann Willig's rebuttal of the Baker and de Kanter report.

Second, the negative findings of the American Institute for Research (AIR) (Danoff et al., 1978) and Baker and de Kanter (1981) reports appeared to have had an equally inconsequential impact on district policy, even in a district which offered primarily transitional bilingual education (TBE) or ESL programs. Valle Encantado's bilingual education director saw some value in evaluation studies, particularly in measuring program success, which she felt to be important for public relations reasons. She expressed the need to conduct and use both kinds of research.

Interestingly, Taylor-Ramírez also cited the Ramírez evaluation study (1991) as support for native language instruction and late-exit program models. In fact, she was well acquainted with the political context in which the Ramírez study was commissioned, and discussed this at length. She had not read (or even heard of) the National Academy of Science's 1992 critique of the report.

Valle Encantado's bilingual education director also complained of bigotry toward the LEP population in the city and of opposition by teachers and administrators who did not support bilingual education. Negative teacher attitudes toward Spanish-speaking students also appear to present a problem in the Valle Encantado school district. Ignorance of the research, or simple lack of information about how bilingual education works, is also a problem, especially among administrators.

Ironically, although the Valle Encantado school district offers an additional \$2,000 stipend to teachers who have bilingual and/or ESL endorsements, it receives fewer graduates from bilingual education or ESL teacher preparation programs from area universities than other districts in the state. Taylor-Ramírez indicated the need for bilingual and biliterate instruction for monolingual-English speakers as a way of making them feel more a part of the community. She discussed the need to supply bilingual and biliterate people for employment resulting from passage of the North American Free Trade Agreement.

To summarize, a history of "sink or swim" classrooms has characterized minority language education in Valle Encantado, even though more LEP children enter the public schools there than in either of the two largest districts in Clarkston. The bilingual programs are predominantly early-exit transitional; there are also ESL and a few bilingual classes at the high school. However, the school board adopted a "bilingual-bicultural-biliterate for all" policy and promoted the high school principal to the position of superintendent. This person is very "pro-bilingual," according to Taylor-Ramírez, who also stated that he was using basic research to help design and implement programs reflecting the new board policy.

The Valle Encantado bilingual education director made it clear that attempting to meet the minimum standards required by OCR was taking much of her time and energy. Persuading a largely hostile teaching force, among whose ranks are prejudiced individuals, was another issue of major importance to her. Consequently, she explored ways of bringing bilingual education consultants and

university researchers into the district to talk to administrators and teachers alike. Individuals from major research institutes in the state as well as researchers from neighboring states had spoken to different groups in Valle Encantado.

Study Consultants

All of the people interviewed for this study were involved in the education of Valle Encantado's language minority students. They were administrators, school board members, teachers or parents. Most were born and raised in Valle Encantado, and those born elsewhere nevertheless had resided in the city for many years. Carla Richardson, whose story is profiled in chapter six, was the only person I interviewed who was new to the district. Originally from the midwest, she spent one year teaching fifth grade in Valle Encantado, and left to take a job in the city where she had obtained her teaching degree. I interviewed most of the people in Valle Encantado itself; the others I interviewed in Clarkston, where they currently live and work. The names of the schools and people, in alphabetical order below, are pseudonyms.⁶

⁶Stories and comments from the people in this study were taken from the interviews I conducted with them. I also relied on newspaper articles for information concerning some of the people I was unable to interview. As a result, I report on their actions as they were featured in the local newspapers. These individuals are marked with an asterisk (*).

SCHOOLS:

Alamo Hills Elementary: one of the three schools in the district where the controversial Alden-Randall, Inc. (ARI) management system (curriculum alignment to the Iowa Test of Basic Skills) was piloted. The ARI system is explained more fully in chapter five.

Beckwith Elementary School: one of the three schools in the district which piloted the ARI management system.

Carter Middle School: one of two middle schools in the district and one of the three pilot schools for the ARI management system. Cited by OCR for civil rights violations.

Dooley Elementary School: site of the first Title VII-funded bilingual education program in Valle Encantado (1969-1974). Closer to the international boundary than any other school in the city, Dooley was finally closed in 1986 because the building was old and substandard.

Santiago Elementary School: site of the most fully developed bilingual program in the district.

Tyler Elementary: the site of the first Office for Civil Rights investigation, in October 1992.

Wilson Elementary School: considered one of the best schools in Valle Encantado because, among other reasons, the children of some the community's prominent families went there.

COMPANIES:

Alden-Randall, Incorporated: private consulting firm which specialized in curriculum alignment, that is, alignment of curriculum to assessment instruments. Hired by the Valle Encantado school district in 1989 to align its curriculum to the Iowa Test of Basic Skills (ITBS).

PEOPLE:

Isabel Brainerd: one of the three original first-grade teachers recruited for the Dooley bilingual program.

Manuel Carrasco: principal of the high school until January 1992, when he was removed from his position by then-superintendent Lawrence Rubio. He became superintendent of schools later that year.

Ana Contreras: coordinator of bilingual instruction who succeeded Daniel Portillo in 1975.

Laura Coronado: one of the original three first-grade teachers recruited for the Dooley bilingual program.

John Cox: principal of Santiago Elementary School during the 1980s.

Arthur Cruz: Office for Civil Rights investigator during the second district-wide review of Valle Encantado alternative language programs.

Howard Davis: principal of Dooley Elementary School until 1981. Davis was also the project director of Dooley's Title VII bilingual program.

Mayra Delgado: member of "Parents for Education," an organization founded to oppose bilingual education, among other things. Also, owner of a successful business in Valle Encantado, which catered to a primarily Mexican clientele.

Alma Díaz: the high school-aged daughter of Concepción Díaz.

Concepción Díaz: parent and life-long Valle Encantado resident who initiated the first complaint to the Office for Civil Rights. Her charges resulted in the first OCR investigation of district practices with regard to language minority children of limited English proficiency.

***Selma Doyle:** school board member not targeted in the recall election of July 1992; currently a member of the Valle Encantado school board.

Luis Escalante: school board member until 1976. Principal of Carter Middle School until 1992 (one of the three pilot schools for the ARI system). Currently principal of Valle Encantado High School.

***Jorge Fimbres:** principal of the high school in the late 1970s. Replaced after the school board recall election of Marge Larson in 1980.

***Franklin and Crowell Families:** prominent Valle Encantado Anglo families.

Norma Gallegos: school board member until July 1992, when she was ousted in a recall election.

***Benjamin Gallegos:** Valle Encantado county attorney in 1992 and Norma's husband. Defeated in the November 1992 general election.

***Delia Griego:** a prominent member of the recall committee.

***Carlos Griego:** superior court judge and Delia's husband.

George Ibarra: last principal of Dooley Elementary, until it closed in 1986.

Loretta Jenkins: principal of Santiago Elementary School. Demoted in 1992 by superintendent of schools Lawrence Rubio. Later reinstated.

Marge Larson: school board member until 1980, when she was ousted in a recall election.

***Leticia Lewis:** principal of Tyler Elementary School.

***Michael Littleton:** professor of education at a nearby university and consultant to the Dooley School's bilingual program.

Efraín Mendoza: assistant superintendent of schools during the 1970s and 1980s, retired in 1993.

Charles Monroe: superintendent of schools from 1972 until his retirement in 1989.

William Morales: elected school board president in July 1992, after the three members of the previous board were ousted in a recall election.

Leo Nelson: principal of Alamo Hills Elementary, one of the ARI pilot schools.

Omar Norzagaray: associate superintendent of schools.

Daniel Portillo: director of bilingual and bicultural education in Valle Encantado from 1973-1975.

Carla Richardson: 5th grade teacher at Tyler Elementary. Her difficulties with Tyler's principal and her friendship with Concepción Díaz led to the OCR investigation of alleged discrimination at Tyler.

Marta Rodríguez: Dooley School parent liaison, responsible for parent and community outreach and public relations for the Dooley School bilingual program.

Lawrence Rubio: superintendent of schools from 1989 to 1992. The remainder of his contract was settled by a newly-elected school board after a bitter recall election in the summer of 1992.

***Jorge Rueda:** school board member until July 1992, when he was ousted in a recall election.

***Gina Shaw:** school board member not targeted in the recall election of 1992. Currently, a member of the school board.

Joan Taylor-Ramírez: currently director of bilingual education in Valle Encantado. Responsible for bringing the district's alternative language programs into compliance with state and federal law.

Pamela Tully: the Office for Civil Rights investigator for the Tyler review in October 1992, and lead investigator for the second district-wide investigation in January 1993.

***Marco Villa:** school board member, targeted in the 1992 recall effort. Resigned in May 1992 before the recall election took place.

Dennis Walker: principal of Valle Encantado's alternative high school. Later, district director of curriculum.

Organization of the Study

This dissertation is divided into eight chapters. The introduction provides a context for the study. Chapter 2 is a consideration of the literature on the development of Title VII (Bilingual Education Act) policy, from the first

authorization of the law in 1968 to the most recent reauthorization in 1994. Its particular focus is on the notion of "local flexibility," aggressively promoted by federal education officials during the Reagan and Bush Administrations. I also consider the literature on the Office for Civil Rights enforcement of Title VI of the Civil Rights Act of 1964, and discuss OCR's evolving and in many ways contradictory enforcement policies.

Chapter 3 is a review of the literature on qualitative research methods, focusing in particular on case study and interviewing methodologies, but also the literature on document analysis. It provides a brief discussion of some of the idiosyncratic applications of these traditional methodologies to the current study.

Chapter 4 contains additional background information on Valle Encantado, emphasizing the history of bilingual and ESL programs in the district from the first federally funded Title VII grant in 1969 to the end of the 1980s. In particular, I profile the efforts of Valle Encantado's first director of bilingual and bicultural education simultaneously to desegregate the schools and implement bilingual education. The chapter continues with a discussion of the district's efforts to implement bilingual and ESL education in the latter part of the 1970s, and through the 1980s, when, for a variety of reasons, its commitment to promoting bilingual education in all district schools appeared to waver.

Chapter 5 is a continuation of the discussion, begun in chapter four, of the historical development of Valle Encantado's bilingual programs. I discuss issues behind the passage in 1990 of the school board's first policy specifically promoting

bilingual education, and consider how the policy actually affected programs already in place. More important, this chapter discusses the stormy tenure of a new superintendent of schools, who vowed to raise district achievement test scores by aligning school curriculum to the Iowa Test of Basic Skills (ITBS). This controversial plan set in motion a chain of pivotal events which led directly to Concepción Díaz' plea to OCR that the agency investigate alleged civil rights violations in the district.

In Chapter 6, I examine how the superintendent's curriculum alignment affected Carla Richardson, a fifth grade teacher at Tyler Elementary School, and how Richardson's chance meeting with Concepción Díaz prompted Díaz to contact the Department of Education's Office for Civil Rights. OCR reviewed Tyler's programs for LEP children. Although the agency cleared the school of discrimination charges, it announced it would undertake a full-scale investigation of district practices with regard to language minority children within the subsequent two or three months.

Chapter 7 is a discussion of how the first OCR review led to the second -- and considerably more far-reaching -- investigation of Valle Encantado's alternative language programs for its LEP students. I consider the reactions of the OCR investigators to Valle Encantado's unique linguistic and cultural demographics and how those reactions affected the district's decision to implement a K-12 English as a Second Language program, rather than one implementing late-exit transitional bilingual education, an approach advocated by the district's director of bilingual

education. The chapter concludes with a discussion about Valle Encantado's response to the OCR investigation and how the district is attempting to improve its alternative language programs.

Chapter 8 is an analysis of how public attitudes toward language, bilingualism, and bilingual education in Valle Encantado may have influenced policy choices in the district. I also discuss how these attitudes were manifested by the OCR investigators themselves at the time of their visit. Indeed, their attitudes may have contributed to the development of a district-wide K-12 ESL program, rather than the late-exit transitional bilingual approach advocated by the director of bilingual education. The district's choice of ESL over bilingual education has direct implications for its professed policy of graduating all students as "bilingual, bicultural, and biliterate." I conclude with a discussion of the notion of local flexibility in the Valle Encantado context, and the implications of the findings of this study for future research and policy in bilingual education.

CHAPTER 2

REVIEW OF RELATED LITERATURE

In this chapter I provide a context for the development of bilingual education in Walnut Grove. I trace changes in federal policy from the 1968 Bilingual Education Act through the reauthorizations of 1984 and 1988, and most recently, 1994, in which major changes in the legislation ensued. These reauthorizations occurred during a time when the federal government promoted the notion of "local flexibility," arguing that school districts needed the flexibility to experiment with different instructional methodologies.⁷ Specifically, this meant that local school districts could use educational approaches that did not utilize the students' native language, and that such districts should receive federal dollars to do this.

It is my hope that a profile of the legislative context also will aid in understanding why the federal Office for Civil Rights investigated allegations that the district was discriminating against language minority limited English proficient (LEP) children. I discuss OCR's roles and responsibilities in investigating claims of discrimination and its current policy on school district obligations toward national origin language minority students with limited English proficiency. I provide a history of OCR civil rights enforcement activity from 1974 to the present and

⁷Similar terms are "local control" and "local choice," which are used interchangeably in this chapter.

consider OCR's current policy with regard to alternative language programs for language minority children of limited English proficiency.

The Bilingual Education Act: Its Origin and Legislative Changes

The Bilingual Education Act of 1968 is considered to be the first official federal recognition of the special needs of students with limited English proficiency (Crawford, 1995; Stewner-Manzanares, 1988). Signed into law by President Lyndon B. Johnson on January 2, 1968, it became Title VII of the Elementary and Secondary Education Act of 1965. Since then, the Bilingual Education Act has been reauthorized five times -- in 1974, 1978, 1984, 1988, and 1994, and has undergone fundamental changes in policy orientation, scope of assistance, and potential impact on the limited English proficient populations served under the program.

In 1965, the National Education Association (NEA) began a survey of bilingual programs serving Mexican-American children in the Southwest. The NEA approached a group of Tucson, Arizona teachers who themselves had piloted Spanish language bilingual programs in that city, and asked them to serve as a team to survey other programs throughout the Southwest (NEA Tucson-Survey, 1966). The project eventually became known as the "NEA-Tucson Survey on the Teaching of Spanish to the Spanish-Speaking," and the resulting pamphlet *The Invisible Minority, Pero No Vencibles* brought the educational plight of Mexican-American children to the attention of lawmakers in Washington, D.C. The National Education Association brought together educators, academic researchers and Romance language

teachers -- along with Senator Ralph Yarborough and Texas state senator Joe Bernal -- at a conference in Tucson on October 30-31, 1966 (Crawford, 1995). This pivotal conference led to the first federal legislation to fund bilingual education programs.

When Texas Senator Ralph Yarborough and six other co-sponsors introduced Senate Bill 428, "The Bilingual American Education Act," the measure contained several authorized activities deleted from the final conference committee bill. These included the teaching of Spanish as the native language, the teaching of English as a second language, and efforts to recruit instructors from Puerto Rico and Mexico (Lyons, 1990). The bill was inspired by gains of the Civil Rights Movement and was viewed by Chicano organizations in the Southwest as a remedy for educational inequities suffered by Spanish-speaking children in the schools (Castellanos, 1983; Hakuta, 1986; Stewner-Manzanares, 1988).

Yarborough wanted to address the specific educational disadvantages experienced by Hispanic children in Texas, as well as to channel federal money into the border area. But he was criticized by both the White House and other congressional members for focusing only on Spanish-speaking children (Castellanos, 1983; Crawford, 1995; Stein, 1986). Consequently, the bill ultimately enacted into law applied to all non-English-speaking children of low income families, and was explicitly compensatory. Its original intention to promote bilingualism as an asset

was rejected, and the dual language instruction implied by the bill's title was never prescribed (Stein, 1986).⁸

Consequently, Title VII began its history with several weaknesses. First, a child's native language ability was treated as a handicap to overcome rather than as an asset. Second, it was a remedial program and *transitional*, designed to assist "educationally disadvantaged" children to learn English, stipulating "that services would be provided *only until* a child could effectively function in English" (Castellanos, 1983, p. 86). Finally, guidelines for implementation of the new law were unclear and essentially left up to the school districts and local education agencies (Castellanos, 1983).⁹

Bilingual Education Act Amendments of 1974

Six years after the first Bilingual Education Act was passed, Congress reauthorized and amended Title VII (Lyons, 1990; Schneider, 1976). The new law defined a bilingual education program as one in which instruction was given in

⁸Crawford (1995) writes that Yarborough was himself partly responsible for ambiguity in the bill's goals when he hedged about the benefits of bilingualism to fellow lawmakers: "It is not the purpose of the bill to create pockets of different languages throughout the country . . . not to stamp out the mother tongue, and not to make their mother tongue the dominant language, but just to try to make those children fully literate in English" (p. 40).

⁹Ironically, although Congress passed the Bilingual Education Act in 1968, it appropriated no funds to support the program that year. The following year, it allocated \$7.5 million and served approximately 27,000 students (Stein, 1986; Stewner-Manzanares, 1988).

English and the native language "to the extent necessary to allow a child to progress effectively through the educational system" (Lyons, 1990; Schneider, 1976). The low income requirement was removed to allow for participation by all "limited English speaking ability" students, and a bilingual-bicultural approach to the curriculum was mandated (Schneider, 1976). The new legislation also contained "major additions in federal bilingual programs, in the development of bilingual-bicultural teachers, materials and research, and in new material studies on bilingual-bicultural education" (Schneider, 1976, p. 146). This expansion was due in large part to congressional recognition that language minority children were entitled to equal educational opportunities. But it was also due to general federal support for compensatory education for economically disadvantaged students. In other words, if the federal government could "compensate for educational retardation caused by the economic poverty of one's background, then it was appropriate for the federal government to be equally concerned when some students -- because of their language backgrounds -- could not cope with the school system" (Schneider, 1976, p. 161). Adding urgency to the need for expanding Title VII funding was the 1974 Supreme Court decision in Lau v. Nichols, which held that school districts had a responsibility to provide their language minority limited English proficient students with alternative language programs that provided them with a *meaningful* education.

Secada (1990) attributed the expansion in Title VII to congressional preoccupation with antibusing legislation and Title I debates. He also noted congressional preoccupation with defining bilingual education as a program that

would support efforts by local school districts to develop their own programs.

Lyons (1990) suggested that although the 1974 amendments expanded the Bilingual Education Act, they also reinforced the legislation's nearly exclusive focus on English language development (Lyons, 1990). Crawford (1995) concluded that while the reauthorization sanctioned "bilingual-bicultural" education as one route to English acquisition, "the amendments again failed to resolve the tension between the goals of transition to English and maintenance of the native language" (p. 47).

Fradd and Vega (1987) suggest that weaknesses in the original 1968 legislation also may have contributed to ambivalence about program design. For example, Title VII had never required systematic evaluation of its programs, and "after five years of funding, little was known about successful practices or program outcomes. The first evaluations of Title VII programs occurred in 1973 and focused primarily on compliance with specified federal guidelines rather than educational outcomes (Fradd & Vega, 1987, p. 54).

Bilingual Education Act Amendments of 1978

For the second time, Congress reauthorized and amended the Bilingual Education Act in 1978. Once again, the Act was expanded in size and scope and clarified the definition of eligible children (Fernandez, 1987; Lyons, 1990). The term "limited English-speaking ability" was replaced with "limited English proficient" to accommodate more children, and according to Lyons (1990) in "recognition of the importance of reading, writing, understanding, and cognitive

skills in addition to speaking" (p. 69). The reauthorized Act also specified that up to 40 percent of bilingual class enrollment could be native English speakers "to prevent the segregation of children on the basis of national origin" (Lyons, 1990, p. 70). A child's native language was to be used only to the extent necessary to allow him or her to achieve competence in the English language. The compensatory nature of Title VII programs was reinforced and the programs were to be strictly transitional (Crawford, 1995; Lyons, 1990).

In 1977 and 1978 Congress was heavily influenced by two widely-cited critiques of bilingual education. The first was a large-scale, comparative evaluation of U.S. bilingual education programs conducted by the American Institutes for Research (AIR). This study concluded that there was no evidence for the effectiveness of Title VII programs, as compared to the traditional "sink or swim" approach to the education of limited English proficient children. Despite a barrage of criticism about its methodological shortcomings, AIR received significant media and congressional attention (Secada, 1990).

The second critique was a highly polemical but influential monograph about the dangers of the Bilingual Education Act's pluralist leanings. Authored by Noel Epstein, education editor of the Washington Post, it characterized language maintenance programs as "affirmative ethnicity" and argued that non-English-speaking children should be moved to all-English classrooms as quickly as possible. Epstein also raised the issue of local choice of educational methodologies used in programs for language minority children. Citing the AIR study, he argued that the

research evidence for the effectiveness of bilingual education in teaching English was scant, and therefore, that school districts ought to be able to experiment with alternative approaches like "English immersion."¹⁰

Ultimately, the two critiques provided substantial ammunition for opponents of bilingual education. As Secada put it (1990, p. 91):

Epstein's attack provided an ideological basis for focusing bilingual education on the learning of English at the expense of its broader goals. AIR provided some troubling facts that, though emerging from a flawed study, seemed to justify Epstein's fears. Together, they provided a powerful warrant for changing the Act to focus its intent more narrowly. (p. 91)

The Reagan and Bennett Years

The 1980s ushered in a new era of conflict for bilingual education. President Ronald Reagan himself typified the increasingly negative attitude toward the approach in casual remarks he made shortly after the election:

Now, bilingual education, there is a need, but there is also a purpose that has been distorted again at the federal level. . . . [It] is absolutely wrong and against American concepts to have a bilingual education program that is now openly, admittedly dedicated to preserving their native language and never getting them adequate in English so they can go out into the job market and participate. (Quoted in Crawford, 1995, p. 53)

¹⁰Epstein claimed that children could learn English in "anywhere from a matter of weeks to six years" in a bilingual program, depending on whether English was introduced slowly or swiftly, though he cited no research evidence for his claim (Epstein, 1977, p. 25). According to Bialystock and Hakuta in their book on second language acquisition (1994), Epstein's contention that learning English in a few weeks was possible, is the shortest time they had ever seen claimed in print.

That the President fundamentally misinterpreted the strictly transitional purpose of the Bilingual Education Act seems to have gone unnoticed by federal policymakers and administrators alike; his views would characterize the federal rhetoric on bilingual education for a decade to come.

Arguably, the stage for such hostility to bilingual education had been set by the earlier publication of the AIR and Epstein reports and the debates surrounding the 1978 legislation. Nevertheless, the policies and practices of the Reagan Administration, and in particular, of U.S. Department of Education officials, contributed more than ever to a climate of antagonism toward and suspicion of native language instruction. The new policies influenced national debate about minority language education and ultimately shaped federal bilingual legislation to reflect those policies.

In 1981, another study commissioned by the Education Department influenced policymakers. This was a review of the literature on the effectiveness of bilingual education conducted by Keith Baker, a sociologist, and Adriana de Kanter, a management intern (Crawford, 1995). Specifically, Baker and de Kanter addressed the following questions:

- (1) Is there a sufficiently strong case for the effectiveness of transitional bilingual education (TBE) for learning English and nonlanguage subjects to justify a legal mandate for TBE?
- (2) Are there any effective alternatives to TBE? That is, should one particular method be exclusively required if other methods also are effective? (Quoted in Secada, 1989, p. 86)

After reviewing more than 300 studies, the researchers selected 28 they judged to be methodologically sound. In the end, they concluded that the study results were ambiguous, and that "no consistent evidence supports the effectiveness of transitional bilingual education [and that] federal policy should be more flexible" (quoted in Secada, 1990, p. 86).

Like the earlier AIR study, the Baker-de Kanter report was criticized by supporters of bilingual education for its methodology, which they believed was flawed and biased in favor of programs which did not utilize native language instruction.¹¹ Crawford (1995) points out that what Baker and de Kanter failed to ask was equally as important as the questions they did pose. For example, he writes, the "federal researchers made no attempt to isolate the criteria of successful and unsuccessful bilingual programs, but only to determine whether 'the instructional method is uniformly effective'" (p. 110). Secada (1990) states that the researchers "created and maintained their standards of evidence based on a legal mandate" but failed to distinguish between a legal mandate,

. . . As intended by the Carter Administration's proposed regulations, and other federal initiatives such as the funding of voluntarily developed compensatory education programs. In one fell swoop, Baker and de Kanter cast all federal policy involving LEP students as

¹¹One of the most important and ambitious rebuttals to Baker-de Kanter was published after the 1984 reauthorization by Ann Willig, a doctoral student at the University of Illinois at Urbana. She conducted a sophisticated statistical analysis ("meta-analysis") of 23 of 28 of Baker and de Kanter's selected studies, concluding that students enrolled in bilingual education classes, do in fact, benefit from instruction in their native languages. Willig faulted the research design of many of the studies selected by Baker and de Kanter, not the program outcomes themselves.

mandating bilingual education. That position was simply wrong. (p. 86)

The Reagan Administration successfully sought to cut funding in the Bilingual Education Act and by 1982 had drafted new legislation eliminating the requirement that Title VII programs make some instructional use of the child's native language (Lyons, 1990). The issue of local control was again at the heart of the debate. Speaking on behalf of the Administration's proposed legislation, Secretary of Education Terrell Bell testified about the need to open up Title VII funding to alternative, i.e., non-bilingual, programs. He argued that school districts were "in the best position to evaluate the needs of their students and to design programs in response to those needs." Consequently, they should be free to propose programs which used English exclusively, if they so desired. Secretary Bell concluded that "whatever a school district proposes would be justified on the basis of an assessment of the needs of children present in the district" (Bell testimony during hearings on S. 2002, before the Committee on Labor and Human Resources, U.S. Senate, April 23, 1982, pp. 8-9).

Bilingual Education Act Amendments of 1984

An election year, 1984 marked another pivotal reauthorization for the Bilingual Education Act. This time, Republicans were actively courting the Hispanic vote and Reagan Administration sentiments about bilingual education appeared to improve (Crawford, 1995). Still, opposition to mandated native

language instruction was as strong as ever and administration officials continued to recommend that it be stricken from the legislation. James Lyons (1990), General Counsel of the National Association for Bilingual Education, writes that Congress turned to education and advocacy organizations for assistance in developing legislation to reauthorize the Bilingual Education Act (BEA). Indeed, Lyons himself drafted much of the text of the legislation reauthorizing Title VII, according to Crawford (1995). Lyons (1990) claims that the resulting legislation "strengthened and expanded the BEA, clarifying that the goal of all BEA programs was enabling children 'to achieve competence in the English language . . . [and] to meet grade-promotion and graduation standards'" (p. 75).

A number of new grant programs were added to the Act, including Family English Literacy, aimed at parents of LEP children; Special Populations, designed for preschool, gifted and talented, and special education LEP students; Academic Excellence programs, to replicate exemplary instructional models; and Developmental Bilingual Education, to support native-language maintenance (Crawford, 1995; Lyons 1990; Stewner-Manzanares, 1988). But these innovative programs came at the expense of a legislative compromise worked out between two House Democrats, Dale Kildee of Michigan and Baltazar Corrada of Puerto Rico, and two conservative Republican Members, John McCain of Arizona and Steve Bartlett of Texas (Crawford, 1995).

The compromise was the creation of an additional category of general instructional grants known as Special Alternative Instructional Programs (SAIPs) that

did not require use of the student's native language. The compromise permitted 4 percent of the total Title VII appropriations for instructional programs to be reserved for SAIPs, essentially, a euphemistic term for English-only programs.

"Local Flexibility" . . . Again

Interestingly, the compromise occasionally has been reported in the literature as an acknowledgement of the need for increased flexibility in the implementation of programs for LEP students. Stewner-Manzanares (1988), in an analysis of the 1984 reauthorization, believes that the revised law gave "local school districts a greater voice in deciding how LEP students should be taught [because the districts] were able to apply for funds for different types of programs that used various teaching strategies" (p. 4). Rossell, in testimony for the 1987 Teresa P. v. Berkeley USD case, claimed that the new funding formula was an "implicit acknowledgement by federal legislators that alternative educational programs for LEP children may be as effective as bilingual education" (p. 2).¹²

¹²Ironically, a close scrutiny of the literature about these legislative debates suggests that neither the supposed need for local flexibility nor the potential effectiveness of alternative programs vis a vis native language instruction played a great role in the 1984 reauthorization of Title VII. Congress watchers and others close to the convoluted negotiations know that research on the effectiveness of alternative approaches was not even considered. Rather, the new funding formula was part of a quid pro quo bipartisan Congressional agreement. Neither an implicit *nor* tacit endorsement by federal legislators of the effectiveness of SAIPs, the deal struck over Title VII funding was unabashedly political, and represented the typical machinations of the congressional process. Similarly, Secada (1990) suggests that the 1984 Bilingual Education Act was reauthorized without much consideration to the Baker-de Kanter report either. He writes that the Reagan Administration and

With the appointment of William J. Bennett as Secretary of Education in 1985 came renewed and vigorous attacks against bilingual education programs generally, and Title VII particularly. Bennett's first official policy address lambasted the approach, yielding considerable press coverage.¹³ He denounced the Bilingual Education Act as "a failed path . . . a bankrupt course [where] too many children have failed to become fluent in English" and that the Hispanic school dropout rate remained "tragically as high now as it was twenty years ago" (quoted in Crawford, 1995, p. 83). James Crawford, a reporter for Education Week at the time, has characterized Bennett's tactics as "purposeful ambiguity. He decried the 'failure' of bilingual education *policy*, not of bilingual education itself. At the same time, the Secretary surely knew that this distinction would be lost on much of his audience, including headline writers throughout the country" (Crawford, 1995, p. 84).

This speech marked the beginning of a series of assaults on bilingual education -- Bennett's "bilingual education initiative" -- as the Education Department dubbed it. The initiative consisted of three components: "proposed new regulations

Congress were "engaged in a more fundamental struggle involving differing beliefs about the federal role in education. . . . This struggle was acted out in debates over the very existence of the Department of Education and over shifting the funding of compensatory education programs from categorical grants to block grants. Within this larger conflict, and because the Carter Administration's regulations had been quashed, bilingual education receded into the background" (p. 92).

¹³Crawford (1995) points out that when Bennett launched his "broadside" against federal policy on the schooling of language minority children, he "had never set foot in a bilingual classroom" (p. 81).

for awarding Title VII grants that favored programs emphasizing the transition to English 'as quickly as possible', " a relaxation of OCR enforcement of Lau plans (OCR invited the 498 school districts with such plans to renegotiate these agreements); and finally, proposed removal of all restrictions on Title VII funding for English-only instructional approaches (Crawford, 1995, p. 86).

Bennett also transformed the National Advisory and Coordinating Council on Bilingual Education into a highly inflammatory forum for opponents of bilingual education. Various appointees labeled bilingual education and Title VII "the new Latin Hustle" (Robert Rossier), a Hispanic job-maintenance program (Anthony Torres), inferior to English immersion programs (Cipriano Castillo), too expensive for implementation (Joan Keefe), and a haven for "Hispanic militants" (Howard Hurwitz) (Crawford, 1995).

The Secretary also attempted to "officially reduce" the estimated number of limited English proficient students in the nation by more than one half and to claim that 94 percent of them were receiving special instructional assistance. Instead of previous estimates of 3.6 million LEP students in the United States, the number suddenly became 1.2-1.7 million and was based on a "scientific" formula which allegedly measured true proficiency in English. Furthermore, it now determined those children "most likely to benefit" from special language services.

Meanwhile, the Department of Education continued to pressure Congress to lift all restrictions on funding for English-only programs, citing the inconclusiveness of the research on transitional bilingual education. This pressure led Representative

Augustus Hawkins, Chairman of the House Committee on Education and Labor, to request that the Government Accounting Office (GAO) determine whether the Department's comments on bilingual education were actually supported by research (Crawford, 1995; Mulhauser, 1990).

The final GAO report was "undoubtedly the strongest endorsement of bilingual education yet to emerge from the federal government," according to Crawford (1995):

By assembling a panel of independent experts and asking them pertinent questions about educational research, the GAO brought clarity to a confusing array of policy issues. Its conclusions firmly supported Title VII's mandate for native-language instruction and rejected any suggestion that alternative methods looked "promising." (p. 92)

Thus, bolstered by the report's conclusions about the effectiveness of transitional bilingual education programs, advocates prepared for the 1988 reauthorization of the Bilingual Education Act.

The 1988 Reauthorization

In spite of Ann Willig's sophisticated analysis, the GAO conclusions and the Secretary's highly publicized visit to successful bilingual education programs in Arizona, the Department of Education renewed its efforts to attack Title VII's funding formulas. Bennett continued to complain about the inconclusiveness of research on native language instruction, citing instead, the results of the AIR and Baker-de Kanter reports.

An array of research studies and local program experiences indicate that no one instructional approach is most effective in meeting this objective [the learning of English as quickly as possible by LEP students]. . . . Without clear evidence that the transitional method is more effective, we believe that the restriction on availability of funds for alternative programs requiring no use of the native language is unwarranted. (Quoted in Secada, 1990, p. 94)

Subsequently, the Administration's bill proposing the lifting of the 4 percent funding restriction on English-only programs was introduced by Senator Dan Quayle.

Senate negotiations, influenced to some degree by the "flexibility" argument, produced a compromise on funding restrictions: instead of eliminating all restrictions on funding for alternative programs, the Administration agreed to a restriction of 25 percent of Title VII grants.¹⁴ Additionally, a child's enrollment in a Title VII classroom would be limited to three years (Crawford, 1995; Cubillos, 1988; Lyons, 1990).¹⁵ With several other modifications, the measure passed the

¹⁴In an analysis of the 1988 reauthorization, Secada (1990) presents a convincing argument about the incompatibility between the Baker-de Kanter report and Willig's meta-analysis. He suggests that the stalemate was settled on the basis of expanding local flexibility. Ultimately, both the Department and Congress ignored the GAO report and the Willig rebuttal, in part because Bennett had "successfully crafted the terms of the debate around three themes: federal mandates; the failure of research and, by implication, of the program; and flexibility" (p. 96). Frederick Mulhauser, one of the researchers for the GAO report, concurs. He reports that the issues surrounding the legislative debate "grew more complex than simply whether or not the native-language requirement was justified . . . interpretations of the research evidence on effectiveness supplied by the GAO's experts [did not] answer the committee's more pressing question, How much flexibility should there be? Perhaps not complete abolition of native-language teaching, as the administration proposed, but more funding for alternatives. . . ." (pp. 116-117)

¹⁵Secada (1990) points out the irony of this new provision in the law, "in view of the rhetoric for giving school districts increased flexibility in addressing the educational needs of LEP students" (p. 95).

Senate Subcommittee on Education 15-1. Later, House-Senate negotiations produced modifications in the bill, and it was finally signed into law (P.L. 100-297) by President Reagan on April 28, 1988.

1994 Amendments

The most recent amendments to Title VII resulted in some major compositional changes. The new law merged discretionary funding for Title VII programs with the Emergency Immigrant Education Act, whose programs remained formula-funded. It also added a category to fund "foreign language assistance" instruction in elementary and secondary schools, and it eliminated specific program categories like transitional or developmental bilingual education, family English literacy, etc. Instead, Title VII provided discretionary funds for four new types of grants:

- * Program Development and Implementation:** 3 year grants for new bilingual or special alternative instructional programs (SAIP). These can include early childhood, K-12, gifted and talented, vocational and applied technology education.
- * Program Enhancement Project:** 2 year grants to expand or enhance existing bilingual or SAIP programs.
- * Comprehensive School Grants:** 5 year grants to implement school-wide bilingual or SAIP programs for all LEP students in schools with high concentrations of such students.

*** System-wide Improvement Grants:** 5 year grants to implement district-wide bilingual or SAIP programs in an entire school district serving a significant number of LEP students.

In what many in the field of bilingual education viewed as a welcome change, the new Bilingual Education Act acknowledged the importance of bilingualism as a goal of its programs. For the first time in its history, the law required the Secretary of Education to give funding priority "to applications which provide for the development of bilingual proficiency in both English and another language for all participating students" (Lyons, 1994, p. 22).¹⁶

Nevertheless, the new law also retained the requirement that up to 25 percent of Title VII appropriations could fund special alternative instructional programs, that is, for programs which do not utilize students' native language. The law specified that this percentage represented a "cap" on funding for such programs, but it contained an important, and to some contradictory, caveat regarding exceptions to the cap. Specifically, the law allowed the Secretary of Education to award SAIPs above and beyond the 25 percent ceiling if a school district could demonstrate either a great variety of language groups and small number of students speaking each respective language, or a district's inability to hire qualified and bilingual teachers.

¹⁶This was a significant change, given the fact that originally, funding for programs serving native English speakers was prohibited, and only later included to prevent segregation.

The road to equitable educational opportunity for language minority children through bilingual education has been long and contentious. The Bilingual Education Act has endured numerous changes, many of them major. Negotiations surrounding proposed legislation were more likely to be based on political considerations rather than on research and evaluation of successful programs.

The Office for Civil Rights: Responsibilities and Roles

The U.S. Department of Education's Office for Civil Rights (OCR) first came to prominence as the education enforcement arm of the 1964 Civil Rights Act (Stein, 1986). Created in 1965 as a very small office within the Office of Education, Department of Health, Education, and Welfare (HEW), its primary responsibility was to desegregate schools in which students were separated on the basis of race. Its tiny staff, lacking experience in educational issues as well as the tools to enforce the Civil Rights Act -- other than federal troops -- generally confined itself, "with trepidation," according to John E. Palomino, Regional OCR Director for California, "to going south and telling school districts that since they were obeying state law, they were consequently in violation of federal law" (Palomino, 1994). In other words, if state law mandated school segregation, then districts that segregated students by race were violating the Civil Rights Act.

Today, the Office for Civil Rights is responsible for enforcing "four federal statutes that prohibit discrimination in programs and activities receiving federal

financial assistance from the Department of Education" (OCR Fact Sheet, 1991).

These statutes are:

- (1) Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, and national origin;
- (2) Title IX of the Education Amendments of 1972, which prohibits sex discrimination;
- (3) Section 504 of the Rehabilitation Act of 1973, which forbids discrimination on the basis of handicap; and
- (4) The Age Discrimination Act of 1975, which prohibits discrimination on the basis of age.

OCR has the broad authority to enforce these laws in any program or activity operated by educational institutions and agencies receiving federal funds. The rights of language minority limited English proficient students are protected by Title VI of the Civil Rights Act, which states that

No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. (Public Law 88-352, Section 601, July 2, 1964)

If school districts receiving federal money for educational programs fail to provide their language minority limited English proficient students with equal educational opportunities, they are guilty of violating Title VI.

On May 25, 1970, Stanley Pottinger, Director of the OCR at the time, issued a memorandum (hereafter referred to as the "May 25th Memorandum" [35 Federal Register 11595]) to all school districts whose national origin-minority group enrollments exceeded five percent; the memorandum specifically clarified OCR's Title VI policy on school district responsibility toward language minority students (Levin, 1983; Lyons, 1987; Malakoff & Hakuta, 1990; Ovando & Collier, 1985). To comply with Title VI, the memorandum mandated that school districts meet the following requirements (May 25th Memorandum, 35 Fed. Reg. 11595):

- (1) Where inability to speak and understand the English language excludes national origin-minority group children from effective participation in the educational program offered by a school district, the district must take affirmative steps to rectify the language deficiency in order to open its instructional program to these students;
- (2) School districts must not assign national origin-minority group students to classes for the mentally retarded on the basis of criteria which essentially measure or evaluate English language skills; nor may school districts deny national origin-minority group children access to college preparatory courses on a basis directly related to the failure of the school system to inculcate English language skills;

- (3) Any ability grouping or tracking system employed by the school system to deal with the special language skill needs of national origin-minority group children must be designed to meet such language skill needs as soon as possible and must not operate as an educational dead-end or permanent track.
- (4) School districts have the responsibility to adequately notify national origin-minority group parents of school activities which are called to the attention of other parents. Such notice in order to be adequate may have to be provided in a language other than English.

The May 25th memorandum was especially significant because it was the first articulation of a legal requirement to provide special assistance to children with limited English proficiency. Additionally, the memorandum applied to all school districts in the nation receiving any federal funds, not simply to those who were receiving discretionary grant funds under the Bilingual Education Act (Levin, 1983).

In 1974, the Supreme Court of the United States upheld the Title VI implementing regulations expressed in the memorandum in the Lau v. Nichols decision (414 U.S. 653, 1974). This case originated as a class action suit alleging that approximately 1,800 non-English-speaking Chinese students in the San Francisco Unified School District were being denied an equal education because of their limited English skills. The Court agreed in an unanimous decision, writing:

". . . There is no equality of treatment merely by providing students with the same facilities, textbooks, teachers, and curriculum; for students who do not understand English are effectively foreclosed from any meaningful education" (Lau v. Nichols, 414 U.S. 653, 1974, p. 566).

The Lau decision did not mandate the use of any particular program or teaching method:

No specific remedy is urged upon us. Teaching English to the students of Chinese ancestry who do not speak the language is one choice. Giving instruction to this group in Chinese is another. There may be others. Petitioners ask only that the Board of Education be directed to apply its expertise to the problem and rectify the situation. (Lau v. Nichols, 414 U.S. 653, 1974, p. 564)

After Lau, a task force recruited and headed by Martin Gerry, acting director of OCR in the Ford Administration, came up with guidelines, or "remedies," for the elimination of discriminatory educational practices related to language barriers (Crawford, 1994; Tatel Memorandum, November 17, 1978, p. 3). These guidelines became known as the "Lau Remedies" and they advised school districts in identification and evaluation of language minority children's English language skills, appropriate instructional "treatments," exit criteria (from special programs into mainstream classes), and professional teaching standards (Crawford, 1995; Lyons, 1988; Ovando & Collier, 1985; Walker, 1991). OCR created the so-called Lau Centers (National Origin Desegregation Assistance Centers) to assist school districts in complying with the Lau standards (Ovando & Collier, 1985).

Although the Lau ruling did not specify a particular instructional approach, the Lau Remedies clearly favored bilingual education, and in several instances even stated that instructional approaches like English as a Second Language were not appropriate for children at the elementary and intermediate levels: "Because an ESL program does not consider the affective or cognitive development of students in this category¹⁷ and time and maturation variables are different here than for students at the secondary level, an ESL program is not appropriate" (1975, "Lau Remedies," p. 7, emphasis in original). Indeed, as Gerry explained to Education Week:

If we had given school systems a choice between bilingual instruction and ESL, they would have all gone to ESL because it was cheaper and politically popular with a lot of people -- reasons that had nothing to do with the educational needs of the kids. (Toch, 1984, p. 14)

The Lau Remedies also were widely interpreted to mean that school districts must implement "meaningful educational programs" for their language minority students. School administrators and educators alike generally interpreted this phrase to mean the implementation of bilingual education, rather than alternatives which did not utilize the language minority child's native language. Reasoned Edward Steinman, the attorney for the non-English-speaking Chinese plaintiffs in Lau:

For a school district to utilize non-bilingual instruction -- in which children are traditionally given supplemental instruction sessions in English for 30 to 50 minutes a day in a regular classroom -- not only guarantees the continued absence of a "meaningful" education, but produces the very "mockery" to which Lau is addressed. In essence, the non-bilingual instruction offers the child, except for a few minutes each day, the same facilities, books, and teachers as those who

¹⁷Monolingual speaker of a language other than English.

understand English -- the very situation found legally intolerable by the Supreme Court. (Steinman, quoted in Alexander & Nava, 1977, p. 27)

Steinman further maintained that the Supreme Court's unanimous decision in a case involving the civil rights of millions of children could not be disregarded by school districts.

Some have argued that the Lau Remedies went far beyond the Supreme Court decision in Lau (Crawford, 1995; Levin, 1983; Lyons, 1988; Walker, 1991).

Walker (1991) states that "the Lau Guidelines, in fact, endorsed bilingual, bicultural programs and even advocated that schools develop both the student's native language and English so that the student 'can function, totally in both languages and cultures'" (p. 782). Crawford (1995) writes that the Remedies required that "where children's rights had been violated, districts must provide bilingual education for elementary school students who spoke little or no English" (p. 46). Though English as a Second Language instruction could be prescribed for students for whom English was not the strongest language, ESL instruction alone was not sufficient. Any school districts "wishing to rely exclusively on ESL would be obliged to demonstrate that their programs were as effective as the bilingual programs described in the Lau Remedies" (Lyons, 1988, p. 11). OCR used the Lau Remedies as the basis to negotiate consent decrees with school districts found in violation of Title VI.

Crawford (1995) reports that although the Lau ruling attracted little public attention at the time, the Office for Civil Rights "immediately grasped the magnitude of the enforcement job ahead" (p. 46). OCR began to expand and refine its

enforcement efforts in order to ensure that school districts were in compliance with the Lau standards (Tatel Memorandum, November 17, 1978). By the end of 1975, OCR had identified 334 school districts it suspected were out of compliance with Title VI mandates. OCR then required the school districts to provide detailed information on the educational programs offered to language minority limited English proficient students. According to David S. Tatel, Director of the Office for Civil Rights at the time, the 334 school districts had "utterly failed to meet their responsibilities under Lau" (Tatel Memorandum, November 17, 1978, p. 3).

Between 1975 and 1980 OCR had carried out nearly 600 compliance reviews with school districts and negotiated consent agreements, or "Lau Plans," with 359 districts which agreed to adopt bilingual education to remedy their civil rights violations (Crawford, 1994, 1995; Jimenez, 1992; Levin, 1983; Lyons, 1988; Walker, 1991).

OCR and the Issue of Local Control

One of the first school districts in the nation to be cited for non-compliance with Lau requirements was in Fairfax County, Virginia. As the tenth largest district in the country and one adjacent to the nation's capital, OCR charged Fairfax County authorities in early 1976 with failure to deliver services to all of the county's LEP students (Castellanos, 1983). But the Fairfax school system fought OCR pressure to establish a bilingual program, arguing among other things that with more than fifty languages present in its schools, an intensive English as a Second Language program

was the only logical alternative (Castellanos, 1983; Crawford, 1995). As a result, the school district began a protracted negotiation to implement a Lau Plan that called for an English-only approach to serving LEP children, rather than one that implemented bilingual education.

A number of other school districts protested the Lau preference for bilingual education over English-only approaches. A consortium of Alaska school districts sued the federal government in 1978, challenging the legality of the Lau Remedies because they had not gone through the formal rulemaking procedure as *regulations*, including publication in the Federal Register and opportunity for public comment. (Crawford, 1995; Levin, 1983; Walker, 1991). As a result, the Carter Administration developed the so-called "Lau Regulations" that were even more rigorous than the Lau Remedies. The new rules now required school districts to provide bilingual education under most circumstances where it was practical. There was an immediate backlash against the proposed regulations, and the Department of Education reportedly received thousands of letters opposing them. Stein (1986) described the reaction of the majority of those who wrote to the Department of Education:

Predictably, the national associations representing school officials were furious. The last thing they wanted was a welter of new prescriptive regulations. They particularly disliked the "unfunded mandates," costly federal rules with no federal reimbursement. The National Education Association and the National Association for Bilingual Education supported the regulations, but were practically the only national education organizations to do so. (p. 43)

The controversy over the proposed regulations also involved the issue of "local control," specifically, who had the authority -- the federal government or local school districts -- over classroom curriculum? Some advocates of local control complained that the new regulations would interfere with their ability to develop creative solutions for educational problems. Furthermore, they claimed, it was a local district or school board prerogative to control decisions on staff, instructional approaches, and administrative policies. Others reminded federal education officials of the states' constitutional rights and responsibilities to regulate education (Castellanos, 1983, p. 221).¹⁸

Opponents of local control, among them parents of language minority children, believed that schools could not be trusted to implement quality programs without federal monitoring. They feared that a state's inability or, indeed, unwillingness to provide for the educational needs of their children could only be prevented by federal authority. But Diego Castellanos (1983) writes that local school officials disagreed with this assessment:

They insisted that too much instructional time was being spent complying with external (Federal) requirements, to the detriment of

¹⁸Ironically, federal mandates may have strengthened the power of local decisionmakers, rather than hampered local curriculum choices. Castellanos (1983) reported on a study by SRI International, a research firm in Menlo Park, California, which suggested that federal mandates gave local administrators the legal backing they needed to implement programs like bilingual education. The study found that local district personnel gained increased authority from federal compliance standards. This was because their knowledge of federal guidelines actually strengthened their positions in local policy disputes. In addition, federal programs broadened their districts' financial resources (Castellanos, 1983, p. 222).

basic skills and other critical curricula. They often pointed to the way target services that required students to be pulled out of the classrooms were segregating these children for much of the school day. (p. 222)

In the meantime, negotiations between OCR and Fairfax County, Virginia over the county's Lau Plan continued, and in December of 1980, bristling under heavy criticism from the proposed regulations, the federal agency relented in an effort to demonstrate flexibility. Thus, OCR approved the first Lau Plan featuring an ESL-only approach (Crawford, 1995).

In early 1981, one of the first official acts of incoming Secretary of Education Terrel Bell was to withdraw the proposed "Lau Regulations" for the implementation of Title VI. It seems that arguments over local control were at the heart of the debate; lambasting the regulations as "harsh, inflexible, burdensome, unworkable, and incredibly costly," he condemned the mandate for native-language instruction as "an intrusion on state and local responsibility" (quoted in Crawford, 1995, p. 53). Bell warned that the Department of Education would continue to protect the rights of limited English proficient children, but stated this could be accomplished by permitting school districts to use any way that had proven to be successful (Castellanos, 1983; Crawford, 1995).¹⁹

¹⁹It is likely that the regulations were doomed from the start. Crawford (1995) and Stein (1986) report that the regulations -- initially proposed during the last three months of the Carter Administration -- were widely viewed as a political move to garner support among Hispanic voters. They were considerably more prescriptive than the Lau Remedies, which did not have the force of law; opposition from school districts and education organizations was overwhelming. "The Education Department received an unprecedented 4,600 public comments, most of which

In the absence of official regulations, the Department of Education and the Office for Civil Rights returned to the standards promulgated in the May 25 Memorandum of 1970 and the subsequent Lau Remedies (Castellanos, 1983; Crawford, 1995; Stein, 1986).²⁰ But the federal Office for Civil Rights, which had monitored school district compliance with Lau Remedies aggressively during the 1970s, pulled back on enforcement. School districts were now free to provide any educational programs for their LEP students "based on informed educational judgment." Unfortunately, lax enforcement had a measureable effect on school

opposed the proposal. Feeling the election-year heat, Congress voted to block the rules from taking effect before mid-1981" (Crawford, 1995, p. 52). After Ronald Reagan's landslide election victory made President Jimmy Carter a "lame duck," Congressional opponents moved quickly to prevent the Carter Administration from publishing the revised regulations and making them law before the Reagan Administration office could assume their positions (R. Troike, personal communication, 1995). Adding insult to injury, Secretary of Education Shirley Hufstедler "called in OBEMLA leaders to help her defend these regulations. In so doing she set the stage for the popular misconception that the new regulations and the Title VII program were one and the same. Few educators, journalists, politicians, or ordinary citizens were able to distinguish between Title VII as a discretionary grant-giving program and the new regulations as a civil rights enforcement measure. They lumped them together. The opposition made the most of it and was able to weaken both the grant-giving and enforcement aspects of bilingual education" (Stein, 1986, p. 43).

²⁰It is worth noting that Secretary Bell's withdrawal of the proposed regulations was preceded by a congressional vote to terminate funds for their enforcement. After withdrawal of the Lau Regulations, the earlier Lau Remedies remained in effect until Bell left his position, although OCR enforcement of the remedies at the local school district level was greatly diminished (R. Troike, personal communication, July 1992).

district delivery of equitable programs to language minority students. Crawford (1995) reported that

. . . Data compiled by the Education Department in 1986 showed that school districts were nine times less likely to be monitored for Lau compliance under the Reagan Administration than under the Ford and Carter Administrations. Federal investigators continued to find violations in 58 percent of their reviews, but follow-ups were rare. (p. 57)

Furthermore, in December 1985 OCR invited school districts to renegotiate their "Lau Plans," ostensibly to consider other (non-native language) instructional methods to serve the needs of language minority students (Crawford, 1986, 1995).

The Castañeda v. Pickard Decision

After withdrawal of the Lau Regulations, OCR issued written guidelines for Lau enforcement in December 1985. The guidelines were based on the analytical framework articulated in Castañeda v. Pickard, a case heard in the Fifth Circuit Court of Appeals in 1981 (Jimenez, 1992; Lyons, 1988; Roos, 1986). In this class action suit, Mexican American parents and their children sued the Raymondville (Texas) Independent School District (RISD)²¹ alleging that the "district engaged in policies and practices of racial discrimination against Mexican-Americans which

²¹Raymondville is located in Willacy County, in the Rio Grande Valley. Court records indicate that "77% of the population of the county is Mexican-American and almost all of the remaining 23% is Anglo. The student population of RISD is about 85% Mexican-American. Willacy County ranks 248th out of the 254 Texas counties in average family income . . . the district's assessed property valuation places it among the lowest ten percent of all Texas counties in its per capita student expenditures" (Castañeda v. Pickard, 648 F.2d 989, 993 (5th Cir. 1981), quoted in Leibowitz, 1982, p. 194).

deprived the plaintiffs and their class of rights secured to them by the fourteenth amendment and [Title VI] of the Civil Rights Act" (Castañeda v. Pickard, 1981, p. 992). Specifically, the plaintiffs charged that the school district had discriminated against them by its use of ability grouping "for classroom assignment which was based on racially and ethnically discriminatory criteria and resulted in impermissible classroom segregation" (Castañeda v. Pickard, 1981, p. 992). They also charged the school district with failing to hire and promote Mexican-American faculty and administrators, and failing to "implement adequate bilingual education to overcome the linguistic barriers that impede the plaintiffs' equal participation in the education program in the district" (Castañeda v. Pickard, 1981, p. 992). For its part, the Raymondville school district responded that ability grouping was not discriminatory and that it wanted to hire Mexican American teachers. But, it maintained, this was extremely difficult as no one wanted to move to Raymondville.

The history of this case is an interesting one and is worth discussing at length because the precedents set forth by the court in Castañeda, for the most part, continue to be used as the standard for measuring bilingual program effectiveness today. Castañeda also reveals the often torturous path a class action suit takes before arriving in federal court.

As early as 1973, the Office for Civil Rights conducted an administrative investigation into some of the educational practices in the Raymondville School District. Following the visit, OCR notified school officials that the district had failed to comply with the provisions of Title VI and administrative regulations to

implement them. It then directed RISD to submit "an affirmative plan for remedying these deficiencies" (Castañeda v. Pickard, 1981, p. 992). However, after RISD and OCR were unable to negotiate an acceptable compliance plan, OCR sought in June 1976 to terminate federal funding to the district through formal administrative enforcement proceedings. This resulted in a five-day hearing in 1977 before an administrative law judge who ultimately decided that the school district was not in violation of Title VI, and ordered that federal funds be reinstated.

The case was first tried in June 1978 in a district court, which two months later entered judgment in favor of RISD, determining that the school district had not violated any of the constitutional or statutory rights of its Mexican-American students. The plaintiffs then appealed to the 5th Circuit, which finally heard the case in 1981.

Considered by many to be the most significant court decision since Lau, Castañeda interestingly did not impose a particular instructional program on a school district. Rather, it created an analytical framework for determining whether or not school districts were fulfilling their responsibilities under the Equal Educational Opportunities Act (EEOA) (Crawford, 1995; Jimenez, 1992; Lyons, 1988; Roos, 1986). The EEOA had been enacted as part of the 1974 amendments to the Elementary and Secondary Educational Act (ESEA) as an anti-busing measure (Jimenez, 1992; Roos, 1986). It nevertheless barred any state from denying equal educational opportunity on the basis of race, color, sex, or national origin by "the failure of an educational agency to take appropriate action to overcome language

barriers that impede equal participation by its students in its instructional programs" (quoted in Jimenez, 1992, p. 247).

The precedential disposition of the Castañeda decision was the court's interpretation of an ambiguous but key phrase in one section of the Act which until now had never been clarified. The phrase in question was "appropriate action" and the Court interpreted it to mean that school districts had to go beyond merely satisfying the essential requirements of the Lau decision:

We think Congress' use of the less specific term, "appropriate action," rather than "bilingual education," indicates that Congress intended to leave state and local educational authorities a substantial amount of latitude in choosing the programs and techniques they would use to meet their obligations under the EEOA. However, by including an obligation to address the problem of language barriers in the EEOA and granting limited English speaking students a private right of action to enforce that obligation in [Sec. 1706], Congress also must have intended to insure that schools made a genuine and good faith effort, consistent with local circumstances and resources, to remedy the language deficiencies of their students and deliberately placed on federal courts the difficult responsibility of determining whether that obligation has been met. (Castañeda v. Pickard, 1981, p. 1009)

The court, in effect, defined "appropriate action" to mean that school districts had a duty to provide assistance to their language minority students:

We understand Section 1703(f) [of the EEOA] to impose on educational agencies not only an obligation to overcome the direct obstacle to learning which the language barrier itself poses, but also a duty to provide limited English speaking ability students with assistance in other areas of the curriculum where their equal participation may be impaired because of deficits incurred during participation in an agency's language remediation program. (Castañeda v. Pickard, 1981, p. 1011)

More important, the Castañeda court devised a three-part test to evaluate school districts' compliance with the EEOA requirement of "appropriate action," respectively, theory, implementation, and results (Crawford, 1995; Jimenez, 1992; Lyons, 1988):

- (1) **theory:** the district had to be "pursuing a program informed by an educational theory recognized as sound by some experts in the field, or at least, deemed a legitimate experimental strategy."
- (2) **implementation:** the programs and practices of the school district had to be "reasonably calculated to implement effectively the educational theory adopted by the school."²²
- (3) **results:** the program had to "produce results indicating that the language barriers confronting students are actually being overcome."²³

²²The Court was specific in this regard, pointing out that although a school system might take "appropriate action" to remedy language barriers through adoption of a promising educational theory, it nonetheless would be out of compliance if it failed to employ the practices, resources, and personnel "necessary to transform the theory into reality" (Castañeda v. Pickard, 1981, p. 1009-10).

²³The Court was equally resolute here, stating that if a school's program did not produce positive results, it "may no longer constitute appropriate action as far as that school is concerned" (Castañeda v. Pickard, 1981, pp. 1009-10).

This standard remains in effect today and has played a significant role in litigation and civil rights enforcement since Castañeda. Yet for language minority children in Raymondville the victory was a pyrrhic one. While the court acknowledged the inadequacies of the Raymondville educational program, it did not find that the school district's bilingual program violated Title VI. In short, reasoned the court, HEW guidelines developed after Lau meant only that school districts would be in violation of Title VI if they failed to provide *any* English language assistance to LEP students. In contrast, RISD was providing such assistance, if deficient:

Clearly, Raymondville is not culpable of such a failure. Under these circumstances, the fact that Raymondville provides (and long has provided) a program of language remediation which differs in some respects from these guidelines is, as the Opinion of the Reviewing Authority for the OCR noted, "not in itself sufficient to rule that program unlawful in the first instance." (Castañeda v. Pickard, 1981, pp. 1009-10)

In fact, the court raised serious concerns about "the relevance of the Lau Guidelines" and "the continuing vitality of the rationale of the Supreme Court's opinion in Lau v. Nichols which gave rise to those guidelines" (Castañeda v. Pickard, 1981, p. 1010). Still, the major point to be made about this case is that the Equal Educational Act's section 1703(f) -- the statutory basis for the Castañeda decision -- did not require a proof of intent to discriminate (as it is occasionally interpreted), because Congress chose to codify the Lau decision in the form of the EEOA. In other words, "appropriate action" to dismantle language barriers alone was required, not as a debatable interpretation of Title VI or the Equal Protection

Clause of the 14th Amendment, but a matter of statute (Crawford, 1995). Finally, the court did not decide the plaintiffs' Equal Protection claims, ruling only that their rights under statutory guarantees had been violated.

All things considered, Castañeda v. Pickard remains the most important legal precedent for interpreting the adequacy of school district services to minority language students. For one thing, the case is a binding precedent in the 5th Circuit (Texas, Louisiana, Mississippi). For another, although the case wasn't mentioned by name in the 1985 OCR memorandum, it was alluded to -- however pallidly -- and the three-pronged test was formally adopted by OCR in 1991 (Williams memorandum, 1991). Finally, the Castañeda test was deemed useful by other federal courts. In Keyes v. School District #1, for example, the test was applied to alternative language programs in the Denver, Colorado public schools. The court in this case found that the Denver school district had designed an instructional program based on a sound education theory (transitional bilingual education). But in regard to the second point of the Castañeda test, the court ruled that the district was not implementing the program with adequate material or instructional resources. Specifically, it found that the qualifications of the district's "bilingual" teaching staff were questionable as many of the teachers were actually monolingual English speakers. The court also found that Denver had failed to properly train its ESL teachers or to adopt adequate methods of evaluating the results of its programs for LEP students (Jimenez, 1992; Lyons, 1988). The court did not proceed to the third

prong of the Castañeda analysis and consequently did not rule on whether Denver's transitional bilingual education program had achieved satisfactory results.

A number of other cases concerning the scope and reach of the EEOA have been tried since Castañeda (Jimenez, 1992). In Idaho Migrant Council v. Board of Education, the 9th Circuit Court of Appeals ruled that state governments were responsible for meeting the needs of minority language students:

Although the meaning of "appropriate action" may not be immediately apparent without reference to the facts of the individual case, it must mean something more than "no action." State agencies cannot, in the guise of deferring to local conditions, completely delegate in practice their obligations under the EEOA; otherwise, the term "educational agency" no longer includes those at the state level. (Quoted in Lyons, 1988, p. 28)

Similarly, concurring with the Idaho Migrant Council decision and relying on the analytical framework of Castañeda, the 7th Circuit Court of Appeals ruled in Gomez v. Illinois State Board of Education that state officials must set minimum standards for identifying and placing minority language students.

OCR's Current Policy

In 1986, OCR acting director Alicia Coro told one journalist that the agency had no written guidelines for enforcing Lau and that the agency would conduct compliance reviews on a case-by-case basis only (Crawford, personal communication, March 9, 1995). However, the Office for Civil Rights had, in fact, developed enforcement procedures based largely on the Castañeda test, which it articulated for the first time in a December 1985 policy memorandum. Although it

emphasized that it would indeed review school districts on a case-by-case basis, its enforcement procedures clearly were drawn from the Castañeda decision. First, a school district had to design a "sound" alternative language program. Second, the district should have the appropriate staff and adequate resources for such a program, although a district might be forgiven for failing to design and implement it because of a lack of staff and resources. Indeed, the memorandum stressed OCR's reluctance to "second guess" educational decisions made by local officials and stated unequivocally that it would not "require a program that place[d] unrealistic expectations on a district" (Smith memorandum, December 3, 1985, p. 6). Third, the district must evaluate its alternative language program and modify it if the evaluation indicated the need for changes. But the memorandum gave school districts wide discretion in this area, indicating that OCR's approach to determining compliance with Title VI did not "require that new, additional, or specifically designed records be kept" (p. 7). It reiterated its official assignment of educational expertise and decision-making to school districts:

. . . Since OCR does not presume to know which educational strategy is most appropriate in a given situation, the failure of any particular strategy or program employed by a school district is more properly addressed by school officials. OCR looks to local school officials to monitor the effectiveness of their programs, to determine what modifications may be needed when the programs are not successful after a reasonable trial period, and to implement such modifications. (Smith memorandum, December 3, 1985, p. 7)

According to an analysis of the memorandum by James Crawford (1994) the new policy did not specify what a Lau violation would look like; that is, it provided no details about what districts were expected to do. Crawford stated:

Echoing Secretary Bennett, who had just launched a high-profile attack on bilingual education, the 1985 memorandum said: "There is considerable debate among educators about the most effective way to meet the educational needs of language minority students. . . . OCR does not presume to know which educational strategy is most appropriate in a given situation." (Crawford, 1994)

Thus, Crawford suggested, what had been a detailed set of requirements for LEP student identification, assessment, exit criteria, teacher certification, staff-student ratios, and bilingual instruction now became a vague statement about the obligation to provide "services . . . to meet the educational needs of LEP children" (Crawford, 1994).

This meant that almost all decisions about appropriate alternative language services would be left up to school districts, whose programs had merely to be pronounced sound by an expert in the field, defined broadly in the memorandum as "someone whose experience and training expressly qualifies him or her to render such judgments" (Smith Memorandum, 1990, p. 5). Likewise, the programs had to be evaluated to determine if children gained access to the districts' regular educational programs "within a reasonable period of time" (Crawford, 1994).

Crawford continued:

In its wording, the memorandum seemed to sanction a minimal response. For example, it advised "districts faced with a shortage of trained teachers, or with a multiplicity of languages" that they might not be able to staff "an intensive ESL program or a bilingual

program. OCR does not require a program that places unrealistic expectations on a district." It also intimated that OCR would not force any district to adopt a remedy that would "require a district to divert resources from other necessary educational resources and services." Not much reading between the lines was required. The message was clear: districts had little to fear from OCR as long as they could claim their LEP children were being "served." (Crawford, 1994)

As a result, Lau enforcement activity declined sharply. In fact, according to an Education Week analysis of OCR enforcement data from 1981 to 1985, "school districts were nine times less likely to be scheduled for a 'compliance review' than during the previous five years" (Crawford, 1986, p. 1). Similarly, OCR complaint investigations and monitoring visits to school districts declined sharply, as a result of large cuts in agency staffing. Evidently, Lau enforcement in the late 1980s declined even further. Crawford reported, for example, that a recent OCR annual report indicated the agency had conducted twelve Lau compliance reviews in 1991, which it described as "the largest number . . . in recent years," although a comparable figure for an average year between 1976 and 1980 was 115 (Crawford, 1994).

At the time, OCR official Jim Littlejohn defended the drop in enforcement activity by claiming that in the 1970s, the goal was "to blanket the nation, negotiating agreements with virtually every school district that had a significant number of LEP students who were not being provided services" (Crawford, 1986, p. 14). Thus, he suggested, the big job already had been accomplished. "It's hardly reasonable to go back nationwide to look at 500 districts over and over and over

again unless there's something that's leading you back into it" (Crawford, 1986, p. 14).

OCR printouts on LAU complaints, received through the Freedom of Information Act, reveal that between April 1990 and June 1995, OCR received 232 complaints. Of these, 179 were investigated: OCR negotiated 75 Lau plans, found no violations in 55 complaints, and administratively closed 7. One complaint was processed by another agency and 7 complaints were withdrawn (with or without changes); 34 cases are still pending.

In another departure from the OCR practice of mandating bilingual education during the Ford and Carter administrations, Alicia Coro, acting secretary of civil rights, expressed OCR's official agnosticism toward instructional approaches to the education of language minority children. "The Office for Civil Rights does not have the educational expertise to make program judgments or assess the quality of instruction," she stated. "We're here to enforce the law. It doesn't tell us to determine which methodology is best. That is not our responsibility" (Crawford, 1986, p. 14).

In the fall of 1991, the Office for Civil Rights issued another memorandum, which contained policy guidelines for conducting current Lau compliance reviews. This memorandum adhered to OCR's past determination that Title VI did not mandate any particular program of instruction for language minority students but followed closely the analytical framework of Castañeda (Williams memorandum, September 27, 1991, p. 1):

In determining whether the recipient is operating a program for LEP students that meets Title VI requirements, OCR will consider whether: (1) the program the recipient chooses is recognized as sound by some experts in the field or is considered a legitimate experimental strategy; (2) the programs and practices used by the school system are reasonably calculated to implement effectively the educational theory adopted by the school; and (3) the program succeeds, after a legitimate trial, in producing results indicating that students' language barriers are actually being overcome.

The 1991 memorandum also provided additional guidance for applying not only the three-pronged Castañeda test, but the May 1970 and December 1985 memoranda as well. It clarified standards for investigating a variety of potential Title VI violations by school districts with large language minority student populations, affecting, among other things, staffing requirements, exit criteria from alternative language programs, program evaluation, special education and gifted and talented programs. The memorandum also considered OCR's policy with regard to the segregation of language minority students (Williams memorandum, September 1991, p. 2).

Although the policy on Lau enforcement was strengthened somewhat by the 1991 memorandum, Crawford complains that "it is difficult to see how the same tool can be used effectively by OCR as long as it remains agnostic on instructional issues -- if it continues to allow districts to use less than optimal methodologies" (Crawford, 1994). This is poor policy, he believes, considering the extensive research evidence about the effectiveness of bilingual education in teaching not only English but in fostering all-around academic achievement.

Summary

In this chapter, I have discussed the federal legislative context for bilingual education, tracing developments in Title VII reauthorizations from 1968 to 1994. Most of the significant changes have concerned the way in which funding is allocated to different program categories. But the civil rights orientation of the 1968 Bilingual Education Act and its 1974 reauthorization has evolved into one emphasizing "program flexibility," where federal political wisdom suggests that local school districts are in the best position to choose the kinds of programs that best suit their needs. That the Act currently allocates a sizeable portion of its funding to non-bilingual programs is emblematic of this evolving orientation. Congress has seemed especially susceptible to arguments about the superiority of alternative, i.e., English-only, instructional programs over those employing the child's home language.

In this chapter I also have considered roles and responsibilities of the Office for Civil Rights in investigating claims of discrimination and its current policy on school district obligations toward national origin language minority students with limited English proficiency. I provided a history of Lau v. Nichols and discussed OCR Lau enforcement activity ensuing from the case. The development of the Lau Remedies marked an era of aggressive monitoring of school district compliance with Title VI of the Civil Rights Act. By 1980 the agency had completed nearly 600 compliance reviews and negotiated Lau Plans with 359 districts which agreed to implement bilingual education programs. However, paralleling the federal legislative trend of "local flexibility," i.e., deferring to school district expertise on

program decisions, OCR pulled back significantly on its enforcement responsibilities. It negotiated the first ESL-only Lau Plan with Fairfax County, Virginia, and between 1981 and 1985, investigated far fewer school districts for Lau compliance than it had under the previous two administrations.

I also discussed the Castañeda v. Pickard case, which produced an important analytical framework for determining whether school districts were complying with the Equal Educational Opportunity Act. Since this case was decided, the Office for Civil Rights has based its investigation of potential civil rights violations on this framework. Finally, I have considered OCR's current policy with regard to alternative language programs for language minority children of limited English proficiency, which is based on the Castañeda decision.

CHAPTER 3

METHODOLOGY

In this study, I explored factors that motivate bilingual education policy decisions in Valle Encantado, a small southwestern city on the border of Mexico and the United States. A pilot study I conducted in Valle Encantado several years ago revealed that knowledge of research in bilingual education played no role at all in the development of bilingual education policy in the district. But it did not explain what factors did, in fact, influence policy decisions. The present study is an exploration of those factors.

My research questions were designed to elicit explanations for these policy decisions affecting language minority students (who actually are language majority students in the Valle Encantado context). The questions are repeated here for convenience:

1. What is the connection between research in bilingual education and bilingual education policy at both the federal and local levels?
2. Do recent insights from basic, classroom or school-based research on second language acquisition influence school district policy choices?
3. Given that the results of large-scale evaluation studies, such as AIR (1978) and the Baker and de Kanter Report (1981), have affected education policies toward language minority students at the federal level, is there a similar influence at the local level?
4. What factors besides research findings influence the development of bilingual education policy?

5. Has the recent Office for Civil Rights (OCR) review of bilingual/ESL programs in the Valle Encantado school district influenced the way in which the district's "bilingual-bicultural-biliterate" policy is being implemented?
6. What reasons do school district staff give for supporting or opposing district policy?
7. What are the implications of this study for future policy and research in bilingual education?

Case Study Approach

Believing the research questions posed above are most effectively explored through a qualitative case study approach, I have chosen to use interviews as the best source of retrospective data for this study. Consequently, they provide the principal data. Merriam (1988, p. 16) defines such an approach as "an intensive, holistic description and analysis of a single entity, phenomenon, or social unit." It is the study of a "bounded system," which considers the totality of the entity, or system, but focuses attention on "those aspects that are relevant to the research problem at the time" (Stake, 1988, p. 258). Similarly, Marshall and Rossman (1989) write about the significance of case studies in illuminating larger economic, political or social forces. They point out that specific research questions can illustrate larger theoretical constructs or national policy issues (p. 12).

Stake (1988) differentiates between the case study and other research designs. Case studies focus attention on the individual case, whereas other research designs might consider a whole population of cases. But the case study is special, he

believes, precisely because of its focus on bounded systems. This focus, usually under "natural" circumstances, enables the researcher to "understand [the system] in its own habitat" (Stake, 1988, p. 256). Stake (1988) also discusses the "patterns" of regularity and consistency sought by researchers and authors conducting case studies. He calls these patterns "sweet water," i.e., "water safe to drink, sustaining, refreshing -- patterns of meaning" (p. 259).

A case study design is appropriate when a researcher undertakes an intensive and in-depth examination of a particular situation and seeks to understand its meaning for those involved (Goetz & LeCompte, 1984; Merriam, 1988). Yin (1989) defines a case study as an empirical inquiry that "investigates a contemporary phenomenon within its real-life context when the boundaries between phenomenon and context are not clearly evident, and in which multiple sources of evidence are used" (p. 23).

A case study approach was appropriate for the present study because of the multiple sources of evidence relied upon -- interviews, various kind of documents, archival records, and observations -- to gain an understanding of how and why policy decisions regarding bilingual education are made in Valle Encantado. Yin (1989) also believes that case studies are particularly well-suited when "how" and "why" questions are posed because such questions "deal with operational links needing to be traced over time" (p. 18). Because I wanted to explore and understand the development of bilingual education in the district over time, from the first Title VII grant in 1969 to the OCR reviews in 1992 and 1993, I believed a case

study design would be the best way to bring together people's memories and reflections with documentary evidence.

Often, the case study approach is used to evaluate a new or existing program or policy. Lancy (1993) suggests that it is especially well suited to studying educational policy interventions or innovations when an evaluation is the intended outcome. Even when an evaluation is not expressly sought the researcher will likely assume an "evaluative stance," explicitly or implicitly comparing what he observes with some standard (Lancy, 1993, p. 143).

People who write about case study approaches in education also frequently discuss criticisms of the approach (Abramson, 1992; Hamel et al., 1993; Merriam, 1988; Stake, 1988, 1995; Yin, 1989). Yin (1989) suggests that these criticisms have centered on three general concerns: (1) the lack of rigor in case study research, e.g., sloppiness or bias of the researcher; (2) the difficulty of generalizing from a single case; and (3) the extensive length of case study research resulting in "massive, unreadable documents" (p. 21).

Case study research has its ardent proponents as well. Stake (1988), for example, argues that case studies are able to explore the "uniqueness of individual cases" -- something that other approaches frequently ignore (p. 256). He further differentiates the case study from other research approaches:

Researchers search for an understanding that ignores the uniqueness of individual cases and generalizes beyond particular instances. They search for what is common, pervasive, and lawful. In the case study there may be or may not be an ultimate interest in the generalizable.

For the time being, the search is for an understanding of the particular case, in its idiosyncrasy, in its complexity. (Stake, 1988, p. 256)

In response to criticisms about the lack of generalizability of qualitative research to a wider policy context, Erickson (1992) writes that actions and activity in one locale may be "unpredictable." Yet, they also may be "globally stable" (p.

10). He explains:

In reporting the specifics of what local actors do, narrative case study is describing patterns of activity that are inherently not generalizable at the same level of specificity as the description itself. The generic and stable processes discovered in case study, however, can be seen at work in multiple settings. . . . (Erickson, 1992, p. 10)

Interestingly, Eisner (1991, p. 198) argues that one of the objectives of qualitative case study analysis is "generalization," that is, going beyond given information and "transferring what has been learned from one situation or task to another." What we learn from one inquiry's context, Eisner suggests, can be applied to another. But he points out that readers of the research inquiry will determine whether the findings are relevant to their own unique situations. Significantly, a well-written case study or ethnography allows the reader to "get in touch" with the subjective realities of events in the situation, and thus better assess the relevance and generalizability of the case.

Case Studies in Bilingual Education

There are some good examples of case study research in the literature on bilingual education. Adcock (1987), for example, investigated the effects of a major

state level policy change on four Colorado school districts. In 1980, the Colorado legislature repealed the state's "Bilingual/Bicultural Act" and replaced it with the "English Language Proficiency Act." The former statute had mandated bilingual instruction under special circumstances, whereas the new law allowed districts to serve LEP students in any manner they chose. Two of the districts had maintained their bilingual programs even after passage of the new law, and the other two no longer implemented such programs, opting instead to serve their LEP students with alternative programs. At the time, Colorado's statutory changes paralleled the federal preference for "local flexibility," that is, giving more decision-making authority to state and local officials to implement a variety of programs by relaxing centralized regulations and standards (Adcock, 1987, 1990). Adcock's study found, among other things, that the districts' focus was now on the "very severely limited LEP student" and that program funding was limited to two years. This meant that district-level financial and ideological commitment to serving LEP students was critical, because many students were still in need of services after the two-year period (Adcock, 1990). Additionally, Adcock found that the two districts opting to continue and even expand their bilingual education programs had developed close community ties. On the other hand, the school administrations of the two other districts choosing to implement ESL-only programs showed a strong alienation from the communities they served.

Trujillo (1992) examined the influence of community politics in "Atzlán City," Texas on the development of the 1968 Bilingual Education Act. His study

indicated a relationship between the political and social context in Atzlán City and federal appeasement of Chicano communities by passage of the Act. However, for the next 20 years bilingual education programs in the city underwent substantial changes as a result of the confluence of both federal and local policy trends. What began in the early 1970s as a maintenance-oriented program became a K-1 transitional one by the end of the 1980s. Trujillo's point is that bilingual education has had to struggle and evolve -- and continues to do so today -- within a much larger political context.

Guthrie (1985) conducted a two-year ethnographic case study of a Chinese bilingual-education program in a Chinatown community in Northern California. Her study examined how the program was initiated, implemented and perceived in the Chinese community, and how other linguistic, cultural, immigration, and economic factors affected its development. Guthrie conducted numerous interviews with parents, educators and community members in order to place their attitudes toward the program in the broader context of their life experiences and aspirations for their children. Her study also demonstrated how district policy mandates for bilingual instruction, developed largely for Spanish-speaking populations in the area, were frequently inapplicable in a Chinese linguistic and cultural milieu, and ignored by the Chinese administrators and teachers in the school. Guthrie also convincingly documented how lack of teacher understanding and commitment undermined the effectiveness of even a well-defined program.

McCarty (1989) similarly conducted an ethnographic case study of the Rough Rock Demonstration school on the Navajo Reservation in Arizona. She describes the historical development of the school under federal government control and traces its evolution into a community-oriented and community-controlled school. She provides insight into the difficulties and successes experienced by the community in its attempts to deal with massive fluctuations in federal funding, personnel and training needs, and the ultimate transformation of the community power structure.

Carrasco (1981) undertook an ethnographic case study of a bilingual classroom in a California elementary school. Among other issues, he was interested in determining how research in the field of bilingual education could be better fitted to the "reality of the classroom and the needs and concerns of teachers" (p. 154).

Selecting Data Sources

During the time that I was conducting my pilot study in Valle Encantado, in the fall of 1992, Tyler Elementary School was being investigated by the federal Office for Civil Rights because of charges that it discriminated against language minority LEP students. The investigation was not the focus of my study, and indeed, at the time I knew relatively little about the issues involved. But my friend Concepción Díaz was the source of the complaint to OCR, and Joan Taylor-Ramírez, whom I had interviewed at length in my pilot study about the general state of bilingual education in the district, was responsible for preparing district

administrators and teachers about what to expect during the investigation. Both individuals freely shared what they knew of the investigation.

I was curious about what the investigation would find. OCR had announced that it would return to Valle Encantado to conduct a full-scale review of district alternative language programs, so I decided to find out as much as I could about how the two investigations would affect district bilingual education policy. I obtained permission from the district central office to attend the OCR entry meeting with district administrators, held on January 25, as well as the exit meeting held five days later. The first meeting was well-attended by district staff, and I resolved to interview some of the people there, figuring that the attendance list was a good place to start.

Research Methods

In this study I relied upon three types of data sources:

1. Interviews
2. Historical and legal analyses of federal bilingual education legislation and OCR enforcement policy
3. Additional documentary sources.

The use of multiple methods of collecting data is typical in case study research (Merriam, 1988; Stake, 1995; Yin, 1993), and represents what Denzin (1989) calls "triangulation" or the "combination of methodologies in the study of the same phenomena" (p. 234). Triangulation is employed to achieve what Denzin also

calls "sophisticated rigor," which he maintains is intended "to describe the work of any and all sociologists who employ multiple methods, seek out diverse empirical sources, and attempt to develop interactionally grounded interpretations" (1989, pp. 234-235).

The main source of data for this study were interviews with district administrators, support staff, school board members, teachers, parents, and other people. I also conducted an extensive historical and legal analysis of Title VII (the Bilingual Education Act) legislation, and the federal Office for Civil Rights monitoring and enforcement policy. These analyses provide a context for understanding Title VII funding fluctuations in the Valle Encantado school district, as well as the OCR investigations of the district's alternative language programs. Other kinds of documentary evidence supplemented the interview data and legislative and legal analyses.

Interviews

Identifying Study Consultants

I conducted the majority of my initial interviews in March of 1993. By the end of March I had interviewed six people in the district, attended two meetings of a parent's organization, and attended a district-wide inservice conference (in which bilingual education was discussed).

Throughout this period I continued to review the literature on federal bilingual education and OCR enforcement, and explore other data sources. Other

responsibilities and commitments intervened to prevent additional interviews in the district until the following November, December, and January. By the end of January 1994, I had completed another 24 interviews.

In order to seek answers to my research questions, I used a variety of qualitative methods, including on-site interviews of administrators, teachers, other school district staff, parents and community residents. Most of these interviews were set up after initial telephone contact. However, at least two on-site interviews were spontaneous and occurred without my having made prior contact with the individuals. One was with the president of the school board, who "happened by" the central administration office just as I was completing an interview with the district administrator he had come to see. The school board president graciously consented to an interview on the spot.

The second spontaneous interview occurred when I was looking through the archives of the Valle Encantado Historical Society. The librarian assigned one of her administrative employees to help me find and photocopy documentary material. We struck up a conversation and I discovered that he had attended the high school at a particularly interesting time in its history, that is, when a large influx of Mexican-born U.S. residents were admitted as a result of the Amnesty provisions of the 1986 Immigration Control and Reform Act (IRCA).

Identifying the people I eventually interviewed turned out to be a somewhat irregular process. As an outsider to the Valle Encantado community, I was unaware of who the key policymakers in bilingual education were, either historically or

currently. Initially, I relied on my friendships with Joan Taylor-Ramírez and Concepción Díaz to inform me about whom I might interview. I also came to appreciate the assistance and recommendations of a professor in my department who had been born and raised in Valle Encantado and was acquainted with many of the people I eventually interviewed. Their recommendations served as a starting point; I began with the names they provided and, in turn, each subsequent consultant recommended yet others I should interview. Among the second cohort of interview consultants was the Valle Encantado superintendent of schools, who was interested and supportive of my study and who provided me with his own recommendations for potential interviews.

Not surprisingly, Valle Encantado school officials and others in the community proved to be in the best position to identify people knowledgeable about bilingual education in the district. Most of them had lived and worked in the district all their lives and were acquainted with educational policies there. They also were relatively well informed about who the policymakers were, and as a consequence were able to offer information, opinions, and insight about the policymakers themselves. In short, they constituted an "elite" group of influential people in the district, chosen on the basis of their familiarity with district education policy (Marshall & Rossman, 1989). It was also true, as I was to discover over and over, that the people I interviewed not only knew each other professionally or socially, but frequently were related by blood or marriage. I knew I was on the right track when the same names kept surfacing in the different interviews I conducted.

Study Consultant "Consent Form"

With the exception of one individual, all study consultants signed a "participant's consent form" (see Appendix B) in which they were informed about the nature of the study -- that is, the research questions and overall focus -- and the fact that I would be using pseudonyms in place of their own names.²⁴ Bearing in mind Eisner's (1991) concern about whether consent in research studies actually can be informed, I attempted to be as accurate and responsible as possible in the form I eventually used. It stated, for example, that all tapes and transcripts would be confidential, but that excerpts from some of the transcripts might be used in the final dissertation document. I reminded the study consultants of this at the beginning of each interview. The consent form also invited consultants to terminate the interview at any time after it began.

Developing the consent form helped me think through the structure and processes of my study, which made them more explicit to the study consultants and to me (Seidman, 1991). In his book Interviewing as Qualitative Research, Seidman points out that the form requires interviewers to be clear about their purposes, methods, and to consider carefully their relationship with participants (Seidman, 1991). He writes:

In addition to allowing the potential participant to decide whether to participate in the study on the basis of sufficient information, the informed consent form serves as a contract of sorts, which can also

²⁴The one exception was an OCR investigator, whom I interviewed informally by telephone in July 1995. This interview was not taped.

protect interviewers in cases of misunderstanding. Its clarity can lead a researcher to a more equitable relationship with participants and to the increased effectiveness that almost always flows from equity. (1991, p. 53)

Protecting the anonymity of participants is also conventional practice in qualitative research interviews (Seidman, 1991), and I decided to follow it in my study; I wanted to ensure that the people I interviewed felt comfortable sharing information with me, without exposing their identity. I was somewhat surprised, therefore, when most of my consultants expressed no strong feelings about preserving their anonymity, although there were several who spoke off the record on issues concerning a school board recall election in 1992.

Length of the Interviews

Seidman (1991) proposes a three-interview model to explore, first, the "context of the participant's experience," then, reconstruction of the "details of their experience" within that context, and finally, reflection on the "meaning their experience holds for them." He goes on to describe the usefulness of this model in studies he conducted with community college teachers and how they came to teach. Ideally, a in-depth interview model such as this can yield much information about research topics. But it also requires extensive resources. Seidman's studies were funded by the Exxon Corporation and the National Institute for Education (NIE), which enabled him in one of the studies, to hire research assistants, interview 100 participants, and cover transcription costs.

The advantage of the three-interview model is undeniable. Unfortunately, however, I lacked the necessary resources to be able to apply it to my own study. I was aware, as Seidman warned, that I might be treading on "thin contextual ice," but given my financial constraints, I felt I had no choice. Still, I followed his recommendation on the ideal length of an interview (90 minutes) and, therefore, the majority of my interviews were 90 minutes. A few of my interviews were shorter, especially if scheduling conflicts arose. Nevertheless, I conducted some interviews that lasted more than two hours, and even a couple that concluded after nearly three hours had passed.

Marshall and Rossman (1989) point out that scheduling difficulties and time constraints are major disadvantages when interviewing so-called elite groups. This is because of difficulty of access to elite individuals and because they are often hard to reach (p. 94). I encountered this difficulty on a number of occasions, although the majority of my consultants were more than willing to meet with me in spite of their schedules. Still, I found I was "squeezed into" the schedules of several individuals and had to contend with whatever time I could receive. A case in point was my sole telephone interview, with a former district administrator. After attempting for more than a month to track down this particular person in another part of the state, and being unable to negotiate a place and time for us to meet, we agreed to conduct the interview by telephone. It occurred at a time convenient to both of us, but during peak billing hours, which compelled me to limit the interview to about 50 minutes.

I conducted follow-up interviews with several people when it became clear that I needed more information or had questions about the first interview. For example, although I conducted only one formal interview with Joan Taylor-Ramírez, I followed it up with at least three informal ones and numerous telephone calls to clarify questions or confusions I had.²⁵ She graciously and patiently did what she could to provide me with the information I requested. Still, my inability to conduct more than one interview per study consultant, notwithstanding resource or time constraints, must be regarded as a limitation of the overall study.

Developing Interview Questions

This rather serendipitous method of identifying my study consultants was repeated when it came to deciding the kinds of questions I had to ask in order best to investigate my research questions. My interview questionnaire was designed to help identify the factors that had influenced current bilingual policy in the Valle Encantado school district (see Appendices C, D, E). However, I soon discovered that I also had to rely on my study consultants to learn which questions to ask. Their knowledge and experience as district insiders, together with their recollections about key district policies and events, provided essential information and helped me refine and revise my interview questions.

²⁵By formal interview I mean one that was arranged ahead of time and tape-recorded. By informal I mean discussions over lunch, in her office, before or after meetings, and other places.

Wolcott (1988) writes of this when he observes that the ethnographer relies on multiple sources of data over an extended period of time, and employs multiple techniques for discovering, cross-checking or corroborating differing perspectives on complex issues and events. In this way, the researcher "not only is afforded continual opportunity to ask questions but also *has the opportunity to learn which questions to ask*" (p. 192, emphasis in original). Marshall and Rossman (1989) similarly have maintained that research questions in qualitative studies "are best addressed in a developmental manner" and that "often, the primary research goal is to *discover* those very questions that are most probing and insightful" (p. 26).²⁶

Like Wolcott's typical ethnographer, I asked my own questions, but I also had the opportunity to "learn which questions to ask." I understood that my interview protocol would evolve over time, but I had to admit that my lack of "inside" knowledge about the district left me somewhat uneasy. As it turned out, the process of learning which questions to ask was indeed a gradual one. The more people I interviewed, the more I came to identify the complex issues involved in bilingual education policy in Valle Encantado. This meant that some of my first interviews were not as informative as some of the ones that occurred in the second

²⁶Kleinman and Copp (1993) note that researchers' unfamiliarity with local contextual information frequently contributes to their feelings of insecurity, should the need arise to change the initial research questions. Kleinman and Copp reflected that although such unfamiliarity was a common -- and accepted -- practice in qualitative research, it still left them feeling uncomfortable in their own work, because of perceptions of incompetency among their colleagues. "Because the *research question* changes even as we write the manuscript," Kleinman and Copp acknowledged, "our feelings of insecurity will continue for a long time" (p. 4).

and third cohorts (late November/early December of 1993, and January of 1994), after I had learned more about which questions to ask.

An example illustrates this point. Many of the people I interviewed discussed at length the circumstances leading to a divisive school board recall election in the summer of 1992. Although I had heard about this election before I began my study, my questionnaire did not directly address it, because the issues involved appeared to concern other matters in the district. Bilingual education itself did not appear to be an issue underlying the recall efforts. Therefore, it was not a central focus of my research questions. Nevertheless, the recall election proved to be the culminating incident in a series of events that led directly to charges the district was discriminating against LEP children and, ultimately, to the investigation of those charges by the federal Office for Civil Rights. Although not a principal issue in the campaign to oust the targeted school board members, bilingual education was a peripheral concern. Had it not been for the study consultants who brought this to my attention, I would not have identified the principal reason OCR launched the first of its two civil rights investigations in the district.

Technical Problems and Unanticipated Surprises

It is worth noting that although most of my interviews occurred without any major problems, some of them were problematic. For instance, one interview I conducted was interrupted four or five times by telephone calls, which the person felt obligated to take. Another was conducted over the din of a television talk show.

Although the TV set was in another room, the noise was distracting. In the former example, the interview transcript was punctuated by references to telephone interruptions. In the latter, the voices of interviewer and consultant were difficult to understand, and thus to transcribe. Similarly, because of the scheduling difficulties of some of my busier consultants, I agreed to conduct a number of interviews in restaurants, and had to put up with the clattering sounds of plates and silverware, and the banter and conversation of other restaurant patrons. Although the noise and the bustling activity were somewhat irritating, they did, in fact, lend an air of authenticity to the interviews.

I experienced some technical difficulties in the taping process as well, although luckily these occurred in only two of my 36 interviews. The first incident occurred in an interview I conducted in December 1993. With about 30 minutes to go in a two-hour interview, I discovered that the second side of my cassette had stopped recording. Consequently, I lost not only the information related to me during that time -- concerning a major focus of my research study -- but I became a bit flustered when I had to interrupt the interview in order to adjust the tape. The other incident occurred when I discovered that a cassette was defective; although I always carried spare tapes I lost several minutes testing the new cassette and resuming the interview.

The most bizarre incident I had, however, was neither a technical problem nor a difficult interview site. Rather, it represented extraneous circumstances that are beyond the control or planning of the researcher. I had scheduled an interview

with someone whom I had agreed to meet on a particular street corner. We met, and walking toward the interview site, were engaged in small talk. Suddenly, a car pulled up along side us, and the driver leaned over and shouted something to my companion. The message to my ears seemed innocuous enough, but its content so upset my companion that he let fly a stream of profanities and took off running, leaving me with briefcase and taping equipment in hand standing dumbfounded in the middle of the sidewalk. As a result, I was unable to conduct the scheduled interview (I had driven some distance to have it), and worse, I feared a potential loss of continuity from any future interview I might have with him. Knowing I was a witness to this strange incident, I wondered how comfortable he would feel in a rescheduled interview.²⁷

Transcribing the Interview Tapes

All study consultants, with the exception of the OCR official, were tape-recorded. I attempted to transcribe the first few interviews myself. However, when I recognized how time-consuming a process it was, I turned the rest of my tapes over to a competent and fast transcriber (whose rates were also reasonable). Pledging to keep the tapes and transcripts confidential, she assisted me throughout the duration of the study.

²⁷As it turned out, this was not the case. Later, after explaining the source of his odd behavior, he agreed to reschedule the interview; it occurred and was congenial.

Managing and Analyzing the Interview Data

I followed Seidman's (1991) recommendation to make three copies of each transcript: one for the permanent file maintained on each consultant, another to mark up and write on, and the last to cut up and place into a single transcript. The permanent file transcript serves "throughout the study as a reference to which the researcher may turn for placing in context passages that have been excerpted" (Seidman, 1991, p. 92). The second intact transcript provides the researcher with the opportunity to mark or bracket passages that are particularly noteworthy, and the third can be cut up or otherwise analyzed in categories that make sense.

I adopted Seidman's analytical method with respect to the permanent and markable copies of each transcript. However, I altered somewhat his suggestions regarding the third one. Seidman's research concerned the construction of personal profiles of each of his interview participants. His three-interview series considered, respectively, people's focused life histories, the details of their experience, and their reflections on the meaning of those histories and experiences. He took passages from the third transcript copies and cut-and-pasted them into a single profile. In other words, with three separate transcripts from each participant (ultimately composing one lengthy document), Seidman selected passages from each to construct a final profile, which was much shorter than the original three-interview transcript (1991, p. 92).

Because the focus of my study concerned issues and events in the development of district bilingual education policy, rather than constructing personal

profiles of my study consultants, I used the third transcript copy to identify salient themes and issues that emerged from the data themselves. Additionally, rather than cut up mere passages from each transcript, I cut up the entire transcript and pasted each theme or event into a single document. For example, some common themes (that is, mentioned by the majority of study consultants) were the first and second OCR investigations, the influence of research on district bilingual education policy, the district's first bilingual program in 1969, the need for qualified and endorsed teachers, and the school board recall election of 1992. Other themes and issues included desegregation and social class issues, community support for or opposition to bilingual education, attitudes toward bilingualism, the phenomenon of "1C," Chicano social and political issues, and numerous other topics. Thus, each theme or event constituted its own separate file document. In this way, I was able to identify similarities and differences in the way that study consultants interpreted and described the same themes.

Historical and Legal Analyses of Title VII and OCR

In order to provide a context for understanding the development of bilingual education in Valle Encantado, I made historical and legal analyses of Title VII (the Bilingual Education Act) funding fluctuations and changes in federal OCR enforcement policy. I traced changes in federal Title VII legislation from its initial passage in 1968 to the most recent reauthorization in 1994. The analysis of evolving OCR policy explored the agency's roles and responsibilities regarding

claims of discrimination against language minority national origin students. A history of OCR Lau enforcement activity from the 1974 Supreme Court holding in Lau v. Nichols was made, as well as a discussion of OCR's current policy.

Other Documentary Evidence

Yin (1989) writes that the most important use of documentary evidence in case studies is the corroboration and augmentation of evidence from other sources. For example, he suggests, documents can verify spellings and names or titles of organizations mentioned in interviews. They also can provide details that corroborate information from other sources, and if the details are contradictory, alert the researcher to the need for further inquiry about the topic under investigation (Yin, 1989).

In the current study, in addition to the information provided by interviews, I relied upon numerous documents to provide me with supplementary information. These documents included the following:

- *district school board meeting minutes and supplementary materials
- *school board policy statements and resolutions
- *school board election campaign materials (1980 & 1992)
- *school board recall election campaign materials (1980 & 1992)
- *district Title VII funding applications and evaluations, continuation grant applications
- *district Title VII brochure (Dooley Elementary School)

- *district and school demographic data

- *school reports (to OCR)

- *Valle Encantado local press reports, editorials, and newspaper articles

- *Valle Encantado Tourist Bureau materials

- *miscellaneous articles/photojournalism pieces on the city of Valle Encantado

- *state LEP monitoring and curriculum guides

- *state reports on district programs

- *OCR informational brochures

- *OCR policy memoranda

- *OCR correspondence with Valle Encantado district officials (and similarly, correspondence from the district to OCR)

- *OCR correspondence with Concepción Díaz, the parent complainant in the first OCR investigation

- *OCR correspondence with Carla Richardson, a fifth grade teacher at Tyler Elementary School, site of the OCR investigation

- *OCR investigative reports about the district's alternative language programs

- *OCR "Corrective Action" Agreement with the Valle Encantado school district

- *miscellaneous OCR documents

The above documents constituted thousands of pages of information, particularly the correspondence between the Valle Encantado school district and the Office for Civil Rights regarding OCR's two investigations of the district's

alternative language programs. All of the OCR documents were obtained through the federal Freedom of Information Act over a period of more than two years.

It is worth noting that submitting an accurate Freedom of Information Act ("FOIA") request is an acquired skill. OCR's apparent practice is to supply only the specific document named in the request. In other words, my request was expedited considerably if I could accurately describe the correspondence and material I needed, or if I knew the exact dates of a particular document. Often, I did not, and would have to request OCR documents written "on or around" a certain date between identified correspondents. This quickly proved an inconvenient way to obtain the information I needed, because discovering the very *existence* of these documents was an uneven process as well. Reference to OCR documents sometimes was made in the local press. Other times, a report or letter might be mentioned in interviews with study consultants. And when the long-awaited documents finally arrived, they frequently referred to yet other material; thus, another FOIA request and another long wait.

In any event, because my initial FOIA requests yielded relatively little information, I changed my strategy and began asking for all correspondence between a specified time frame. OCR generously complied, but accompanied one shipment - of 1,128 pages -- with a bill for \$328.80.²⁸ Still another problem I encountered

²⁸I managed to have this charge waived by pleading that the information requested would be used for public purposes (a dissertation) and that my study could inform academic and practical interest in bilingual education policymaking. My waiver was also greatly expedited by the assistance of an attorney in OCR's Denver

was the imprecision of my requests. This was the case, for instance, when I requested "the number and locations of OCR compliance reviews in all school districts in the U.S." between specified years. Again, OCR complied and sent me a printout with a breakdown by year of *all* elementary and secondary education compliance reviews, even those concerning discrimination on the basis of sex and handicap. Unfortunately, I had neglected to specify that I wanted the number and locations of *Lau* reviews, and the printout I received did not provide a breakdown of reviews according to specific violations. Other than to note that, generally, OCR enforcement of civil rights statutes was lax, i.e., the number of school districts monitored and reviewed was low relative to past figures, the information supplied to me was virtually useless. Finally, it is worth mentioning that obtaining information through the Freedom of Information Act is a lengthy process. While some of my requests were satisfied within a couple of months, most took many months to fill. After complaining by telephone about the time it was taking to receive one particular request (more than eight months), I was informed that my letter had been misfiled. Once it was found, however, it took another month to receive the material I had requested.

I also reviewed school board minutes from early 1969 to June 1993, which although not especially helpful in providing substantive information about bilingual

office, who intervened on my behalf with authorities in the national office.

education in the district, verified the spellings and titles of various people mentioned by the consultants I interviewed, as Yin (1989) pointed out.

Accuracy and the Narrative

As the different chapters of the dissertation narrative took shape, I became concerned about the accuracy of my interpretations of historical events and policy decisions in the Valle Encantado school district. This was because as an "outsider" I might not fully comprehend the many contextual influences on the issues and events I was describing. Although much of the information gathered from the interview data was cross-checked with documentary sources like local newspapers or school board reports, minutes, or other documents, I wanted to be sure that the voices and stories I was presenting in the chapters were as accurate as possible. Therefore, I asked several of the individuals featured prominently in them to read and comment on the drafts. Because I was developing a narrative based largely on the memories and recollections of my study consultants, I wanted to profile their stories as faithfully as I could. Joan Taylor-Ramírez, for example, read the entire manuscript. As a life-long resident of Valle Encantado, a product of its schools, and current director of bilingual education in the district, she was in an excellent position to provide insight about the historical context. Taylor-Ramírez also supplied me with invaluable information about the OCR reviews of both Tyler Elementary School and the entire district. She was the principal administrator responsible for preparing other district personnel for the investigation; she also had

to facilitate the visit of the OCR investigators themselves. Additionally, Taylor-Ramírez was responsible for writing and submitting numerous compliance reports and documentary information to the investigators long after they had left the district. As a result, she became an indispensable source of information and accuracy for me. Indeed, Taylor-Ramírez commented on all of the chapters, and provided a number of important clarifications in Chapters 6 and 7, where her role in responding to OCR is profiled extensively.

Chapter 2 of the dissertation narrative is an extensive analysis of Title VII legislation and OCR enforcement policy since the mid 1960s. Wanting to be certain that I had analyzed these developments correctly, I submitted the chapter to Washington-based writer and friend, James Crawford, an expert on language planning and federal bilingual education policy. He graciously agreed to read the draft, and made many useful suggestions and comments.

Chapter 4 of the dissertation narrative, detailing the development of bilingual education policy in the Valle Encantado school district from 1969 until approximately 1989, was read by Daniel Portillo, the district's first bilingual director, and Manuel Carrasco, the current superintendent of schools. Like Taylor-Ramírez, Portillo was born and raised in Valle Encantado and could provide valuable information about his own experiences as a student in the district's schools. In addition, as the district's first director of bilingual education, he was able to describe the early implementation of bilingual education, and provide an insider's view of school district controversies influencing that implementation. Portillo

proved a highly reflective and articulate historian: much of the insight in Chapter 4 came from the long interview I conducted with him, as well as from comments he made on the draft. Portillo also lent me a binder of material he had saved over the years, containing information about his roles and responsibilities as director of bilingual education.

Dr. Manuel Carrasco, Valle Encantado's chief school officer, also read Chapter 4. He was not featured in the chapter, but as a long-time district administrator would be able to comment on my portrayal of the history of bilingual education policy in the district. Carrasco also read Chapter 5, which principally concerned a divisive school board recall election in the summer of 1992. Carrasco was the main reason a recall effort of three school board members was launched. He was a popular high school principal at the time, and his removal from that position by Valle Encantado's superintendent of schools galvanized the community. The school board members most supportive of the controversial superintendent were recalled, and Carrasco was named the new superintendent of schools. As it happened, this chapter was among the more difficult for me to write, because of the complexities involved in the issues leading up to the recall itself. But I was pleased and relieved when Carrasco commented that he found the chapter highly accurate, although it had raised some painful memories for him.

Norma Gallegos, one of the school board members who was recalled, read Chapter 5 as well. She found it to be accurate, although she took exception to some of the comments made by current superintendent Manuel Carrasco. Gallegos

contradicted Carrasco's claim that many of the students entering the high school from Mexico were entering with limited academic skills. She said that, in fact, they had received sound academic preparation in Mexico and did well at the high school, although they were placed in an all ESL track and never exited into regular classes. As with Carrasco's reaction, however, Norma Gallegos told me that the chapter had brought up memories she had tried to forget.

Chapter 6, which explored the genesis of the first OCR investigation in Valle Encantado, was read by two people prominently featured. Carla Richardson was the 5th grade teacher at Tyler Elementary school, whose stories about alleged discriminatory practices there moved Concepción Díaz to file a formal complaint to the Office for Civil Rights. Both women read the chapter and found it to be accurate of their recollections and roles at the time.

In short, the dissertation narrative is richer, more complete, and indeed, more accurate and reliable for the efforts and attention of all the individuals above.

CHAPTER 4
BILINGUAL AND ENGLISH AS A SECOND LANGUAGE
PROGRAMS IN VALLE ENCANTADO, FROM 1969-1989

In this chapter I discuss the history of bilingual and English as a Second Language (ESL) programs in Valle Encantado. I begin with a brief discussion of the educational phenomenon known as "1C," and continue with a detailed description of the district's first federally-funded bilingual education program, located at Dooley Elementary School, which lasted from 1969 until 1974. I also examine district efforts to continue Dooley's program after federal funding ceased, and the difficulties encountered by the district when attempting to expand the program to other schools in the city. In particular, I review the efforts of Valle Encantado's first director of bilingual and bicultural education -- by most accounts a charismatic and controversial figure -- simultaneously to desegregate the schools and implement bilingual education.

In this chapter I also consider the district's efforts to implement bilingual and ESL education in the latter part of the 1970s and through the 1980s, when its commitment to promoting bilingual education in all district schools appeared to waver. The chapter closes with the impending retirement, after nearly two decades, of Valle Encantado's then-superintendent of schools, and the incoming administration of a new superintendent.

The Phenomenon of "1C"

Until 1968, the Valle Encantado school district, like other districts in the state, implemented a program called "1C" for Spanish dominant first graders. But it was a "program" in only the most informal sense, because evidently there were no particular teaching methodologies used or special training provided for 1C teachers. It was a kind of "catch as catch can" program, as one person labeled it, designed to provide Spanish dominant children with enough exposure to English to enable them to transfer into a regular first grade the following year. In other words, if first graders were considered "deficient" in English language skills, they were automatically held back a year. Hence, 1C comprised the initial first grade class, and the repeated year was the regular first grade.

Information about 1C was difficult to obtain, except anecdotally. Many of the people interviewed for this study were products of 1C, which officially ended in 1968. Many remembered that they knew very little English when they first enrolled in school, but others remembered that they were placed in 1C even though they knew English.²⁹ It was difficult to determine how the decision was made to place a child in 1C, but one principal I interviewed, Howard Davis, believed it was based on the individual teacher's assessment of the child's spoken English. I asked Davis, whose school in the mid 1960s had several 1C classes, if the teachers had a separate

²⁹At least two of the people interviewed for this study told me they were placed in 1C classes even though they knew English. One of them went to 1C in Valle Encantado, and the other to 1C in another border community in the southeastern part of the state.

curriculum. He said he did not recall one, stating that the class "was just a repeat of what [the students] had had the previous year in first grade." I asked Davis who the 1C students were, and he answered that they were the "ones who didn't pick up enough English" during the first year of school. He continued:

During that year most of them didn't. The ones who came to school speaking Spanish still spoke basically Spanish at the end of the first year. They'd had a little English, but not much, so it was basically just a repeat of the same thing.

I interviewed a former 1C teacher at Howard Davis' school, who provided me with a more extensive explanation for 1C:

At that time [the state] did not have state-financed kindergartens. Some districts had kindergartens, of course, but Valle Encantado did not, so the children came into first grade. Those who spoke English went to the regular first grade, those who did not speak English went to 1C.

Like Howard Davis, this teacher could not recall exactly how children were evaluated for 1C, but she speculated that when the parents registered the child for school, they were asked what language the child spoke. She remembered that the children were immersed in English the whole day, although she provided some of the math instruction in Spanish. However, this particular teacher may have been one of the few who used Spanish in her classroom; other discussions about 1C suggested that many of the program's teachers were not bilingual.

Opinions about the benefits of 1C were mixed. I interviewed several 1C graduates who had no strong feelings about the program either way. Others contended that, in fact, they felt they had learned English through the program. For instance, I interviewed Concepción Díaz, who entered 1C in 1966, two years before the district abandoned the program. Díaz was circumspect about her two years in first grade, and felt that the academic success she experienced in the public schools, and later in higher education, was due in part to this experience.

In retrospect, now I know it was oppressive, it was damaging, but

I've recovered and I went on to major in Latin American studies. . . .

I was always a good student, and I was always a year,

chronologically, older than my peers so I was always more mature.

So it wasn't that I was smarter, it was just that I had a year on

everyone else. Well, we all did. I mean, there was that difference.

Díaz indicated that of the six children in her family, only she and her older sister had gone through 1C, and they were the only siblings to graduate from college. Her four younger brothers, who entered first grade after the 1C program ended, did not graduate from college.

Interestingly, only one person I interviewed had strong negative feelings about 1C. This was Valle Encantado's current director of bilingual education, Joan Taylor-Ramírez, who was not a product of 1C herself, but was adamantly opposed to retention of any kind. Her strong feelings had to do with her perception that 1C was a humiliating and demeaning experience for students who frequently entered the

school system with highly developed linguistic skills in Spanish. One C ignored those skills and subjected the children to "sink or swim" education. Taylor-Ramírez believed 1C "stripped children of their linguistic and cultural identity" because its goal was assimilation. She became emotional as she related a story about her younger brother and sister who had been designated for 1C, but apparently were held out because they "looked like Anglos":

I wasn't put in 1C, but my brother and sister were going to be put in 1C because of their Spanish. . . . [The school] wanted to put them in 1C and instead of putting them in 1C -- because they were both blue-eyed, white, white, you know, Taylors . . . everybody made a big scandal because they were going to put these little *gueritos* in 1C, so they didn't put them in, but [the school] retained them in first grade because they didn't know English. Retaining them had a very negative effect on their personal and family lives.

When I suggested to Taylor-Ramírez that her siblings would have been retained in 1C as well, she agreed but felt that their retention was demeaning and had had a very negative effect on their personal and family lives. She believed their self-confidence had been affected by their retention, and detailed a series of academic, personal, and professional misfortunes endured over the years by both.

Other than 1C classes for children who entered the schools speaking primarily Spanish, I could find little information about other kinds of alternative language programs offered in the Valle Encantado school district. Although a

former superintendent of schools recalled that "there were efforts by teachers in the 1930s to implement a bilingual program," I failed to confirm this through archival research or in other interviews. At any rate, it appeared that for many years, the majority of Spanish dominant children in Valle Encantado, whether in 1C or not, simply were submerged in "sink or swim" situations and expected to learn English in this way. According to Joan Taylor-Ramírez and others I interviewed, many students simply "sank."

There is evidence that at some point, probably in the mid 1960s, the school district provided a more formal ESL program for immigrants from Mexico. Documents I obtained from a bilingual teacher, who had been involved in Valle Encantado's first bilingual project, indicated that these students had had some schooling in Mexico and had completed from the second to the sixth grade prior to coming to the United States. Ranging from age six to fourteen years, they spoke only Spanish and were placed in classrooms according to age, in groups of twenty students per class. The rationale for these classes was that the students needed to develop a rudimentary speaking vocabulary in English before they entered regular all-English classrooms. The district believed the students' placement in "language development rooms" helped them adjust to the school system and gain more confidence in English before they joined their peers in the regular classroom (Valle Encantado Title VII Application, 1969).

The Dooley School Bilingual Project

In the summer of 1969, the Valle Encantado School District submitted an application to the U.S. Office of Education for Title VII money to establish a bilingual education program. The application was approved and the district, one of only 4 in the state and 76 nationally, received the first installment (\$41,500) of a five-year grant to implement such a program.

The initial application detailed a bold and ambitious plan to improve the academic achievement and self esteem of Spanish-dominant children by developing their Spanish language capabilities. It declared a goal of full bilingualism and biculturalism for these children, and aimed to develop a bilingual pupil who could function equally in both Spanish and English, and operate comfortably in the Mexican American and dominant American cultures. In theory, the program was designed to be "additive," that is, English and other subjects would be added to the children's linguistic and academic repertoires, and the application espoused a belief that their language and culture were resources to be used in the educational process. Thus, for the next five years, the Valle Encantado School District put into operation a program through which several hundred children passed.

The idea for such a program, which according to the local press would emphasize "correct speaking, reading, writing and comprehension by pupils in both English and Spanish," had been conceived and developed primarily by the superintendent of schools and the elementary curriculum director. Also instrumental in conceptualizing and developing the program were the first three teachers recruited

for it, and Michael Littleton, a professor of education from a nearby university, who actually wrote the grant application and served as the major consultant to the project for its duration.³⁰

Although bilingual-bicultural programs at the time were fairly uncommon, the original grant application cited a number of schools and school districts where these kinds of programs had been successful. Among them was the Rough Rock Demonstration School on the Navajo Indian Reservation, whose curriculum incorporated Navajo language, culture and history along with standard subjects, and where family and tribal tradition were given central roles (Valle Encantado Title VII Application, 1969). Also cited was a "biliteracy" program in Laredo, Texas, in which both Mexican-American and Anglo-American children were given the opportunity to become truly bilingual in English and Spanish.

The application also quoted at length from "The Invisible Minority," the National Education Association-Tucson Survey on the Teaching of Spanish to the Spanish-Speaking (1966), particularly as it described districts like Valle Encantado, i.e., school districts with representative socio-economic, linguistic and demographic characteristics. The NEA-Tucson survey emphasized the benefits of bilingualism and lamented the fact that most school districts had yet to discover its usefulness as a tool to educate and motivate the Mexican-American child:

³⁰Authorship of the first Title VII grant application was generally attributed to Dr. Littleton. However, at least one individual interviewed for this study believed the document had been written by Walnut Grove's elementary curriculum director.

It can be the means by which he achieves an affirmative self-concept, by which he comes to know who and what he is, takes pride in his heritage and culture, and develops a sense of his own worth. It can be an invaluable asset to him as an adult, economically, intellectually and socially.

One of the proofs of the validity of this approach, it seems to us, is the fact that children born and receiving their early schooling in Mexico or some other Spanish-speaking country generally do better in our schools than Mexican-Americans born here. (From The Invisible Minority, Pero No Vencibles, quoted in Valle Encantado's Title VII Application, 1969, p. 51)

The bilingual program was implemented at one of Valle Encantado's three elementary schools, the Dooley School, located only a few blocks from the international border with Mexico. Although Valle Encantado had two other elementary schools at the time, most people interviewed for this study agreed that Dooley was selected because it was the oldest school in the city and primarily served children from low-income families.³¹ It also happened that two of the three teachers eventually recruited for the program already were teaching at Dooley. More important, the school's principal, Howard Davis, was interested in piloting the program there and was willing to serve as its director. In fact, Davis believed Dooley was a sensible choice, because the overwhelming majority of its pupils were "exclusively Spanish-speaking," noting that he did not believe there were more than one or two Anglo children in the entire school.

³¹The Dooley school also satisfied the poverty criterion required by the 1968 Bilingual Education Act.

Charles Monroe, Valle Encantado's superintendent of schools from 1972 to 1989, provided the frankest explanation for why Dooley was selected. Although the bilingual program at Dooley was entering its fourth year when he became superintendent, he reflected that although the children in the immediate neighborhood were in need of assistance in learning English, their parents "were the most disenfranchised and least likely to object" to its placement in the school. He added, however, that when he had asked Dr. Littleton why the program was only at Dooley, he was told the choice was "purely political."

Three of Dooley's four first grade classrooms were selected, with the fourth serving as a "control" group. Three teachers were recruited, two of whom were already teaching at Dooley, and the third from another elementary school in the district. Although most of the children selected for the new program were Spanish dominant or bilingual, monolingual English-speaking students, both Anglo-American and Mexican-American, would be included as well if they fell within Dooley's entering first-grade classes (Valle Encantado Title VII Application, 1969).

Interviews with Dooley's principal, two of the three teachers involved, the parent-liaison for the program, and other administrators at the school district central office, revealed several justifications for creating the bilingual program. Of principal concern were academic difficulties experienced by Spanish dominant Mexican-American children in the regular curriculum. The majority of Valle Encantado's elementary students -- more than 85 percent -- were considered Spanish dominant or bilingual, and at least 50 percent of these students came from homes

where English was not spoken at all. The feeling was that bilingual education, at least initially, would enable the students to develop their reading and writing skills while they were learning English. On the other hand, an article in the local newspaper suggested that the Valle Encantado project was launched because of the "peculiar plight of a large percentage of local residents;" the article reported that some authorities believed that "language deficiencies" in the community led to high dropouts and an "oversupply of unskilled labor." These authorities believed that the "supposedly lower-than-the-national-average Intelligence Quotient of Valle Encantado elementary students" was an indication of a language barrier rather than a problem of native intelligence. The assistant superintendent, for example, believed that the bilingual program at Dooley would provide definitive answers to extremely vital questions.

Another justification for the bilingual project was the sudden availability of Title VII funds and the possibility that the district might receive some additional money. Still another reason for the project, and one mentioned by most of the administrators I interviewed, was Dooley's role in desegregation efforts in the district at the time. For example, Dooley's principal and director of the Title VII project indicated the hope that the bilingual program would attract monolingual English-speakers. Davis stated that the district was "trying to equalize the number of Spanish-speaking children and English-speaking children" by redistributing the Anglo students, who constituted a small percentage of the total student population, throughout the district's schools. It is probable that a distribution of this type was

more of a goal than an actual achievement, because there was considerable opposition at the time to busing, the district's proposed means of desegregating its schools. Evidently, when the bilingual program first was implemented at Dooley, some parents, both Anglo and Mexican-American, withdrew their children from the school and placed them elsewhere. But information about community reaction to the program is contradictory. Some individuals reported serious opposition to the bilingual program itself -- and to busing students into the Dooley neighborhood. Others indicated that once Anglo parents began enrolling their own children in the Dooley bilingual program, in order to give them the opportunity to learn Spanish, some of that opposition decreased. Dooley's role in the desegregation of Valle Encantado schools is equally hard to pin down, but most of the people interviewed for this study remembered that the only students bused for desegregation purposes were some of those attending Dooley. The other two elementary schools remained "neighborhood" schools, and drew students largely from their immediate areas.

Valle Encantado's grant application listed six general goals for the bilingual program, and numerous sub-goals:

1. Develop a bilingual pupil who can fully function in two languages, Spanish and English.
2. Develop a pupil who can operate well in both the Mexican-American and dominant-American cultures.
3. Develop a bilingual classroom.
4. Develop a model bilingual education classroom.

5. Develop a closer and more supportive home-school relationship.
6. Develop a pre-service and in-service program for those involved in bilingual education.

The subtext of the goals emphasized the importance of building a close home-school relationship, and recognized the children's families and communities as educational resources. Thus, Valle Encantado administrators proposed to establish a home-school advisory committee, and set up an adult education component which would include Spanish literacy instruction and English as a Second Language (ESL) for family members. In addition, the application proposed the creation of a "family room" with daycare facilities at a nearby church for adults with pre-school children who wanted to visit or participate in the bilingual classrooms.

Instruction was to be in both Spanish and English, in approximately equal amounts, although at the beginning of the program more Spanish would likely be used. All subjects would be taught in English and Spanish and bilingual aides would assist in each of Dooley's three classrooms. In addition, volunteers, student teachers, parent helpers, and high school and sixth grade students would assist on a part-time basis to work with small groups and to serve as continuous language models (Valle Encantado Title VII Application, 1969, p. 29). The application also revealed an early instructional innovation, the creation of "interest centers" in different areas of the classroom, such as a reading center, a fine arts center, etc., in

order to "build self-motivation and interest in the child, and [to] allow him to overcome shyness and participate in learning experiences" (p. 29).

The Valle Encantado application indicated that parental support for and involvement in the project appears to have been strong, although this claim was contradicted by some of the teachers and administrators interviewed. It stated, for instance, that the families of children in the Dooley School neighborhood were involved in the planning of the bilingual program and that they had met with district administrators and the three teachers selected to work in the project:

. . . Parents expressed a great deal of interest in the program, indicating their strong support. The need for this kind of program in Valle Encantado was evidenced by the fact that the meeting had to be conducted in English and Spanish. The parents were enthusiastic about the school's recognition of the home language and cultural background and the possibility of including these as part of the curriculum in this program. (p. 73)

I asked all of the people involved in the Dooley bilingual program to comment about the project goal of developing full bilingualism. To a person, all of the teachers I interviewed stated unequivocally that, indeed, the goal from the very beginning was to develop "a bilingual-bicultural child" and, as a result, they structured their curriculum accordingly. Yet interestingly, all of the administrators interviewed for this study, including Dooley's principal, the superintendent of schools, and several others peripherally involved with the bilingual program, stated that the goal was a transitional one, and the intent was to teach English, not to aim for full bilingualism.

Regardless of differing interpretations of its main goal, in the weeks before the bilingual program began, the three teachers who had been selected to participate in it were busy designing the program and developing instructional materials. They asked for and received permission from the school board to knock down the walls between the three classrooms in order to create one open classroom in which the students would be rotated through all of the interest centers and the teachers would be free to move about and observe each other. Howard Davis remarked that the school board agreed to everything the bilingual program staff wanted, including carpeting the room and removing all the desks and replacing them with tables and chairs. He noted, however, that the school board only granted these requests because the district did not have to pay for any of these changes -- they were funded directly from the Title VII grant.

A frequent complaint in the early days of the Dooley program was the almost total lack of bilingual materials to use in the classroom. The teachers were forced to develop most of the materials themselves, which initially meant that they translated commercial English-language texts into Spanish. Although some Spanish-language books were available from other states, most of them were designed for beginning Spanish speakers, and thus not appropriate for the Spanish dominant pupils in the Dooley program. Much of the material available from Latin America was not suitable either because of significant cultural and vocabulary differences from those of the Mexican and Mexican-American population in Valle Encantado. Two of the three original teachers interviewed for this study indicated that they had spent

countless hours developing and revising the materials for the bilingual program and agreed that their primary knowledge about teaching methodologies and materials development came from the experience they gained there. Both teachers also attributed much support to Dr. Littleton, who served as consultant to the program for more than five years. Dr. Littleton provided information on linguistics, ESL techniques, open classrooms and learning centers. He also conducted a number of in-service training sessions before and throughout the first year of funding. Howard Davis was equally appreciative of Littleton's assistance:

He helped me out a lot because he would give me ideas . . . not only for myself but for the teachers. On three or four different occasions he took groups of teachers to Hermosillo, Mexico and visited American schools down there, saw what they were doing with their Spanish-speaking students in teaching them English.

. . . Michael had a lot of ideas about how to deal with open classrooms, learning centers and the kind of things people could use in those learning centers and the basic language acquisition kinds of things that he knew and we brought in a few consultants, but they basically were just telling us what we already knew.

Davis stated that he and the Dooley teachers also accompanied Littleton to other states to attend conferences on bilingual education and to visit different school programs. But although the participants in Dooley's bilingual program were gaining a lot of practical experience, the first few years were difficult. Efraín Mendoza,

Valle Encantado's recently retired associate superintendent of schools, who was the assistant principal at the high school in 1968, summed it up this way:

Well, here's the thing. There wasn't any [guidance]. There were no experts. There were no materials and the materials they were putting out were bad. There was no training and the people who were trying to train teachers knew about as much about it as the guy off the street.

Nevertheless, though bilingual educational material was lacking, the federal funding through Title VII paid for numerous opportunities for Dooley staff, including teacher in-services, travel to educational conferences and meetings, tuition for education courses at a nearby state university, and when possible, for texts and books in Spanish. During the first year of the grant, Marta Rodríguez, the president of the Parent-Teacher Committee (PTC), was hired as "parent liaison," primarily to develop community support for the program. She also recruited children for the bilingual classes and coordinated visits to the school by parents, community members, academics from state universities, and other interested persons.

When asked whether there was opposition to the bilingual classes, Rodríguez replied that, initially, some parents believed that the school's responsibility was to teach their children English. Others were apprehensive about the goals of developing full bilingualism. However, once they attended meetings with Dr. Littleton, Howard Davis, and the Dooley bilingual teachers, they became more confident. Rodríguez stated there were a couple of parents she knew who were opposed to the program because they felt their "children would be regressing as far

as academics are concerned." She also said that other parents were concerned that instruction in Spanish would prevent or, at least, hinder "correct pronunciation" in English. Rodríguez felt that opposition to the bilingual program at Dooley was minimal. The number of parents who pulled their children out of the school was small, she said, and the community and the school board generally were very supportive.

Two of the original bilingual teachers in the Dooley program interviewed for this study corroborated Rodríguez's perception that opposition to the program was generally inconsequential, and that it came from Mexican immigrant parents who were concerned their children would not learn English. According to Laura Coronado, one of the original first-grade teachers at the school,

[Some] Spanish-speaking parents were apprehensive and the ones that were very vocally opposed were very frightened that their children would not learn to master English. They wanted their kids to "make it" in the United States and to be able to compete.

Coronado indicated that more opposition appeared to come from the middle and upper socio-economic class Mexican-Americans in the community, because as she put it, they were "usually more well-read, and ha[d] some pretty defined ideas about what they want[ed] for their kids and how things operate[d] in the world." When asked whether these individuals had children at Dooley, she answered no, but suggested that their opposition stemmed from fear that the program would expand into other schools.

I think part of the fear was that, here's this program and down the line you're going to expand it, put it in all the schools. "We're not sure we want this for our kids and we don't agree with the philosophy of what you're trying to do."

Coronado said there was some opposition from Anglos in the community, primarily those who had been encouraged to put their English-speaking children in the bilingual program. Their concern was primarily academic, she recalled.

They were concerned more with, "well, you want me to put my child in this program, but are you going to be catering to the non-English speaking kids? What's that going to do for my child? How are you going to have this program that will serve my child equally well?"

Those kinds of questions.

The other first grade teacher interviewed for this study, Isabel Brainerd, could not recall significant community opposition to the program at Dooley either. In fact, although some parents withdrew their children from the program, she said there were plenty of others who wanted to enroll their children at Dooley. Brainerd also remembered that some teachers in other schools were jealous because of all the federal money pouring into Dooley's program:

I think we had more opposition from the faculty of the other schools.

Because we had everything. We had so much money. I mean, we were the only school with carpeting on the floor. We were sent to meetings.

In contrast to the more optimistic recollections by Rodríguez, Coronado, and Brainerd about opposition to the bilingual program, Dooley principal Howard Davis remembered differently. He agreed there was some opposition from Mexican American families, but said the bulk of it came from Anglos in the community, especially after the district began to desegregate the schools. This opposition took Davis by surprise because the intent of the program was to "make the children better English speakers and to develop their academic skills." The program was a good idea, he felt, and he didn't anticipate such strong feelings about it.

Well, there were some people who were not happy with the [desegregation], mainly because it entailed transferring their children from a school where they had been going. They were very upset about that and there was a pretty good backlash against the bilingual education program from the Anglo community. They thought it was completely unnecessary and unwarranted and that we were messing with children's lives and their education and things like that. Almost every time we had a public meeting, most of the meeting was me trying to defend the program against a number of people who were really dead set against it.

Davis exclaimed that he nearly "quit going to church" because of the opposition, stating that every time he went, "somebody would grab me and start giving me a bad time about the bilingual program." He continued:

They just thought it was a waste of time and the children weren't going to learn any better, that we should just bring the Spanish-speaking children in and concentrate on speaking, getting them to learn English and get on with their education.

Another administrator asked about opposition to the Dooley bilingual education program was George Ibarra, who became principal of Dooley much later but was familiar with the program. Ibarra recalled that some of the opposition came from both Mexican-American and Anglo teachers who were unsure of their abilities in Spanish. He also recalled that opposition from the parents who pulled their children out of Dooley frequently was based on socio-economic class concerns. These parents re-enrolled their children in another nearby school, which at the time was considered to be the best in Valle Encantado.

I do remember that move about pulling students and sending them to Wilson. I guess Wilson at the time, we're going back a number of years, was what they called THE school, that's where the upper class students were attending, there was more English, maybe more facilities, all around you might say, and Dooley was closest to the line, getting kids from Mexico, surrounding areas, you might call it the run-down school and so on.

Opposition to Dooley's bilingual program dissipated somewhat when a few prominent Valle Encantado Anglo families began to send their children to the school. According to several people, among them teachers and administrators, these

families believed that being bilingual in Valle Encantado was very important. Efraín Mendoza reflected:

Well, the Dooley school was so successful and we had this core of Anglo people, especially some of the Franklins who were strong community leaders and things like that, and some of the Crowell families decided to send their children over there. We had them already convinced and they were convinced themselves that being bilingual was very important. Dooley was kind of like the flagship of the whole thing and once those people came out and said it was good, then, I mean it was pretty hard for other people to say it wasn't.

Superintendent of Schools Charles Monroe remembered that the program was "controversial" because of a common attitude that Spanish should be kept at home, and English was the language of the school. But he said he supported bilingual education because he believed knowledge of two languages, especially in a border community, was very important. He also felt that keeping Spanish out of the schools had negative consequences:

The school system shouldn't set out to systematically destroy the language that a child comes to school with, and if you dishonor it and don't use it or allow it to be used, you are setting up some negative values toward that language and self-image and other things that are eventually very harmful. Most of the kids that we had in the bilingual program were Spanish-speaking prior to this program and didn't have

any skills at all in writing or reading in Spanish, [but] that came very quickly once we started emphasizing that it was acceptable. Before I arrived, other than at the Dooley school, principals did not allow kids to speak Spanish on the playground.

Monroe, who was not proficient in Spanish himself, reported that the school board, composed of two Mexican Americans and one Anglo, generally believed that English should be the only language of instruction in district schools. But Monroe managed to garner grudging support for the bilingual program in a novel way:

I kind of solved that problem by asking some of my board members to translate some of my letters in Spanish to go home to some parents. They couldn't do it, of course. They were quite embarrassed about the fact that they were not really truly literate in Spanish.

Monroe admitted that initially he lacked support from both administrators and teachers. However, he was determined to support bilingual education at Dooley, and eventually, in other schools. He recalled that things came to a head when he began to desegregate district schools, which were segregated primarily according to socio-economic status. Monroe remembered wryly:

I kind of tested the water with various members of the administration and selected Efraín Mendoza, who was assistant high school principal, to assist me. I sat down and had a long talk with him. And he said, "Well, let's put our careers on the line together. I'm with you." And

so we proceeded, one, to desegregate and two, to implement a bilingual program.

Monroe said that he and Mendoza redrew the school boundaries so that children from an expensive housing area near Dooley would be forced to attend the school (they were attending another school in the district, Wilson Elementary). He encountered a lot of opposition, mostly from Anglos, but felt he was able to put these changes into effect because he was Anglo himself, and as he put it, "didn't have to bear the family wrath of all of those other board members, who caught hell."

Another retired administrator interviewed for this study was John Cox, who at the time of Monroe's efforts to desegregate Valle Encantado schools, was principal of another elementary school. He discussed his own role in helping Monroe desegregate Dooley on the basis of race and socio-economic status. Because his school had more Anglo students than Dooley, district administrators told him that he "had to go get some Anglos and send them over because we've got to desegregate." Cox recalled that he sent a number of students over to Dooley after explaining the situation to their parents.

The bilingual program at Dooley Elementary School was funded by Title VII for five years. By the end of 1974, bilingual education was in place at the school in grades Kindergarten through fourth. But although the principal and most of the staff were committed to the program and wanted to continue it, they faced some other problems which affected its quality. One problem was the school's high teacher

attrition rate. Howard Davis complained that as soon as his teachers began to gain some experience, many of them were recruited away, either to other school districts in the state or into administrative positions within Valle Encantado itself. Two of the original three teachers involved in the program were moved into administrative positions at the district central office. Later, two others were promoted in similar ways. Davis blamed much of this on Charles Monroe, who he claimed was taking his best teachers away from the bilingual program. Isabel Brainerd, the only one of the three original teachers to stay at Dooley the entire duration of the program, confirmed Davis' complaint. She stated that by the third year, the program "was falling to pieces because we couldn't get enough people to stay, to team teach, to have the commitment to the bilingual program." Laura Coronado was one of the original teachers who left Dooley after three years to become principal of another elementary school in Valle Encantado. She reflected that her experience at the school had been influential in securing her promotion:

We had a lot of visitors and it seemed then, even to a certain extent now, if you [said] you taught in Valle Encantado, a lot of people [went] "whew!" And then if you [said], "Well, I taught in the Valle Encantado Title VII program," you could name your ticket in a lot of places.

Another problem for the Dooley bilingual program was the fact that after several years the teachers were tired, according to Charles Monroe, at least, and suffering from morale problems. He indicated that by the time federal funding for

the program came to an end, the teachers were feeling a "lack of success, lack of community support." Even while the district was considering how to continue funding the program and implement it district wide, there was opposition:

All the kudos kind of faded away. Even though we initiated ESL or transitional programs, which were about all we could do because we had so few Spanish speaking teachers, [the community] still wanted to distance [itself] from it.

District-Wide Implementation of the Dooley Bilingual Program

In mid February, 1973, the Valle Encantado school board passed a resolution approving a plan for a pilot bilingual education program in the district's public schools. But replicating the Dooley bilingual model in other schools proved to be very difficult. For one thing, the district was unable to match federal funding levels for the program. When Dooley's Title VII monies ran out, the only federal money available to continue the program district-wide, at least until another Title VII grant application could be submitted, was through the Emergency School Aid Act (ESAA), whose funds were earmarked for desegregation plans. Although the district had picked up some of the salaries for the teacher aides and had purchased some of the materials and audio equipment needed, it relied more on the voluntary "transferability" of the model to other schools. Efraín Mendoza indicated that he believed "everything was in place" at the time, but it was apparent that the success of the Dooley program had not convinced principals in other schools to duplicate it.

Charles Monroe stated that he had put out a mandate for bilingual education in the district, including a requirement that principals had to meet objectives and recruit staff. But Howard Davis said the actual program implemented in other schools was very different from the one at Dooley. Some schools implemented their own "watered down" version of the bilingual program, he said, and others refused to implement team-teaching, open classrooms, parent/community involvement and other innovations commonplace at Dooley. Isabel Brainerd confirmed this, recalling that "if teachers in other schools wanted to have a bilingual classroom, they did it, and if they didn't [want it] they didn't have to."

Another reason why the transfer of the bilingual program from Dooley to other schools was problematic was because community and parental apprehension about the benefits of native language instruction remained. For example, according to George Ibarra, the last principal at Dooley until it closed in 1986, parents were apprehensive about the use of Spanish as the language of instruction. Since the community was predominantly Spanish-speaking to begin with, Ibarra said, these parents did not understand why the children needed "more Spanish."

I recall when we had to send out these forms for compliance and so on, have the parents sign and some would just return them and say, "I don't want him in bilingual." Just flat no. "Just put him in any class, not in a bilingual setting, just teach him English. We'll do the Spanish at home."

Valle Encantado Hires a Bilingual Director

The most complete account of the failure of the Dooley bilingual education model to transfer to other schools came from Daniel Portillo, who in August of 1973 was appointed by Charles Monroe as the director of bilingual and bicultural Education, and of the ESAA grant. He also managed a smaller ESEA Title VII grant the district was awarded earlier in the year. As such he was primarily occupied with desegregation efforts in the city. Still, part of his job was to "sell" bilingual education to other district administrators and members of the Valle Encantado community. Portillo, by his own account, was a controversial figure. Born and raised in Valle Encantado, he had returned to the city after serving as director of Chicano studies at New Mexico State University, where his role had been political and activist. Among other activities at NMS, Portillo worked hard to promote increased recruitment and retention of Hispanic students in higher education; he also advocated for the introduction of bilingual education in the public schools. Thus, his reputation preceded his arrival in the district, and many administrators felt threatened by his activist background.

Coming back to my home town, and already feeling like an outsider -- that's what they made me feel like -- I was coming in and changing the whole system, bringing in things that didn't make any sense to them. It was super-threatening for me to vocalize and talk about economic discrimination openly, and to use words like "Chicano." [That] threatened everybody that you could possibly think of.

Portillo explained that his identity as a "Chicano" rather than "Mexican" was associated with ethnic political and social movements at the time which were negatively covered by the press. People viewed him as a trouble-maker, he said, and were worried that he would create problems for Valle Encantado. But he reflected on his role in advancing controversial programs in the district:

I understood my role. I was brought there to make problems. In other words, it could not have occurred with anybody else but me, and I'm not saying that from an egotistical point of view. They needed somebody who would take on the board and somebody else who would take on all kinds of things. . . . I wanted to go back to Valle Encantado for a while, and I believed in [the role]. I believed in it in terms of what I had to do with the Chicano movement or any other minority movement at that time.

As director of bilingual and bicultural education, Portillo's job was to "introduce some aspect of bilingual education in all schools," and he saw himself as a "door opener," someone who could train teachers about the approach, encourage them to teach in teams and to consider implementing open classrooms.

Portillo immediately began to lay the groundwork for introducing the district to bilingual education. He organized in-service meetings for both teachers and administrators in an effort to persuade them of the benefits of bilingual education. He frequently issued communiqués to district personnel in which he not only explained the methodological and curricular issues involved in bilingual education,

he also provided the social and political context for these issues. One of them in particular, written shortly after he was hired, revealed his concern that school systems were attempting to eliminate the linguistic and cultural resources of the Spanish-speaking children. He wrote that although some schools were bridging cultural gaps by providing these children with remedial and compensatory programs, such programs denied "the virtues of the minority culture." Portillo's communiqué continued:

Programs such as remedial reading, basic skill development for the culturally disadvantaged, English as a second language, and remedial concepts of bilingual education, posit a negative attitude toward the minority culture. They are aimed at educating the Spanish speaker to middle class values and the dominant English speaking society (Portillo communiqué, November 26, 1973).

The statement promoted bilingual, bicultural education as an effective means of instruction, and promoter of change in teacher behavior. Other communiqués echoed similar sentiments and reiterated the need for Valle Encantado administrators to implement bilingual education in their schools.

Letters, announcements, conference brochures and district memoranda provided to me by Portillo also indicated that he attended numerous conferences on bilingual or ethnic studies education throughout the state, and that he began to build a reputation as an expert in the field. He showed me one three-ringed binder, for example, that contained more than two dozen letters from school districts, business

or minority organizations, academics and other people, thanking him for his participation and assistance in setting up similar programs. Other letters sought his expertise on a variety of issues in language minority education.

With regard to Portillo's role in helping the Valle Encantado School district implement bilingual education district-wide, it was logical that he turn to the bilingual education staff at Dooley Elementary School for advice and expertise. Because Dooley was the only school in the entire district with a bonafide bilingual education program, Portillo hoped to replicate its model district-wide. But Dooley's staff was uncooperative. According to Portillo, the principal was "super-protective" of the program, and the bilingual staff were unwilling to share their expertise with other schools. He indicated that it was partly a territorial issue, but the staff's reluctance to share information also had to do with federal funding. Dooley was the only school receiving money -- and a lot of it -- through the Elementary and Secondary Education Act (ESEA).

On the other hand, the rest of the district worked mostly with ESAA funding, which, while abundant, was divided among the other schools. Portillo stated that occasionally he would organize educational activities for the district and support them with ESAA funds. He would invite the Dooley bilingual staff to participate but said they generally "operated on their own." Eventually, he felt, opposition to his efforts on behalf of bilingual education turned into opposition to him personally, and came not only from the Dooley staff but from other people in the district as well. Reflecting on his short and frequently volatile tenure as bilingual director, he

admitted that his role was a difficult one. First, his "big picture" approach to the implementation of bilingual education aroused suspicion in people who were more locally-oriented. Second, their attitude of territoriality was difficult to deal with, he said, and contributed to his inability to replicate Dooley's model in other schools. But most important was the difficulty Portillo experienced in carrying out the superintendent's dual agenda -- desegregation and bilingual education -- without first having developed an effective working relationship with other administrators in the district. He described the situation somewhat ruefully:

At that time we had no site-based management in schools. Right now there's no way I would do anything without the teachers having the last "sayso" about it. At that time my direction was to go in there and just do it. . . . At that time the superintendent and the board said -- mainly the superintendent -- "Thou shall do this, Daniel, get it done" without developing the good, positive channels for me to work with. I was successful in a couple of schools [where] I had a good working relationship with the principals, but the other ones, no way.

Portillo said he even employed some marketing strategies to sell bilingual education to district administrators, including the promise of a bilingual aide for every bilingual classroom as a means of recruiting more teachers. When asked if this proved a successful tactic, Portillo said yes, but that many of the teachers "could care less; they just wanted the aide."

Portillo's relationship with district administrators remained contentious, even after he organized a successful conference on bilingual education in March 1974, which resulted in a slight reduction in negative attitudes about him. Nevertheless, he cited a particularly antagonistic relationship with two school board members who objected to his plan to implement bilingual education in all district public schools. One of them was Luis Escalante, a young man in his early twenties, who had graduated from Valle Encantado High School in 1970 and was attending one of the state universities. The other was Marge Larson, one of two Anglos on the five-member school board. Originally from Maine, Larson was a relative newcomer to the district, having arrived in 1968 after living in Florida for 13 years.

According to Portillo, Escalante was adamantly opposed to bilingual education and did not hesitate to express his views at board meetings and throughout the community. Portillo felt that the basis of Escalante's resistance to the approach was more personal than substantive. In other words, it resulted from a personality conflict he had with Portillo, rather than opposition to bilingual methodologies or curriculum, per se, of which he was essentially uninformed. Portillo's assertion was supported by a letter to Escalante, written in early May 1974 by the president of the local education alliance, who accused the board member of making divisive statements without ever having visited the bilingual program at the Dooley school, or discussing the program with district officials.

Portillo told me he was somewhat perplexed about the forcefulness of Escalante's opposition to him, because he liked the young man and felt Escalante

was really interested in the welfare of children in Valle Encantado. He said he had corresponded with Escalante while still at New Mexico State University, congratulating him on his board actions. When Portillo arrived in the district and began carrying out his plan to implement bilingual education district-wide, he was surprised when Escalante made a board motion to fire him from his position.

When I interviewed Luis Escalante about his up and down relationship with Portillo, he laughed and admitted that at the time he and Portillo "were the worst of enemies." But he assured me that they were the best of friends today, and that he was even serving on the North Central Accreditation team for the Clarkston high school in which Portillo currently was principal. Escalante denied that the school board had attempted to "fire" Portillo, and explained that, on the contrary, board conflict with Portillo was not personal, but had to do with what he "represented."

We had no conflict with Daniel as an individual, none whatsoever.

We always found, even Marge could say he was a good administrator.

We didn't like what he represented.

When I asked Escalante what that was, he laughed again and said, "Bilingual education!" He recollected that parents in the community wanted their children to be taught in English, and he was merely relaying their concerns. The problem was, Escalante maintained, that Portillo never adequately explained to the school board what bilingual education was:

I think he was trying to bring about the implementation of a curriculum that involved bilingual methodologies, pedagogy. But we

didn't understand it. And there was this anti-bilingual movement.

But nobody really told us that bilingual education is teaching English, [that] we're incorporating their primary home language in order to do that. . . . If you look at it, I learned Spanish first. My English isn't that bad, so when did I learn English and how did I learn English? Even though when I was going to school -- and Daniel too -- we weren't allowed to speak Spanish in school. They would swat us if we would speak Spanish in school.

For his part, Portillo confirmed that in later years, the two men had become good friends and remained so today. In fact, Portillo told me that after Escalante left the school board to run for mayor of Valle Encantado, he ran his election campaign.

In contrast to Portillo's occasionally fond reminiscence of his difficulties with Escalante, his characterization of his relationship with board member Marge Larson was very different. Portillo stated that Larson's opposition to him was definitely personal and probably also racially motivated. He said she had called him a "rabble-rouser" and that she had even sought an official investigation of his background.

I came in and I threatened her very much. I represented the Chicano movement and she called me an activist, all kinds of names. But there's another word that I represented -- she tried to get immigration

to look at me, my background and all that kind of stuff, you know,

FBI. She was a genuine racist. And that's all there is to it.

Marge Larson also had strong words for Daniel Portillo, characterizing him as a "gung ho activist" who antagonized the Valle Encantado community. Larson complained that when she first arrived in the district, people did not define themselves on the basis of their ethnicity. No one was "Mexican" or "Anglo," she said, because those terms were not used. But after Portillo was hired to implement bilingual education, people had to be categorized in this way. As evidence of this, Larson reported a conversation with an administrator in the district who said that his students were "all shook up when they found out they were Mexican-Americans . . . they thought they were American-Americans." Larson charged that Portillo "tore this town into shreds" and that, in fact, he "made the segregation so he could desegregate it." When I asked how that was possible, she replied,

By running around with all these forms and making you identify as to what you were, every one I filled out I put "mongrel." There was no such thing as segregation. The classroom . . . if you had an Anglo in a classroom it usually was the teacher, so there really was no segregation and kids played on the playground fine together, no matter who you were. But then [he] came in and said, "You're a Mexican-American, you're not an American." They didn't know that.

Larson added that at the time she was also in favor of a tracking system in the Valle Encantado schools, whose elimination was advocated by Portillo, Charles Monroe and other administrators.

The thing when we first came here though, you might say they had three different groups, each class had about three, there were the kids who were real fast, the kids who were medium, and the retarded ones. . . . Everything happened at once. They broke up the tracking, which in a way hurt a lot of people. It put the poor little child that couldn't compete in against the real smart children. And then you had the children who were real smart bored as all get out raising the dickens. The poor little kid down here who never is going to compete giving up. It was real bad here for awhile. I really felt sorry for them.

Inasmuch as Larson was in favor of tracking, she was just as strongly opposed to bilingual education, although it is probable that she was more opposed to the bilingual director than to the educational approach itself. Still, she had strong feelings about the use of Spanish in the classroom, and put it this way:

[Portillo] upset the local people because a lot of them wanted their children to learn English and learn it well because that's the only way you're going to succeed, and to me -- and I accused him of it more than once -- what he was trying to do was keep "his people" down.

And it seemed to me he was making an effort to keep them from achieving and getting better and so forth.

Conflict between Daniel Portillo and the two board members escalated, especially with Larson. In late November of 1974, Escalante, Larson, and Selma Doyle, another board member, read a statement at a school board meeting, in which they sought to allay city-wide rumors that they intended to do away with bilingual education in the district. But the board members also raised concerns about "inequities arising from the program, the evaluation of the effectiveness of our present program, and the price per pupil" (Doyle, Larson, Escalante statement to the school board, November 21, 1974). The statement, which is rambling and confusing in parts, implied that Portillo's desegregation efforts had created divisions in the city. It also claimed that the newly-awarded Title VII program had created inequities in "materials, aides, room settings," and was too expensive. Of additional concern to these board members was how the bilingual education model at Dooley would transition to other schools in the district. But the statement is contradictory, questioning whether the expertise and experience from the Dooley program would be utilized, while suggesting that implementation of other bilingual programs would be costly and unfair. The statement insisted that participation in the "second bilingual program" be voluntary and available to anyone, "not just those selected by the federal government to participate." Finally, the three members stated that their questions reflected community resistance to bilingual education.

Portillo attempted to respond to these concerns as best he could, but reported that dwindling support from the school board, and eventually from the superintendent who first had hired him, made his job increasingly difficult. He resigned his position in mid 1975 and took a job as a social studies teacher at the high school. An articulate, introspective individual when I interviewed him, Portillo reflected on his brief tenure as the ESAA/ESEA administrator in Valle Encantado:

To me [bilingual education] was a way to create change in the educational system, so when I went to Valle Encantado I knew what I was getting into. I knew it was highly political. I knew I was going to be a political football. I knew they were going to jerk me around. So, I just went with the punches and I took them on for the benefit of the district, to learn, and it cost me a lot, but it never stopped me where I was going.

After Daniel Portillo was transferred to the high school, Efraín Mendoza took on Portillo's grant writing responsibilities, and Ana Contreras, one of the bilingual education teachers at the Dooley school, was made coordinator of bilingual instruction for the district. Hired initially by Portillo, Contreras had been a bilingual resource teacher only a short time when he resigned, and she suddenly found herself directing the district's bilingual program. She admitted that at the time she had felt somewhat conflicted about leaving the classroom to take an administrative position. But she felt the bilingual model at Dooley should be replicated in other schools in Valle Encantado, and as a former teacher herself, she

would have more credibility in promoting bilingual education among the teaching staff. Still, she stated that she was reluctant to work with Portillo, because she felt she didn't "fit in" with his philosophy. Contreras reflected that after she became an administrator, she also began to believe that some of Portillo's project expenses were questionable. For example, she said he took teachers on field trips, calling the trips "in-services" and she sympathized with community criticism of that kind of spending.

When asked about district support for the bilingual program at Dooley and her own role in helping transfer the model to other schools, Contreras remembered that she had made a lot of presentations to administrators.

Afterwards, they were supportive of me trying to help them set up the programs for the most part. There were a couple of them -- Tom Cox and George Ibarra -- at Santiago and Beckwith [Elementaries] -- and I remember that I worked a lot with their schools. I would go in and model for teachers, work with them individually, have small meetings, in-services, a lot of things . . . [Cox and Ibarra] really made a very big effort to get the program going.

Contreras explained that she recruited staff for the district bilingual program from the pool of teachers who had wanted to transfer to Dooley during the initial years of the Title VII grant. During that time, however, and in anticipation of district-wide expansion of the Title VII program, those teachers had been encouraged to stay at their own schools, where they would be needed in the event

the expansion came to pass. Contreras reported that during her first year as bilingual coordinator, she attempted to put into place a bilingual education reading curriculum and that because of the paucity of materials she had to use whatever she could find, creating many of them herself.

I asked Contreras to reflect on the success of her efforts to promote bilingual education in district schools and wondered whether opposition to the approach hampered her in any way. She replied that, looking back, she would have to say yes, but that she did not become aware of the opposition until after leaving Dooley Elementary School.

I'm sure it was always there, but I became aware of it when I started to work with the program district-wide and found out where exactly the opposition was. I think the major opposition was within the school system, was with native Valle Encantadians who were part of the school in various administrative roles. Also, outspoken parents who had residence, you know, natives of Valle Encantado, but who had made it through all the English schools.

Ana Contreras left Valle Encantado in 1986 to become the director of bilingual and ESL education in a large school district north of Valle Encantado. She was circumspect about her years as a resource teacher and bilingual curriculum coordinator:

I can't say that while I was there we implemented a bilingual program. I don't think it would be fair to say that. What we did

have was a Spanish reading program for all students and I think that went fairly well. . . . There was ESL of course, but ESL was only given to those students who were really very, very limited -- monolingual. There were ESL classes and there were different ways, there were resource teachers or some different ways in the schools, but all the kids did receive instruction in reading in Spanish. I guess that's what they called bilingual education.

After Daniel Portillo resigned his position in 1975, implementation of bilingual education in district schools continued to be problematic for the next five years. At the Dooley school, where the original Title VII program had flourished during the years of federal funding, bilingual education seemed to lose its momentum. Although the recollections of people interviewed for this study were somewhat vague on this point, most of them agreed that transition of Dooley's model to other schools in the district occurred only reluctantly, if at all. Dooley's original bilingual program staff, with the possible exception of Dooley's parent liaison Marta Rodríguez, believed that a variety of factors contributed to the program's demise. Howard Davis and Isabel Brainerd mentioned the lack of commitment to bilingual education on the part of teachers in the district. Laura Coronado said that continuing migration of new students into Valle Encantado from across the international border was a problem. She complained that staff would have to continually answer the same questions about the program. Efraín Mendoza

referred to this also, reporting that instability in the student population meant that teachers had to continue to reintroduce the same material at every grade level.

Teacher recruitment remained a serious problem; it was difficult to find bilingual, experienced teachers for the program, in spite of an arrangement between the school district and the University of Indiana to place student teachers in Valle Encantado schools in order for them to gain experience teaching in the Southwest. Some of the student teachers had knowledge of Spanish, but most did not. Similarly, some of the teachers stayed on in Valle Encantado after their student teaching assignment came to an end. However, most of them moved on after a semester or two. Although the "Latino Program" lasted until June 1995, the program's contribution to Valle Encantado's permanent teaching staff is difficult to assess, since most people could only name two or three Latino Program teachers who were still living in Valle Encantado.

Charles Monroe also complained bitterly about the district's inability to hold on to teachers, once they were hired:

One of the worst things that happened to us was once they found we had bilingual teachers, we had people from other school districts literally walking into the classroom to recruit our teachers, including [two large districts in Clarkston]. I got to the point I refused to have a consultant or project person from [a large district in Clarkston] come into our district because they were recruiting . . . "we have a job for you [there]." Ana Contreras, who's the director of bilingual

education in [a large district in Clarkston] . . . do you know her? She was a Dooley School teacher. . . . I can't tell you how many.

Principals would walk into the classroom and find recruiters from [other] school districts. We got up one time as high as 45 percent minority teachers and that disappeared because demand was there and we couldn't compete with other school districts. So, not only did we have attrition, but the competition for employing bilingual teachers or teachers with dual language proficiency.

Monroe added that teachers who decided to stay in the district continued to encounter opposition to bilingual education, frequently from parents who insisted they would teach Spanish to their children at home and that the language of the classroom should be English.

Marta Rodríguez was the only person I interviewed who felt that the Dooley school bilingual program had laid the groundwork for bilingual education in the entire district. Her recollection was that the district supported the program for four years after federal funding ended and that during this time, parental backing and participation was high.

Nevertheless, the consensus of the majority of people I interviewed about bilingual education in the 1970s was that by 1980, only a few schools had bilingual classes, and that frequently meant ESL, rather than native language instruction. Marge Larson told me that even John Cox and Howard Davis, who had implemented bilingual education more than any of the other principals, "realized it

wasn't working so they sort of slid over, real easily, without making big waves, into English as Second Language."

School board minutes from 1975 to 1980 indicate that bilingual education was not a pressing issue for the Valle Encantado school board. If there were any discussions at all, they usually concerned teachers' contracts or salary increases. The minutes note that, occasionally, the board agreed to send a few of Dooley's bilingual staff to professional conferences held out of state. Charles Monroe accompanied them some of the time, Efraín Mendoza at other times. The minutes also made note of ESAA or ESEA Title VII evaluations, although these were mentioned only in the context of paying external evaluators, and did not offer additional information about the evaluations themselves. There were several announcements of changes in ESAA personnel, but I could find only one announcement of reapplication for Title VII funding.³²

The most extensive consideration of bilingual education during this time frame concerned whether the Valle Encantado school district would accept

³²It should be noted that the single mention in the board minutes of a Title VII grant reapplication does not necessarily indicate that federal funding was not awarded at other times. Generally, the minutes were brief and lacunal; aside from clarifying names and dates, I did not find them especially helpful. However, there is evidence from newspaper reports that funding for bilingual education continued throughout this time period, including a humorous article from the Valle Encantado Gazette, March 19, 1979, which reported that plans for a \$300,000 bilingual program had been held up by evaluators from HEW who mistook a member of the committee promoting the program -- named Doyle -- as an Anglo. HEW had a rule requiring half of the membership of the committee to be non-Anglo, and its review team assumed that Doyle, who was in fact Mexican-American, upset the committee's ethnic balance (Valle Encantado Gazette, 1979, March 19).

assistance, evidently free of charge, from the Southwest Educational Development Laboratory at San Diego State University, for bilingual curriculum development (K-4). The minutes from March 31, 1977 reported that teachers at the Wilson and Beckwith elementary schools had signed a paper indicating their willingness to participate in the program, and that the school board was asked for a commitment to the district's bilingual-bicultural program. However, for reasons not stated, the board voted not to commit to the bilingual program, and "directed the administration to pursue the matter with the teachers and principals and report back at a study session" (Valle Encantado School Board minutes, March 31, 1977). Later that year -- in June -- the board took up the matter again, and even heard a presentation from someone at San Diego State who had been conducting a survey of the district's bilingual program. But the minutes from this session are brief and uninformative, indicating neither whether the original matter was resolved nor the results of the SDS survey.

Meanwhile, bilingual education at the Dooley Kindergarten School continued, albeit in a far less organized fashion. George Ibarra, principal of the school until it closed in 1986, remembered that in late 1979 and early 1980, bilingual education classroom teachers, who previously had their own aides, were forced to share them with two, sometimes three other teachers. He said there was considerable grumbling about this from these teachers, and from the aides themselves, who "had no base, no place, just like a traveling teacher." As far as bilingual education at Dooley was concerned, Ibarra said that he tried to open up the school's 14

classrooms to "more than bilingual education." But he added that classes were taught in both English and Spanish; Dooley had the advantage of having in place bilingual aides who had been hired specifically to teach in the school's bilingual program. This made it easier when Ibarra tried to recruit bilingual teachers to teach in the new school. Still, Ibarra admitted that he had to hire at least half of the teaching staff, mostly because teachers did not want to stay in an all-kindergarten school.

Opinions varied as to how long the bilingual program lasted at Dooley, but most people I interviewed believed that after federal funding dried up, the district supported the program for about three or four more years. But as indicated earlier, the program was fraught with problems that limited its effectiveness within the Dooley school itself, and hampered the transfer of its bilingual education model to other schools in the district. In any event, in the fall of 1981, Dooley Elementary School became an extended-day, all-kindergarten school. George Ibarra explained that the reorganization of the district's kindergarten program came about when the new high school was built. The old high school was converted into another elementary school, which freed up additional space at Dooley. District officials decided to pull all of the kindergarteners out of the other elementary schools and enroll them in one school. It was an experiment of sorts, and according to Ibarra, allowed the implementation of scholastic programs throughout the school. Kindergarteners felt the school was their own, he said, because they had their own school name, their own graduation, and could participate in school-wide activities.

Dooley remained an extended-day, all-kindergarten school until 1985, when its doors were closed for the last time. Kindergarteners were transferred back into the district's other elementary schools. The building was eventually razed in 1986 when it became clear that fire-code violations were too numerous to repair.

School Board Recall Election of Marge Larson

Meanwhile, Daniel Portillo's departure from Valle Encantado's central administration had not improved his relationship with Marge Larson, who continued to be an outspoken member of the Valle Encantado school board. By the end of 1979, community support for Larson had lessened considerably, especially after she publically declared her support for high school principal Jorge Fimbres, who had been reassigned to another position within the district because of disagreements over his management style. Newspaper accounts of board dissatisfaction with Fimbres were vague, but evidently they had to do with his emphasis on discipline and dress codes at the high school. Larson also claimed that he had angered the patriarch of one of Valle Encantado's prominent Anglo families and that this person "went after him." At any rate, the school board voted 3-2 to reassign him to something called "special projects," with Larson and Selma Doyle as the dissenting votes.

Controversy over the matter did not end with Fimbres' reassignment. By all accounts, things went from bad to worse. Eventually, the majority of central office administrators, including Charles Monroe, took sides against Larson. Even

community support for her was split, although Valle Encantado's two weekly newspapers opposed her ouster.

Daniel Portillo, who had not forgotten Larson's treatment of him during his tenure as director of bilingual education, organized a recall effort against her. Unfortunately for Larson, the recall drive swiftly gathered momentum after she issued a public rebuttal of the criticism of her defense of Jorge Fimbres, in which she called Valle Encantado students "lawless, disrespectful, vandals, rebels." When asked about this, Larson explained that she had meant that citizens of Valle Encantado were not setting good examples for their children because there was so much corruption in the town:

I made a speech [and said], in my opinion, you wonder why kids get to be vandals and lawless and all this when this whole town is breaking the law, left and right. The judges are under suspicion, this is under suspicion, you just violated [Fimbres'] rights and all this, and if the children don't see and respect the law, then how are they ever going to do it?

Larson was indignant about community reaction to her speech, and felt she had been misunderstood. But her statement, printed in full in the Valle Encantado Gazette, left little to the imagination. Indeed, its racial inference was clear, and it is not difficult to understand why people in the city were offended by her cynical characterization of their children. On March 7, 1980, after a close vote (435-375), Marge Larson was recalled.

Bilingual Education in the 1980s

School board minutes from the early 1980s through 1990 mention bilingual or English as a Second Language education more frequently than they did in the 1970s. The hiring or transfer of personnel responsible for such programs continued to be a non-controversial issue, and proposals for Title VII funding were submitted at least three, and possibly four times. The minutes mention only once, in June 1988, that such a proposal was funded. Other entries concern the number of teachers working toward a master's degree in bilingual/bicultural education. At one point, in June 1984, a total of 36 teachers were pursuing this degree at one of the universities in the northern part of the state. Still other entries discuss, however briefly, changes in state law regarding language minority limited English proficient students, and school or district-wide inservices for teachers of these students.

The single substantive entry regarding bilingual education and ESL was found in the minutes of August 3, 1982, when it appeared the district was establishing program goals and objectives for the following school year. Specifically, there were four goals listed, although without explanation as to why they had been developed or what the board hoped to achieve with them:

1. To develop a continuous course of study for bilingual education and/or ESL in grades K-6.
2. To improve the quality of the existing program at grades 7-8.

3. To improve the initial screening of new students enrolled at the high school before they are placed in the ESL or bilingual programs.
4. To improve the monitoring and evaluation of the programs in every school in the district.

There were some curious, contradictory entries about the number of students needing special assistance in order to learn English. For example, Ana Contreras, who in 1984 had the title of curriculum director, reported that 16.9 percent of the total student body "required instruction in English (sic), in order to function in the classroom." But just two years later, the assistant superintendent of curriculum reported that no Valle Encantado students were exempted from taking the Iowa Test of Basic Skills (ITBS) or the Scholastic Aptitude Test (SAT), "because of language deficiencies despite the fact that 70 percent of students entering Valle Encantado schools [were] monolingual Spanish."

Sometime in mid to late 1987 -- recollections were unclear about exactly when, and school board minutes were equally vague -- the Valle Encantado school district began discussions on initiating a pay incentive for teachers who already had, or agreed to obtain a bilingual or ESL endorsement. Ultimately, the school board approved the granting of \$800 annually for provisional endorsement, and \$2,000 extra per year for anyone with full endorsement. This policy may have been influenced in part by changes in state certification requirements (effective January 1, 1986) for all personnel serving as bilingual classroom or resource teachers. But it

was also a direct response to the continuing difficulty of recruiting qualified bilingual teachers into the district.

Charles Monroe, who by this time was contemplating his retirement, complained that teachers were still being recruited away into other districts, even those without similar pay incentives. He said that as fast as district teachers earned a master's degree in bilingual education, they disappeared. It was "heartbreaking," he recalled, yet admitted that the district could not indenture its teaching staff. Monroe added that getting the incentive passed by the board was a "stormy process." He recalled that monolingual English-speaking teachers in the district were upset as well, protesting that they were also good teachers, that their students were just as successful, and that they too deserved salary increases. Still, according to Monroe, the new policy was not successful in thwarting this trend:

It was not enough. There was not enough differentiation to really . . . for a person to go back and acquire the second language or to get the certification. The investment was tremendous and it made them in high demand almost anywhere. It was a traveling ticket, if you will. But the payback was too long for that.

Monroe's memory of the pay incentive as divisive was contradicted by Omar Norzagaray, assistant superintendent for curriculum at the time. Norzagaray stated that some of the board members were very supportive of bilingual education and approved the incentive plan. He did not remember a problem getting the new

policy through, but agreed that it was conceived in response to the high rate of bilingual teacher attrition:

I think one of the things in terms of recruitment, one of the negatives in our small community, this border community, people have a feeling or belief about communities, that they're dirty and crime-filled and all that stuff so it's some of the things we have to overcome. I notice with teachers they either love this place or they don't like it.

School board minutes for May 26, 1988 tended to support Norzagaray's contention that the pay incentive passed without significant debate, noting that "payment addendums for bilingual and ESL endorsements of certified teachers" were approved unanimously by all board members present (two individuals were absent). Other entries regarding bilingual or ESL education that year also suggest that the board was receptive to assisting teachers in obtaining endorsements. One of the board members, for example, proposed that the district pay for the classes that teachers would need to complete certification requirements. As with the vote on pay incentives, this one was unanimous too, with all members in attendance.

Nevertheless, by the decade's end it seemed that bilingual education was not consistently implemented in all of Valle Encantado's schools. In spite of Title VII money supporting the district's desire to provide such a program, many of the people I interviewed confirmed that bilingual classrooms existed only in schools where the principals were receptive to native language instruction. Charles Monroe told me the district required all principals to have some sort of program for limited

English proficient students in place, but that those students could not be segregated from the rest of the students. He implied, but did not state directly, that district principals were unable to resolve this problem adequately:

When you had selective subjects and when the subjects like "Introduction to Algebra" or some other "Advanced English," you know, some kind of Honors program, it tended to eliminate LEPs and they tended to become segregated.

Monroe stated that by the time he retired, in 1989, transitional bilingual education programs were in all of the schools in the district, including the high school. This assertion was shared by George Ibarra, who told me that "all schools had bilingual classrooms," although he was unsure to what extent.

This optimistic assurance was difficult for me to confirm, given the wide range of definitions for bilingual education I received from the people I interviewed. For example, some described classrooms where teachers actually incorporated dual language instruction in various content areas. Others indicated a minimal use of the Spanish language, for different reasons. Several people considered ESL instruction to be "bilingual" and used the terms interchangeably. Still others suggested that if the teacher was bilingual herself, then she taught a bilingual class.³³

³³This perception of the state of bilingual education in the district was shared by many of the central office administrators I interviewed, and most of them were unhappy about it. They were reporting the attitudes of several principals, and quite a few classroom teachers.

What these differing interpretations suggest is that while some students were provided with some form of instruction involving the use of Spanish, a large number of LEP students in the district were not served adequately. This conclusion, while sobering, is a logical one to draw because of the fact that in Valle Encantado, LEP students were present in nearly all of the classrooms in all of the schools, according to the majority of people I interviewed. And if only a few of those classrooms were bilingual, however defined, then, LEP students in non-bilingual classrooms were not receiving the services the law entitled them to. Finally, the myriad other problems experienced by district officials in administering the bilingual program, outlined earlier in this chapter, would tend to support this conclusion as well.

Summary

The history of bilingual and ESL education in Valle Encantado is a contradictory one. In the late 1960s a small group of committed educators submitted a proposal to implement an innovative new program at one of the district's elementary schools. It was funded, and the district received one of the first federally funded grants under Title VII of the Elementary and Secondary Education Act to implement bilingual education.

For the next five years, bilingual education was fully implemented at the Dooley School, and the program gained a reputation throughout the region as both impressive and effective. However, when Title VII funding ended in 1974, district attempts to continue the program were plagued by a number of serious problems,

which effectively precluded the transfer of the popular program to other schools. Notwithstanding the efforts of Valle Encantado's strong-willed superintendent of schools, or its energetic -- and to many in the community enigmatic -- director of bilingual education from 1973-75, bilingual classrooms by the end of the decade were still the exception rather than the rule. This was due in part to the lack of Spanish-speaking teachers in the schools, and the inability of the district to recruit and hold on to qualified bilingual teachers. But bilingual education was also slow to catch on because of indifferent support among some of the school board members and many of the district's administrators, including a majority of principals, whose schools would have been ideally suited for such a program. Even the superintendent of schools, in his own words a forceful advocate for bilingual education, appeared unsuccessful in building the kind of community support necessary to implement and sustain the program.

From 1980 until the superintendent's retirement in 1989, bilingual education in one form or another was irregularly implemented, despite additional funding from ESEA's Title VII. The main reason for this appeared to be due to the idiosyncratic implementation, or lack of it, of bilingual education in each of the schools. Although difficult to confirm except anecdotally, it seemed that if a principal did not support or want bilingual education, his/her school did not provide it.

It also became apparent as I interviewed both administrators and teachers for this study, that definitions for bilingual education were widely divergent. Some administrators described programs in which Spanish and English were distributed in

equal amounts according to content areas. Other "bilingual" programs sounded much more like ESL than anything else. Still others were simply classrooms in which the teachers spoke Spanish, whether they used it as a vehicle for instruction or not.

In the following chapter I will discuss the state of bilingual programs at the close of the 1980s. I will discuss Charles Monroe's retirement after nearly twenty years as superintendent, and the new administration of Lawrence Rubio, about whom nearly everyone interviewed for this study had a strong opinion. Rubio's dynamic and contentious tenure as superintendent of Valle Encantado Schools until 1992, when the remainder of his contract was settled following a bitter school board recall election, is a fascinating story itself. More important, the controversial cornerstone of his administrative program -- aligning the district's curriculum to the Iowa Test of Basic Skills (ITBS) in order to raise student test scores -- set the stage for the forthcoming investigations of Valle Encantado's alternative language programs by the Department of Education's Office for Civil Rights (OCR).

That Rubio's ambitious plans would lead directly to the first of two OCR investigations is something no one could have predicted. But they provided a peculiar and serendipitous path to the circumstances surrounding the initial complaint about bilingual education programs in the district.

CHAPTER 5
POLITICS AND POLICIES IN THE
VALLE ENCANTADO SCHOOL DISTRICT: 1989-92

In this chapter I continue the discussion, begun in chapter four, of the historical development of Valle Encantado's bilingual programs. I introduce a new school board member who was an active proponent of bilingual education in the district and trace her involvement in developing the district's first "bilingual-bicultural-biliterate" policy, adopted formally by the school board in 1990.

I also discuss the retirement of Charles Monroe, Valle Encantado's long-time superintendent of schools, and describe the stormy tenure of the city's new chief administrator Lawrence Rubio. Although Rubio inherited the troubled state of bilingual and ESL education in the district, his nearly exclusive focus on raising district achievement test scores by aligning school curriculum to the Iowa Test of Basic Skills (ITBS) did little to improve it. Instead, Rubio's preoccupation with standardized achievement scores set in motion a chain of events which one person I interviewed characterized as a "brakeless train."

In fact, the curriculum alignment, together with Rubio's transfers of the two principals who resisted the alignment, angered many members of the community. A successful recall effort was launched against the three school board members who

had supported Rubio. After the election the new school board dismissed Rubio, appointing in his place the principal who had most actively challenged him.

The School Board Term of Norma Gallegos

In January 1987 the Valle Encantado school board welcomed a new member to its ranks. This was Norma Gallegos, an intelligent and earnest young woman whose election campaign had focused on raising teacher salaries and lowering teacher-student ratios. Gallegos had been born and raised in Clarkston, a large city north of Valle Encantado, but had a large extended family in Valle Encantado. After earning a Bachelor's degree in Spanish and communications from one of the state's universities, she moved to the community in 1983 after her husband was offered a job with a private law firm in Valle Encantado.

Gallego's election shifted the voting balance of the school board, and she was looking forward especially to working with two other members who shared her own concerns. Gallegos had two driving interests at the time. One was to begin to build accountability among Valle Encantado administrators and teachers, whose job performances she claimed were rarely evaluated. The other was to find a way to raise district standardized test scores, primarily on the Iowa Test of Basic Skills. She was concerned that Valle Encantado students consistently scored lower than both the state and national averages.

Norma Gallegos also was an advocate for bilingual education, and believed it was very important to be both bilingual and biliterate in a border community. She

had observed that the district did not have a formal bilingual program, that is, instruction in Spanish would occur only if a particular principal allowed it to occur. She recalled that state bilingual officials had directed the district to provide bilingual or ESL instruction for a certain amount of time daily. But a principal could circumvent the mandate by speaking to children in Spanish on the playground and call that "bilingual education." Gallegos was also concerned that individuals in charge of bilingual education in the district were never given any real authority to develop and implement a program. She said they merely had "a title with no clout whatsoever"; she believed this indicated the district's insincerity in establishing bilingual education. These attitudes troubled her greatly, but Gallegos was most concerned about the treatment of children who entered the schools as monolingual Spanish speakers. She reflected on this treatment:

I saw what it did to kids, that from the minute kids entered pre-school, kindergarten, the Spanish-speaking kids were relegated to a separate center. From the minute they entered school they were treated as slow learners. They were never really allowed to fully participate. My feeling was that if they are not allowed to participate in the beginning, they're not going to participate at the very end, which means they're not going to graduate, [and] you and I are going to support them years from now, and their kids. So to me, it was a very illogical thing to do, but I thought that it killed the kids' spirit many times, the way they were treated for being Spanish-speakers, for

looking ethnic. In a community of this make-up it's interesting to find that, but you see it and it's very strong.

Norma Gallegos was determined to change this, but she realized that for change to occur, any policy emanating from the Valle Encantado central administration would have to have "teeth" in it for district administrators to pay attention. Her goal was to determine the essential components of a "bilingual-bicultural-biliterate" program and to develop a school board policy to support it. Thus, she set about investigating current issues in bilingual education research, including second language acquisition theory, instructional methodologies, curriculum models, and student learning styles. She talked to a lot of people about the subject in the state department of education, in other school districts, at the university where she had obtained a degree in Spanish, and in Valle Encantado itself. Gallegos undertook to convince the school board of the need for bilingual education and in August 1990, her effort paid off. The board passed what came to be known as the "bilingual-bicultural-biliterate" policy, which directed the district to provide a "biliterate" curriculum. The new policy was based on "linguistic, sociological, psychological, and educational theories that emphasize learning through the use of the student's first language as an initial and continuing medium of instruction while also emphasizing second-language acquisition as an essential part of the student's total learning experience."

Charles Monroe Retires

In December 1988, Charles Monroe announced that he would be retiring the following summer. He had been superintendent for seventeen years, and he felt it was time to step aside. The school board moved quickly to fill the position, and initiated a nation-wide search for a qualified individual. Board members hired a consultant from the state school board association to help screen applications, and together they narrowed the list of possibilities to several individuals, including Valle Encantado's two associate superintendents, Efraín Mendoza and Omar Norzagaray. Both born and raised in Valle Encantado, the two men had more than five decades of public school employment between them, as well as support from other administrators within the district. Charles Monroe, for example, whose own relationship with the school board had become somewhat strained toward the end of his term, supported his long-time friend and associate Efraín Mendoza. Others in the district believed that Norzagaray was the right person for the job.

Norma Gallegos was an influential member of the school board when Monroe retired. She remembered that at the time the board wanted "changes at every level [and] every aspect of the school district." Gallegos stated that there had been growing discontent among board members about certain administrative practices under Monroe. For instance, the board was concerned about the lack of accountability among the district's administrative and teaching staff, whom Gallegos claimed were evaluated only irregularly, if at all. She complained that Monroe had allowed staff salary contracts to "roll over" automatically every three years, and that

as a result there was no way to evaluate an individual's performance before he or she was rehired. Consequently, the board began reviewing the contracts of district administrators, beginning with the superintendent himself, whom Gallegos maintained had never been evaluated. Norma Gallegos also complained that Monroe arbitrarily was shifting administrators from position to position, and that a certain degree of favoritism existed. People were promoted or received salaries, she charged, based on their loyalty to the superintendent. In contrast, those who "dared to defy or question" were demoted or had their official duties and responsibilities withdrawn.

As far as a replacement for the superintendent was concerned, Gallegos indicated that Mendoza and Norzagaray were strong candidates, but the board felt that since they were "local boys" they would not be in a position to change the current evaluation practice. She added that the board had specific goals for the district and believed that neither Mendoza nor Norzagaray would be able to carry them out. Thus, the school board selected Lawrence Rubio, who prior to his appointment was in charge of federal programs for a school district in a large city in the central part of the state. Gallegos was effusive about Rubio, who had everything the board was looking for:

When he came in, I mean his interview blew us out of the water. He was just so prepared. He had so much information on Valle Encantado, he had done his homework, he knew everything.

The board was pleased to discover that Rubio was "big on evaluations" too, and looked forward to working with him. Gallegos recalled that when the board asked him to supply a few goals he wished to accomplish, it expected to receive only a few. Instead, she stated, he gave the board pages and pages of goals, and by the end of the school year had accomplished quite a few of them.

Another concern of the board was the consistently low achievement level of Valle Encantado students, who had been scoring lower than state or national averages on two standardized tests, the Iowa Test of Basic Skills (ITBS) and the California Test of Academic Proficiency 9-12 (CTAP). Board members wanted to raise test scores, and Rubio declared that he would be able to do this. So less than a month after he was hired as superintendent, he began to put into operation an ambitious plan to bring up student ITBS scores. After putting out a bid for services, Rubio hired Alden-Randall, Inc., a consulting firm which specialized in curriculum alignment. He insisted the idea was not to introduce an entirely new curriculum, but to build on the one already in place. He explained it this way:

All ARI is, is a management system, okay? The system was developed by that company. They don't bring in a curriculum, you don't buy the curriculum from them. What they did for us was [take] our old curriculum, they took our Essential Skills from the state, they took the ITBS skills from the state, which leads to the Essential Skills or should, and they made an alignment to our curriculum, to our materials.

ARI examined the district's curriculum and evaluated it in the context of ITBS objectives and the state-mandated "Essential Skills," indicating which objectives were being taught using current textbooks and which were not. ARI also informed the district about the adequacy of its current teaching materials in meeting the requirements of the ITBS, and which testing areas needed improvement, that is, where the district needed to locate or produce new materials covering content areas likely to be tested.

Rubio explained that basically he was seeking data to identify exactly how students were achieving on the ITBS, and where they needed improvement. He piloted the alignment plan in three schools in the district -- two elementaries and one of the two middle schools -- but he hoped eventually to institutionalize it in all of Valle Encantado's schools. Alden-Randall, Inc. organized and held inservices at these schools in order to familiarize teachers with the new management system and demonstrate how they could use it to improve their students' test scores.

By most accounts, the principals at the three pilot schools embraced the new system, implementing it to the best of their ability. For example, the principal at Carter Middle School during this time was Luis Escalante, who in his own words, "implemented it to a 'T'." He concurred that student achievement scores needed to be raised, and supported the notion that ARI was a way to make administrators and teachers accountable for their students' achievement. He told me that after the ARI system was instituted and the students at his school were tested, their "standardized

test scores went up" and, in fact, "were closer to grade level than any school" in Valle Encantado.

Leo Nelson was principal of Alamo Hills Elementary, which had been built when the Dooley school closed. Nelson was another principal who agreed to implement the new management system in his school. Like Escalante, Nelson believed that teachers needed to be held accountable for their students' achievement levels. Unlike the middle school principal, however, who was enthusiastic about the program, Nelson was cautious about justifying his own use of the system at Alamo Hills. Because the mandate to implement ARI's management system came from the district central office, Nelson felt he had to comply:

I did what I had to do. I don't care who I work with. Whoever is up there is my boss and I respect that person as my boss. Whatever the policies are I will carry them out 100 percent. If people don't like what I do then they can get rid of me. If I [had] gone against the last superintendent, he would have been in his right to get rid of me.

Nelson believed that opposing Rubio's policies would have pushed him into a political arena he was unwilling to enter. He was not a politician, he told me emphatically, and simply wanted to run his school as best he could. Nelson added, nonetheless, that he would resign from the district if it ever reached the point where he was unwilling or unable to work with its chief administrator.

Norma Gallegos, who by the second year of the ARI implementation had become president of the school board, had high praise for Escalante, Nelson, and

two other elementary school principals, whom she considered strong, able administrators willing to meet new challenges professionally and effectively. Gallegos recalled that although Rubio gave all district administrators the same opportunity to implement the program, these principals in particular responded wholeheartedly:

[They] were the ones who thrived, who had those characteristics already, the ones who were just able to take the ball and run with it. People who had ideas and initiative and the willingness to try different things, not afraid to embark on something that was not politically sound or safe. They were people with a lot of guts.

Rubio also spoke highly of the administrators who carried out his plan. He stated that the ARI system worked at their schools because "they were able to harness the energies of their staff and move." Furthermore, Rubio added, after these principals reported to the school board that the system was successful in raising test scores, the rest of the principals volunteered to implement it as well.

In spite of support from some of Valle Encantado's administrators, Rubio's plan to align the district's curriculum to the ITBS was not without controversy. I interviewed several administrators, including principals and central administration personnel, who were adamantly opposed to it. One of them was Dennis Walker, the head of Valle Encantado's "alternative" high school when the superintendent brought

the ARI management system into the district.³⁴ Walker had nothing positive to say about it, and was equally critical of the ITBS, calling the test "language biased" and unfair:

[Rubio] came in and developed a curriculum that, as absurd as it seemed, carried the name "ITBS reading curriculum, ITBS math curriculum." If you read any book on ethics in education, you don't build a curriculum based on a test like that.

Walker explained that the ITBS tested a random sampling of non-sequential objectives typically covered by most teachers. For example, he said, the test might encompass 24 of 100 curricular objectives a school wished to cover over a period of several years. Walker believed it was foolish to base an entire curriculum on merely a random sampling of these objectives, and he was concerned about how students would advance from points "A to B" without the necessary bridges. Walker accused Rubio of ignoring the other objectives in his zeal to raise district ITBS scores:

[Rubio] flat told us at meetings, "don't worry about last year's objectives. The test is given at the first of the year; you cram all of those objectives into that first test so that we score higher on it.

³⁴The Valle Encantado school district operated an "alternative" high school (enrollment 100) for students who faced academic or other difficulties in the regular high school. Students at the alternative school included dropouts, pregnant or teen mothers, 18-year-olds not graduating, or students who had failed four or more courses in the most recent semester (OCR Investigative Report, no date, p. 20).

Forget about the ones we did last year for the review." And it isn't the way to teach school, especially to a group of people who don't understand the language, understand the test, to try and just do the objectives that are for that year.

Walker indicated that the state already had an "Essential Skills" curriculum as well as a way to evaluate it. He said Rubio ignored the Essential Skills and, in fact, never sent any district personnel to state meetings in which evaluation procedures for the Essential Skills were explained.

Omar Norzagaray, associate superintendent of schools at the time, stated that the new curriculum was nothing more than "teaching to the test." Unlike Walker, Norzagaray was less critical of the Iowa test itself, which he felt represented an adequate assessment of student achievement in Valle Encantado. But he complained that the district spent an enormous amount of money aligning the new curriculum to district textbooks and the ITBS, and setting up a computerized system to provide progress reports on student achievement.³⁵ And like Walker, he did not approve of a curriculum that exclusively taught the skills tested by the ITBS.

Another complaint about the new system of curriculum alignment was the frequency with which students in the district were tested. The ITBS typically was administered once a year, and the state recently had moved the testing from the

³⁵Exact figures of the cost of the management system were difficult to pin down. Many people seemed to have an opinion on this and gave me figures ranging from \$250,000 to \$1,000,000. The most frequently quoted cost was approximately \$350,000.

spring to the fall. But under Rubio's plan, students were tested in both the fall and spring. It also was possible that, depending on the principal, students at some schools were tested every quarter or even more frequently, as an ESL teacher at Valle Encantado High school complained:

I mean I guess it's kind of like if your child is sick and two aspirins is what the doctor recommends, well, if you give him eight he's going to get better a lot faster. Well, if we give them these tests often enough they're going to learn it someday, somehow.

Charles Monroe believed that students were tested once a week, and sometimes daily, although I was unable to confirm this.

Lawrence Rubio explained that he kept the spring testing because over a ten year period the district had accumulated useful longitudinal data on student scores, and he wanted to "keep that baseline as a measure." He also believed that fall testing would indicate whether students were learning the skills they needed. Ironically, Rubio himself provided the most plausible explanation for the frequency of testing at different school sites, conceding that it might have happened at a few schools. Students were tested twice yearly to meet state requirements, he said, but it was up to individual principals to test them even more frequently if they chose to do this:

Anything in between, for testing on that management system was totally up to the principals, each principal. One of the things that the board and I implemented was site-based management. What that

meant was that they had more autonomy to do that kind of stuff, make those decisions.

Rubio added that parents could refuse to have their children tested, and that a few "opted out" the final year of the curriculum management. But prior to that there were no such requests.

While eventually most of Valle Encantado's principals implemented the curriculum alignment, there were two who actively resisted the new system. One was Manuel Carrasco, the principal of Valle Encantado's high school. Born in Valle Encantado and raised in a nearby village, Carrasco graduated from the high school and at the time of his interview was in his 22nd year of employment in the public schools. Most of that time was spent at the high school itself, as a Spanish teacher initially and later principal, a position he held for almost ten years. During his tenure as principal, Carrasco also earned a doctorate in secondary education from a nearby state university.

Carrasco explained that he implemented the testing at the high school, but that he did so reluctantly. He was not a firm believer in it because there were other ways to measure success besides comparing the ITBS test scores of a Valle Encantado student, who might be limited in English, to a student in Iowa or one in affluent, largely white enclaves in other parts of the state. Carrasco conceded that many students at the high school were performing at least two grade levels below the national average, but he indicated that many students entered the school directly from Mexico, and did not speak English at all. Carrasco also felt the problem was

system-wide and not solely the fault of the high school. Other students who had attended Valle Encantado schools for many years still were entering the high school with limited proficiency in English, and Carrasco felt their schooling at the middle school and elementary levels had not prepared them for high school. He attributed this to the lack of a consistent bilingual education program in the district and he complained that even in the same school there was inconsistency:

We had programs but they were not consistent in curriculum. In some classes [teachers] might have offered some content in Spanish, in some classes they didn't, and this was in the same school. Students would start out with teachers speaking Spanish to them, and then they would transfer over to English the next year because [schools] didn't have the personnel.

Carrasco recalled that he felt uneasy about comparing Valle Encantado students to the national "norming" population because the linguistic demographics were so different. He indicated that students performed adequately on the testing during the first couple of years, but as the curriculum became more difficult in the upper grades, the students did not do as well. But he felt that when students needed a "push" to perform better academically, or to attend school on a more regular basis, he pushed compassionately. He believed this approach was superior to belittling the student with low test scores, which he felt Rubio was doing. Carrasco commented on comparisons to the norming population:

We were always being compared to somebody else. It's like comparing a thoroughbred to a quarter horse. I mean, they're different animals. One was used for long distance and one for quick spurts. I'm not trying to compare our community with that, but I'm just trying to say that, given the same background, given the same treatment, our kids will do as well eventually if we just continue to have consistent programs at the elementary level and we stick to them.

When I asked Carrasco to respond to Rubio's goal of achieving teacher and administrator accountability, he replied that he wanted it too, but accountability also meant providing the monolingual Spanish speaker with "the same quality education as the monolingual English speaker." For this reason he had developed a lot of programs for Spanish speakers at the high school, including intensive ESL and content area courses taught in Spanish. Carrasco indicated that some of the board members never understood this and that he was unable to convince them to consider other areas for assessing Valle Encantado students:

Our kids are being successful but [board members] were looking at that norming with other groups in [an affluent suburb of the state capitol]. . . . We need to look at other areas for assessing our students. We can't just say this is what they've scored on the ITBS. We have to look at how many of our kids are going to college, how many of them are graduating.

Superintendent Rubio expressed considerable frustration about Carrasco's resistance to the curriculum alignment. The principal was the "major stumbling block" to the overall success of the new system, he stated, and he accused Carrasco of sabotaging it. Rubio told me that he had spoken to Carrasco about low test scores at the high school on several occasions, but that the principal refused to do anything about them:

Over 50 percent of the kids at the high school were failing at least one course. I invited Carrasco the year before -- because he wasn't aware of that. I had told him to do something about it. In going into the next year and into April, he still hadn't done anything about it. He tried to give me a rigmarole, just regular jargon, BS stuff. But the fact of the matter is, there were more kids failing at that point than when I had first talked to him. And that was not acceptable.

Rubio rejected Carrasco's explanation that poor test scores were caused by the students' limited English proficiency. Rather, he said, the scores were the result of "insensitivity to the kids" and Carrasco's inability to revise the curriculum. Rubio reflected that the high school was his "biggest failure" in Valle Encantado and he regretted being unable to "move it any place." He said Carrasco also resisted other programs he wanted to implement, including one that would have involved city businesses in training students for particular vocations. When I asked Rubio why Carrasco would resist such a program, he replied that Carrasco resisted any kind of change. As far as the ARI management system was concerned, he believed that

Carrasco simply never understood it. Rubio contradicted the principal's claim of having implemented it at the high school, and maintained that he never gave the system a chance to work. Worse, Carrasco had no alternative system to raise test scores at the school.

Manuel Carrasco was not the only principal who resisted the management system. Another was Loretta Jenkins, principal of Santiago Elementary School. Jenkins had been working for the Valle Encantado school district for nearly twenty-five years when I interviewed her, seventeen of those years at Santiago. Of Italian descent, Jenkins was born and raised in a small mining town in the central part of the state. She grew up speaking Spanish with Mexican-American peers and began her teaching career as a secondary school Spanish instructor. Jenkins had moved to Valle Encantado some thirty years ago; she married a man from Valle Encantado and after spending a few years in the Air Force, the couple returned to live in the city.

Like Carrasco, Loretta Jenkins had misgivings about aligning the district's curriculum with the Iowa Test of Basic Skills, and like Carrasco, she indicated a reluctant willingness to implement the testing required for the alignment. But she admitted that she did so "slowly" because she did not agree with the new system, and felt it was inappropriate for the bilingual program at Santiago, which by many accounts was the most fully developed in the entire district. More important, she believed the testing, conducted in English only, would yield no useful information about student achievement at the school because acquiring the language took at least

five years, and possibly more time. Jenkins reflected that the superintendent and the school board were not willing to wait for the results of her bilingual program, and never gave her credit for implementing a good one:

That superintendent did come down hard -- I would call it nitpicking -- and specifically looked at a couple of things which he didn't even understand himself. It was a lot of things specifically related to my management skills. I was not aggressive enough to his liking and I did not push the testing. That was the big issue.

Jenkins recalled that she simply did not move on the testing rapidly enough for the superintendent. She said Rubio told her "she needed to learn more about being a principal," and that "he needed principals that were outgoing and got the job done immediately." But testing was not her top priority. She felt she had a good bilingual education program in place, and was chagrined that she was never commended for it. Jenkins acknowledged that ITBS scores were low at all schools in the district, including her own. But they were low at Wilson and at Beckwith Elementary School as well, where the ARI system had been piloted. Jenkins said that many of the Santiago parents requested their children not be tested, and that ironically, this lowered the school's ITBS results even further. This was because the children who were exempted were the top students in the school. Nevertheless, she remembered, when test results from the last year of the alignment were announced, the scores at Beckwith were even lower than those at Santiago, where

ARI was not aggressively implemented. Jenkins contended this proved the system was a failure:

The test scores came out lower than our kids' [scores] came out, but by that time it was already during the recall and then the test scores when they came out were hush, hush. Nobody knew about them. We didn't even get results of them ourselves, the principals. It was just all kept quiet, hush, hush, because it proved that it didn't work, whatever they were doing there with trying to raise those test scores -- it didn't make any difference.

Like Loretta Jenkins, Manuel Carrasco commented about the low ITBS results after the ARI system had been implemented for several years. He felt that his resistance to the testing was vindicated, although he took no pride in the fact that standardized test scores in the district were still low:

[The] test scores were not there. [The board] signed a commitment in blood to hire somebody that would raise test scores and this was going to raise the test scores. I was so happy [that] the test scores in the schools where they were thoroughly using the ARI did not come up. This is a terrible thing for me to say, but it just satisfied the fact that using all of those strategies and teaching to the test did not make any more difference than not teaching to the test.

Meanwhile, Carrasco and Jenkins were not the only district administrators unhappy with Rubio's tenure as superintendent. Joan Taylor-Ramírez, who had

been hired by Rubio in late July 1990 as director of bilingual education, recalled her frustration with the superintendent's concentration on raising test scores through the ARI system. Taylor-Ramírez's position had been created specifically to address state and federal criticism of Valle Encantado's implementation of bilingual and ESL programs. She reported that the Office of Bilingual Education and Minority Languages Affairs (OBEMLA)³⁶ was very concerned about Title VII grants awarded for 1988 and 1989 because the district had never submitted evaluations for them. The grants totalled nearly a million dollars together, and OBEMLA informed the district that it would have to pay back the money if district officials could not account for how the funds had been spent. Taylor-Ramírez recalled:

In June of 1990 Lawrence Rubio and Omar Norzagaray went to OBEMLA and said, "don't worry, we're hiring a director" because they'd already taken two years of funds close to a million dollars for both grants. I was hired in July of 1990.

Taylor-Ramírez indicated that evidently Norzagaray was in charge of the administration of those grants, but she did not know why evaluations were not filed. She indicated, however, that an OBEMLA official told her that the district had been instructed to hire a director to manage the Title VII grants specifically or face having to return the money. Since Taylor-Ramírez knew there had been problems

³⁶OBEMLA is the agency of the Department of Education which manages discretionary grant funding for bilingual and ESL education programs through Title VII of the Elementary and Secondary Education Act.

with the grants, she began to submit information about the district's programs to state and federal officials. But she was upset and frustrated that Rubio increasingly called upon her to translate the ARI curriculum into Spanish. She said that was what Rubio believed a bilingual director should be doing. Taylor-Ramírez elaborated:

They had this translating program and [that was] what happened with the Title VII monies that year, 1990-91. We had bilingual consultants but all they did was translate this horrible curriculum based on a norm referenced achievement test.

Taylor-Ramírez said she complained to Rubio and other administrators that the very people who were supposed to be helping her respond to state and federal mandates for evaluation and program development were being used for such menial translation tasks. Without direction and assistance from the central office, she felt more and more frustrated:

Nobody knew anything. I went to Washington and they said I had to do this. I went to the state and they said I had to do that. It was exactly the opposite of what they were telling me to do here. . . . He didn't let me develop a program, he made me translate this garbage, and then all of a sudden, it was really bad.

Taylor-Ramírez stated that the state bilingual officials reviewed Valle Encantado programs in 1991, and found the district out of compliance with state regulations. As a result, the district was put on an "improvement plan" and ordered

to make sure that all state and federal bilingual funds actually went to serve LEP children in bilingual programs.

Taylor-Ramírez said that during that time she had complained to the superintendent about the refusal of some of Valle Encantado's principals to implement bilingual education at their schools. She was particularly exasperated with Luis Escalante, principal of Carter middle school, who had "pulled out every program, even the ESL program." She recalled:

I went to Rubio and I said, "You have to do something. The kids at Carter are not getting a program at all. Neither are the kids at Tyler. They're not getting a program, there's no ESL [because] there's no time for it. So they're torturing the kids, sending them to English classes in sink or swim situations. Self-esteem is going down. They call the kids 'droolers'." It was just outrageous.

The result, said Taylor-Ramírez, was that Rubio "blackballed" her for criticizing Luis Escalante and Tyler Elementary principal Leticia Lewis, whose schools evidently had the highest ITBS scores in the district.

The school district's problem with the federal government did not end with OBEMLA's 1991 oversight of district Title VII grants. A year later, two other officials from the agency visited Valle Encantado to investigate the district's apparent and continuing inability to file Title VII evaluations, as was required by Title VII regulations. The officials, both women, made the visit in order to look into the alleged mismanagement of \$2.5 million in Title VII money over the

previous five years. Specifically, they had questions about budget expenses reported to their agency.

Charles Monroe discussed this visit when I interviewed him about the OCR investigation. Although he referred to the officials as "OCR people," he was actually describing the OBEMLA visit:

One of the OCR people came from Washington specifically with appointments to review the OCR requirement implementations at the school. Two of the three principals chose not to see him. . . . The only one who was there and available and did pass the OCR scrutiny was Loretta Jenkins. She was the only . . . well, that and the high school were the only two schools in compliance. The other schools were all out of compliance. And the school board did not see any danger signals in this.

Joan Taylor-Ramírez confirmed that after the OBEMLA officials arrived, several principals and Rubio himself were unavailable to meet with them. She indicated that the women were "furious" that the superintendent would not meet with them, and that one of them even "started hyperventilating because she was so mad." Loretta Jenkins, one of the principals who did meet with the OBEMLA officials, related a similar story:

All the principals were notified that Title VII people were coming down to talk to the principals about their programs, about the Title VII program, about how we were using the funds and how we were

doing in [our] bilingual programs. . . . I know that two [principals] were at a conference. The others didn't think it was important. I don't think they knew the importance. Their schools were represented by their bilingual consultants.

Jenkins also confirmed that the OBEMLA officials were angry that more administrators were not available to meet with them at the district building, even though several of them had offices in the same building:

The superintendent wasn't there, the associate superintendent wasn't there, they didn't meet, they didn't even greet. . . . Nobody was there. Only the bilingual director was there. They asked, "Why is this person the only administrator here?" And you know, nobody could answer that question. The teachers who came from those schools said, "Well, my administrator, my principal asked me to come to this meeting. My principal's not able to attend because of ta da da." And from those two schools, "My principal is at a conference." . . . "My principal had this to do, my principal had that to do." Well, after hearing all of that, nobody thought it was important, so nobody came, even the ones who were still here in the community, except for myself.

For his part, Lawrence Rubio disputed claims that OBEMLA was investigating the misuse of Title VII funding:

I think [it] was probably just a regular monitoring, all right? No, interestingly enough, when I got to Valle Encantado I don't believe it had a bilingual director at all running those projects. The central office people were running [them]. What happened my first year there, we put a teacher on assignment to run that bilingual program and, if I'm not mistaken, that particular person used the wrong evaluation. I think it was a routine . . . and there was a mix-up in evaluations in terms of. . . I'm going to be honest, I think that prior to my coming in, the evaluations had been kind of superfluous with not much meat or substance to them.

Rubio stated that money was never a concern of the OBEMLA officials. He said the officials were primarily interested in whether the district was meeting its Title VII program objectives. Rubio also disputed the allegation that he had not met with the OBEMLA officials and that, as a result, one of them in particular had left the district very angry:

I was around and I did talk to her. . . . She was very happy with what she saw. She was not super concerned about anything as far as losing funding or anything like that.

However, Rubio admitted that there might have been problems with Title VII funding in the prior administration, which he felt had been "insensitive" to bilingual education. He stated that district bilingual programs had been "virtually non-

existent," even though such programs were funded by Title VII, and speculated that this might have been the reason for OBEMLA's visit:

I'm going to just suppose, all right? But I would probably bet that [OBEMLA] saw that they had a lot of Title VII monies [in Valle Encantado] and I don't know if they ever got the results that they should have got. In my opinion, I left [the district] too early to really get good results there. Title VII programs were not well established.

Resistance to ARI Leads to Recall Efforts

Ultimately, the resistance to the Alden-Randall curriculum alignment by both Manuel Carrasco and Loretta Jenkins was reflected negatively in their evaluations. In late January 1992, Rubio decided to transfer the two administrators to other positions within the district. Loretta Jenkins was made assistant principal at Wilson Elementary, a job that had been vacant for several years. With over 800 students, the superintendent believed the school needed help, and that Jenkins would be able to focus on curriculum and instruction there. Manuel Carrasco was removed as principal of the high school, although a new assignment was not immediately announced for him.³⁷

The Valle Encantado Gazette characterized Carrasco's removal as a "firing" and Jenkins' transfer as a "demotion." These characterizations angered Rubio,

³⁷Eventually, he was assigned to the principalship at Santiago Elementary School, replacing Loretta Jenkins.

however, who declared that they were "transfers" and that his decision was based on performance evaluations, not on whether the ARI system was implemented or not. Furthermore, the board had voted unanimously to support the transfers; if the members had opposed such a move, he maintained, they would have blocked it publicly at a board meeting or told him privately not to proceed. Rubio insisted that Carrasco's transfer resulted from his poor evaluation, and he accused the principal of failing to act on recommendations by the North Central Association for Accreditation on curriculum and program development.³⁸

As far as Jenkins was concerned, Rubio had equally strong words for the bilingual program at Santiago. He recalled that when he first arrived in Valle Encantado, he informed all of the principals, including her, that they had to hire bilingual teachers or teacher aides for every grade level. He added that Santiago's reputation as a strong bilingual school was exaggerated by the school's staff and that its standardized achievement scores, by whatever measure, were very low. Rubio said that Santiago's scores from La Prueba, a normed test given to non-English proficient students exempted from the ITBS, were "too high" and "just didn't make any sense." He stopped short of charging that the test results had been inflated, but suggested that La Prueba was abused throughout the district. I asked Rubio to

³⁸In a followup query on this point, Carrasco denied Rubio's accusation, stating that as a member of the state committee for the NCA, he would not have risked challenging the Association's recommendations.

respond to an allegation that administrators at the ARI pilot schools had themselves "cooked" their students' ITBS scores. He had this to say:

It's impossible, it's impossible. The only way that that can happen is if they somehow prompted the kids on every question or something.

One of the things that they never understood, okay, in order to do better on that ITBS on the average, all they had to get was maybe five or six points more per kid, and they never understood that prior to me going down there. When they saw the data broken out, there was something tangible, something that they could put their hands on, sink their teeth into, as opposed to saying, "well, you're at 3.5 this year, next year you've got to be at 3.8." That's traditionally how teachers and principals are talked to. We gave them the information and said, "to get from here to here, you just need four more points on the average."

Community response to Carrasco's removal was swift and angry. Within one week after Rubio's decision, 400 people attended a school board meeting to demonstrate support for the beleaguered principal. Many people voiced their opposition to the removal, including former superintendent Charles Monroe, who told the school board that he had personally "groomed" Carrasco to become an administrator (Valle Encantado Gazette, 1992, January 29, pp. 1, 10). According to press accounts of the meeting, Norma Gallegos was among three of the five school

board members who supported Rubio's decision, as well as his use of standardized testing in district schools.³⁹

Within two weeks of the removals of Carrasco and Jenkins, a number of Valle Encantado residents launched a recall effort to oust the three school board members who had supported Rubio. Demanding the reinstatement of the two principals, they circulated recall petitions that criticized the board members' "unwillingness to consider the facts about Dr. Manuel Carrasco's administrative performance and failure to respond to the wishes of the community" (Valle Encantado Gazette, February 5, 1992, pp. 1, 14). In less than a month, the recall organizers had collected more than enough signatures to compel a recall election. Thus, in late March of 1992, an election was scheduled for July 8.

A number of prominent Valle Encantado individuals were involved in the recall effort. Former superintendent Charles Monroe, who was viewing the district's flurry of activity from the sidelines, believed the ARI management system was dangerous and harmful and that opposition to it had galvanized the community. He frequently attended school board meetings, speaking out against the testing and

³⁹Most of the people I interviewed about these events agreed that all of the board members supported Rubio's decision to remove Carrasco from his position as principal. However, the Valle Encantado Gazette, a major source of information about the removal of the principals, consistently focused its reporting on statements and activities of only three of the members. In its article covering this meeting, for example, the other two members -- Selma Doyle and Gina Shaw -- were quoted as praising Carrasco as a "good principal" -- even though they too had supported Rubio's action.

the removals of Carrasco and Jenkins. Monroe said he got involved in the recall because the program "was a great injustice to kids":

I just felt that if you can spend a million dollars on testing, you could do all kinds of positive things for kids rather than reinforce that they didn't know anything, and be much more successful.

Dennis Walker was also involved in the recall effort. He worked especially closely with William Morales, a young man of twenty who had been drafted by the recall committee to run against one of the targeted board members. According to Morales, the two spent many hours, including sometimes until one, two, or three o'clock in the morning, developing strategy, composing newsletters and letters to the editors, and doing radio interviews. It was an "all out effort" Morales recalled, and in many ways a "nasty, nasty time." Morales said he received a death threat on the telephone, as did another member of the recall committee. But there were other complicating elements in the recall effort, Morales explained, that gave it an extraordinary character. One was Norma Gallegos' husband Benjamin. He was county attorney at the time and himself involved in a contentious reelection contest. The other was Delia Griego, an active member of the recall group, and wife of Carlos Griego, a superior court judge. Morales told me that the Gallegos and Griegos used to be the best of friends; in fact, he recalled, they used to be

"comadres and compadres." But over time, they became the "bitterest of enemies."⁴⁰

Because of the prominence of the two families and their official connection to community institutions, the recall effort spawned a great deal of factionalism. For example, the chief of police, who was Morales' cousin, supported his candidacy. But Morales' uncle, the sheriff, did not, backing the school board and the county attorney instead. Although the recall itself and the race for county attorney were two entirely separate elections, they became inextricably linked in the minds of many Valle Encantado residents. Thus, for some on the recall committee and even in the wider community, the campaign to defeat the school board also became a crusade to oust the county attorney.

Meanwhile, a lexical war of sorts was playing out in the Valle Encantado Gazette, the city's most prominent weekly newspaper. The controversies of ARI and ITBS testing, as well as the removals of Carrasco and Jenkins, were regularly debated by people who supported the three targeted board members, and those pressing for their recall. There were also a fair number of articles chronicling the county attorney's peripheral involvement in it.

Many letters to the editor angrily condemned Rubio's removal of Carrasco and Jenkins. The demotions were unfair, the letters argued, because the principals

⁴⁰The basis for the split was personal and not especially germane to the issues of the recall itself. Most people who agreed to talk about it did so off the record, but all said the rift between the two families had occurred long before the recall.

were popular with students and because of the high quality of instructional programs at their respective schools. Opinion editorials supporting the administrative transfers and the district's curriculum alignment argued that although change was difficult, it was necessary and sometimes even healthy. One editorial referred to the hierarchical authority of individuals in charge of education in the district, arguing that "the current superintendent and board have the right to risk being wrong if there is a possibility they are right."

Other editorials were written by Norma Gallegos, who was one of the recall targets, and Selma Doyle, who was not. They similarly argued the importance of both administrator and teacher accountability and raising the student achievement scores. Doyle announced her strong support for the ARI curriculum alignment and her belief in the site-based management systems the board had instituted, pointing out that the superintendent's actions had merely fulfilled school board goals.

Other board members sought to explain their views in feature articles in the Gazette. Marco Villa, also a recall target, discussed his concern that district test scores at the high school were low compared to national norms. He supported Rubio's removal of Carrasco for this reason and disagreed with the principal's contention that Valle Encantado students should only be compared to schools with a similar student body. According to the Gazette, Villa discounted the high numbers of Valle Encantado kindergarten students entering the school system speaking only Spanish. Because the district's elementary school children seemed to be scoring close to the state average, Villa stated, he believed that monolingualism in Spanish

did not matter. Instead, he complained, when the students reached high school, there was a "meltdown."

The recall committee also targeted Jorge Rueda, who by this time had replaced Norma Gallegos as the president of the school board. Like Gallegos and Marco Villa, Rueda attempted to explain the impetus behind the ARI management system. In a Gazette article, for example, whose headline declared that Gallegos and Rueda refused to resign from the board, Rueda praised Leo Newman and Luis Escalante for raising student test scores to grade level at Alamo Hills Elementary and Carter Middle School. This was evidence of the system's effectiveness, he believed.

Gallegos and Newman also had strong feelings regarding the opposition of some people in the community to comparing Valle Encantado student scores to national norms. Gallegos indicated that the board's attempt to "scrutinize" student achievement in the district "terrified some people" because they feared the comparisons. She admitted that comparing district scores to national norms was unpopular, but said she insisted that Valle Encantado students not be compared solely to other students in the district, or even to students in other border cities in the state. District students would be competing with others in the wider society, Gallegos pointed out, not merely with each other. She also felt insulted that some Valle Encantado residents appeared to believe district students would never measure up. This was the same as declaring them "inferior," she said, because by saying

students could only be "compared to other minority, poor, underprivileged kids," one was saying "they were incapable of learning to any other degree."

Leo Newman was equally emphatic about the need to compare Valle Encantado students to others in the nation, regardless of ethnic or socio-economic differences. Newman declared that he refused to have another set of standards for district students simply because they were different. He put it this way:

I feel that our kids, whether they're in a border town or not, whether they're Mexican or not, whether they only speak Spanish or not, can compete with anybody in this nation, whether they're white, black, or whatever. I feel that if we don't have those high expectations for our kids, then we don't belong in education.

Luis Escalante expressed similar sentiments about the comparisons. He also criticized Manuel Carrasco for refusing to follow a central office directive and transfer to another school. Escalante stated that if ever the board or superintendent needed his own administrative skills at another school, he would comply without fail.

For Norma Gallegos, the recall committee's endeavor to oust her was hurtful and frustrating, as she felt compelled to defend both her own actions and those of her husband. She complained bitterly about the Gazette's portrayal of the board's actions regarding Carrasco's transfer. For instance, explanations for the transfer could only be disclosed at a public meeting if Carrasco himself requested the disclosure. He never did, she said, and although Gazette reporters were aware of

this, they consistently criticized the board for refusing to go public on the matter. Gallegos also protested that the newspaper distorted her husband's involvement in several legal issues connected with the school board. Because of potential conflicts of interest, the county attorney recused himself on the issues, referring them to the state attorney general. But if the attorney general's opinions were contrary to those of the recall committee, she charged, the Gazette characterized them as her husband's opinions.

In April, while the controversy was raging in the press, the school board added more fuel to the fire by extending Rubio's contract for two additional years, and increasing his salary to approximately \$80,000 annually. The board also appointed Luis Escalante, who vowed he would raise academic standards, as principal of the high school.

Meanwhile, relations between the school board and the local teachers' union were deteriorating as well. The union threatened to impose job sanctions against the district, meaning that it would discourage new teachers from accepting positions in the district. Directly at issue were "demeaning personnel transfers (including demotions) without recourse" and "excessive, unethical and invalidated testing procedures" (Valle Encantado Gazette, 1992, May 6, p. 6). One editorial by a high school teacher and member of the local union complained that "the district has spent a minimum of \$350,000 on curriculum alignment to the Iowa Test of Basic Skills, paid nearly \$30,000 to give the test again in April, and paid a private company to

create multiple choice criterion referenced tests" (Valle Encantado Gazette, 1992, May 6, p. 5).

Things came to head in mid June when the Gazette announced that the Valle Encantado School District was under investigation for violating the 1964 Civil Rights Act. The U.S. Department of Education's Office for Civil Rights had agreed to investigate charges that one of the district's elementary schools -- Tyler -- was discriminating against students with limited English proficiency. The complaint had been made by Valle Encantado resident Concepción Díaz, who charged that Tyler assigned its LEP students to classes based on criteria which measured only their English language skills, rather than considering their strengths and knowledge in the primary language (Valle Encantado Gazette, 1992, June 10, pp. 1, 14).

The timing of the discrimination complaint could not have been more opportune for the recall committee. It was coincidental to the scheduling of the recall election, because Concepción Díaz was not involved in attempts to oust the school board. But the announcement of the OCR investigation hurt the targeted school board members. According to William Morales, Díaz' charge was the "final nail in the coffin" for Gallegos and Rueda.⁴¹ He recalled:

I picked the paper up on Wednesday morning [and said], "Wow, I can't believe this!" . . . It hurt the board members that were being

⁴¹Marco Villa, who with Norma Gallegos and Jorge Rueda had been a recall target, resigned from the school board in mid May. According to the Gazette, he gave no reasons for stepping down, stating only that he would seek another public sector position in the city.

recalled because it looked as if all the complaints that the recall committee had made were true. Whether [Díaz] knew she was helping or not I don't know, but she had a legitimate complaint filed.

On July 8, 1992, voters in Valle Encantado recalled school board members Norma Gallegos and Jorge Rueda. Selma Doyle and Gina Shaw retained their seats, and three new members were elected, including William Morales as school board president. On July 22, the new school board put Lawrence Rubio on administrative leave, although he still had a year and a half of his contract left. It named Omar Norzagaray as "interim chief administrator" while a formal search for a new superintendent could be conducted. One week later, the board replaced Norzagaray with Manuel Carrasco as interim chief and reinstated Loretta Jenkins as principal of Santiago Elementary School. After a protracted negotiation with Lawrence Rubio over the remainder of his contract, the board agreed in late November on an \$85,000 settlement. Shortly afterward, Manuel Carrasco was appointed superintendent of schools and remains so as of this writing.

Summary

The period in Valle Encantado's recent history detailed above was unquestionably divisive. To begin, a newly-constituted and by some accounts activist school board heralded a new era of accountability -- and tension -- with its insistence that all district administrators, including the superintendent, be evaluated. That this created conflict between the central administration and the school board is

not surprising. Indeed, factions within the district appear to have been forming even before Charles Monroe retired in 1989. The superintendent had been a respected and formidable figure in the heyday of his administration, and he apparently wielded a continuing influence on decisions affecting the district. But the school board did not select a district insider to replace Monroe. Rather, it brought in Lawrence Rubio, an individual from outside the area who was hired primarily on the strength of his pledge to raise district standardized test scores. The majority of people I interviewed about this period described the new superintendent as extremely intelligent, dynamic and outspoken, whether they agreed with his policies or not. Many appeared to dislike him personally, and told me that he had poor social and interpersonal skills. Even Marge Larson, herself recalled from the school board some 12 years earlier, said she admired Rubio but that "socially, he wasn't the least bit likeable."

Other people felt the district was ready for a major change. Educational programs had been languishing and there was no accountability for teacher or administrator performance. Daniel Portillo, who during the year of the recall election resigned his position with the district to take on the principalship of a large, urban high school in Clarkston, welcomed the new administrator. Portillo said that Rubio reminded him of himself as a young man, and he believed the district would benefit from "somebody who had been around and not isolated and territorialized." Portillo maintained that central to Rubio's curriculum alignment was not the testing, but the development of long-overdue accountability. He put it this way:

The issue was what system, or what assessment, are you going to use to truly find out where your kids are or where they're going? He was exploring some things, first of all for us to create our own assessment programs. I was never threatened by it. As a matter of fact, I welcomed his systems and all that kind of stuff -- lots of money spent on that -- which gave me an opportunity for teachers to even start writing their tests and deal with something.

Portillo contended that Rubio's main problem was his inability to get to know the community and develop a political base. The lack of such a base precluded his ability to "politically sell or market" the ARI system.

In the meantime, Norma Gallegos worked hard to improve bilingual education in the district. Gallegos, more than any other school board member in Valle Encantado, tried to improve her own understanding of bilingual education. She also tried to persuade her board colleagues about the benefits of reinforcing bilingualism in the border city. But Norma Gallegos was also a strong supporter of the controversial new superintendent, and that made her vulnerable to criticism from the growing numbers of people opposed to him. Complicating the issue of Gallegos' steadfast support for Rubio, however, was the fact that her husband Benjamin was involved in a contentious election for county attorney. According to several people I interviewed (and implied in the local press as well), Benjamin Gallegos had made some enemies over the years, including Delia Griego, the wife of the superior court judge and an active member of the recall committee. Ironically, the two Gallegos

were fighting the same battle for their political survival, although each was involved in a different election.

Among Valle Encantado's school principals, Lawrence Rubio's implementation of the Alden-Randall management system engendered attitudes that ranged from enthusiastic acceptance to near-insubordinate resistance. Among people in the community, the testing that accompanied the curriculum alignment, together with Rubio's removal of two popular principals, inspired mostly anger. More important, it galvanized them to organize a recall of Norma Gallegos and Jorge Rueda, two of the three school board members most supportive of Rubio.

Ultimately, Gallegos and Rueda were recalled, and the superintendent was dismissed, with the district settling the balance of his contract for a substantial sum. Manuel Carrasco became the new superintendent of Valle Encantado schools and Loretta Jenkins was reinstated as principal of Santiago. By most accounts, the community breathed a collective sigh of relief and looked forward to moving on. Still, most of the people I interviewed for this study, whether supporters of the school board or not, agreed that the recall had created deep wounds in the community, and that it would take a long time for them to heal.

While Lawrence Rubio and the school board were implementing and defending ARI's management system, bilingual education in the district did not progress to an appreciable degree, in spite of state admonitions to improve it. Certainly, as Rubio reported, federal bilingual education programs were not well established in the district by the time he left. Given the legacy of poor program

implementation over the ten years or so before he was hired, and the consistent lack of support from district principals, it might have been difficult to establish a solid and effective bilingual program anyway. Nonetheless, Rubio's overriding concern with other issues in his administration, even at the expense of jeopardizing an already precarious relationship with funding agencies in Washington, suggests that establishing one was not a high priority for him either. Indeed, three of the district's senior administrators as well as the bilingual director told me in no uncertain terms that Rubio's careless supervision over management of the district's Title VII grants led directly to an OBEMLA declaration that for a long time to come the district would receive no more Title VII funding.

In the next chapter, I move from a more general discussion of the effect of the ARI management system on district politics to a smaller-scale look at its effect on one school -- Tyler Elementary. The stories of two people are highlighted: Carla Richardson, a teacher at Tyler and Concepción Díaz, a community resident and friend of Richardson. Both women were appalled at what they believed to be unsound and discriminatory practices at the school. It was Díaz' friendship with Richardson, as well her sense of justice for language minority children, that compelled her to issue a formal complaint to the U.S. Office for Civil Rights. OCR agreed to investigate her claims of discrimination and made plans to visit Tyler Elementary in October 1992. Chapter 6 details the reasons for the OCR investigation and what the agency found.

CHAPTER 6
THE FIRST COMPLIANCE REVIEW OF
VALLE ENCANTADO BILINGUAL AND ESL PROGRAMS:
ORIGINS OF THE COMPLAINT

In October of 1992, alternative language programs for language minority national origin students in the Valle Encantado Unified School District were investigated by the U.S. Department of Education's Office for Civil Rights (OCR). In response to allegations that one of the district's elementary schools, in particular, was discriminating against language minority students of limited English proficiency, OCR visited the school to determine whether it was out of compliance with Title VI of the 1964 Civil Rights Act, which forbids discrimination on the basis of race, color, or national origin in programs receiving federal financial assistance from the U.S. Department of Education.

In this chapter I consider the unusual circumstances that led to the OCR investigation, presenting events that began in the fall of 1990 and continued through December 1992. I include the personal accounts of the two people in Valle Encantado who were most directly responsible for initiating requests to OCR for an investigation into alleged discriminatory practices at Tyler Elementary School, and detail those allegations and the district's response to them.

An important point must be made about the stories and experiences of the two people featured in this chapter. The first person, Carla Richardson, taught at Tyler Elementary, the site of the first OCR investigation, until she resigned in June 1991, at the end of her first year. Carla Richardson's frustration with the district's mandated curriculum alignment and her increasing conflict with the school principal captured the attention of a second person, Concepción Díaz. Díaz was a life-long resident of Valle Encantado and had attended its public schools. While she had no children in the elementary grades, Díaz was a single parent of a high school student at the time of the OCR investigation. By her own admission, Díaz frequently and publicly questioned the quality of programs the district was providing to language minority students.

The voices and stories that follow belong to Richardson and Díaz. Numerous attempts were made to obtain an interview with the principal of Tyler Elementary, Leticia Lewis, in order to hear her perspective on the incidents described by Richardson and Díaz. However, she consistently refused to be interviewed for this study. As a result, I was unable to discover much about her background, except that she was born and raised in Valle Encantado and over the years developed a reputation as a tough, but generally respected administrator. In fact, she emerged as one of the district's few female Mexican American principals, and as of this writing remains one of only a few women administrators in the district. More important, I was unable to explore her attitude toward the Alden-Randall management system. Lewis' school was not among the original three ARI pilot sites, but a number of

people told me (including Richardson and Díaz) that she implemented the system aggressively, and in fact, may have been one of the principals who tested students more frequently than others.

I am aware that some readers may find that the stories reflect only one perspective. Still, what I was seeking was information about and an understanding of events leading to the first and second OCR visits. Since Richardson and Díaz played central roles in helping to launch the investigation, their accounts are critical. A fuller discussion of the second visit will be presented in chapter seven.

Carla Richardson

Idealistic, energetic and completing a Masters Degree in Reading at a state university nearby, Carla Richardson felt ready to begin her first year of teaching in Valle Encantado. It was September 1990 and she was looking forward to beginning her teaching career. Richardson's academic coursework had provided her with training in whole language (Goodman, 1986) and English as a Second Language methodologies, and she looked forward to putting them into practice. In addition, she had a provisional ESL endorsement, which she believed contributed to the decision by Tyler's principal to hire her. Though not bilingual herself, she spoke some Spanish and was a strong advocate for people maintaining their language and culture.

Richardson was assigned to a "regular" (all English) 5th grade class at Tyler; of the twenty-five students in the class, twenty-one spoke English well enough to

participate in an ESL classroom, but four were monolingual Spanish speakers. She indicated that those children were from Mexico and were simply "dropped" into her class, and consequently "had no transition whatever." Richardson reflected on this:

They were just immersed. I did the best that I could with them but it still was very confusing to me why they would be placed in my class because I had a provisional ESL endorsement when there was a 5th grade teacher who was bilingual.

These students occasionally were pulled out of class and given ESL instruction by the school's special education teacher, who also occasionally removed them from the class when standardized tests were given. Richardson explained:

A lot of times [the LEP students] were separated from the rest of the students, although they remained in the classroom during the testing. I gave them things to read at that time, but they really didn't participate.

Richardson believed that she had the freedom to apply her theoretical knowledge in her classroom, as long as she also addressed basic skills reflected in the Iowa Test of Basic Skills (ITBS). At the time, the district was very concerned about low test scores and was engaged in an effort to align the curriculum to match the skills tested by the ITBS. She continued:

Looking back, I don't think the principal had a clue [about whole language], but we discussed it and she said that I could do anything as long as I would address skills for kids as far as the ITBS. They were

real concerned about testing and as long as I would address skills I could basically have a lot of freedom. With the holistic approach I felt that I could do the best and it would be ESL with me.

Richardson complained that she was never able to see a copy of the Valle Encantado curriculum, although she repeatedly asked her principal for it. The principal finally told her that "there wasn't such a thing" and that she had to use the scope and sequence basal readers provided for her grade level. Richardson stated that the principal told her she was free to disregard the basal stories, but was obligated to teach the skills reflected in the basal workbooks. In addition, she said the principal distributed numerous ditto sheets that also reinforced the need to teach the skills tested in the ITBS (although Richardson believed the dittos themselves, in fact, did not reinforce those skills).

I was just overwhelmed with the thought of it. We used those in conjunction with the workbook and it almost seemed like they were old tests, like old type ITBS . . . and what happened with these workbook tests was somehow the scores went to the district and Leticia would reward the children and give them goodies or something if their scores were high enough. . . . All students had to score 70 percent or better. So that meant that there were some students who took the test three and four times. Leticia said we had to have that score, so typically some kids knew that each time they would be the ones to take the test over and over again and no matter what, there

was no way of having them feel good about it because they felt they were the dumb ones.

Richardson pointed out that the monolingual Spanish-speakers in her class were exempted from these tests and that "it really didn't matter what they did." Since they were not required to participate in the testing, conducted approximately four times during the school year, and because the curriculum was designed to "teach to the test," she believed, the children's academic progress did not appear to be a principal concern.

I got that message over and over again. It didn't matter because they weren't tested. Leticia really didn't care what I did with them. I requested textbooks in Spanish, so that at least the kids would feel a part of the group.

Richardson also complained that the only Spanish textbooks made available to her Spanish monolingual students dealt with the subject of mathematics. She said she "begged to no avail for Spanish companion editions to our other texts," but that she resorted to buying Spanish language books herself in Mexican bookstores across the border, as well as in other metropolitan areas in the state. Finally, she said during the last school quarter she was allowed to purchase one set of Spanish literature books with school funds. Richardson wanted to use text sets and literature circles with all of the students, in both English and Spanish, and to encourage them to read in groups and discuss the things they read. She indicated that the students actually kept journals and shared with each other. When asked whether the

principal was supportive of these activities, Richardson replied that although the principal tolerated her efforts, "all she really cared about was my test scores."

After the ITBS she came around with boxes of candy. She walked into my room and my kids sat there and they just were so eager to please and they said, "well, how did we do? How did we do?" And she said, "well, you did okay." She dropped all her boxes of candy and I picked them up for her and I thought it was nice that she was bringing us a box of candy and I thought it was in some way a thank you for how hard the kids had worked because the kids worked hard. But it wasn't that. She only gave a box of candy to the teachers with the highest scores on the ITBS.

Richardson reported that her relationship with the principal grew increasingly strained as the year passed and that she became more and more afraid of her. She indicated that the principal would "come into my room and just scream at me or at children and just at any moment." She stated that the principal believed "that the only reason the children behaved was because they loved me and there wasn't enough tension, that I needed to set an anxiety level in my classroom and I said I couldn't relate to that, I didn't want the children to feel anxious." She continued:

I was terrified of my principal. One time she came into my classroom to observe me. I had started the kids out with some kind of cooperative groups and we had never done it before, so I really didn't know how it was going to go and I said to her, "we've not

done this before," and she said, "I don't want to hear any excuses." I really felt like I didn't know where she was coming from, but she said, "You've got to mix up some of the bright ones with the dumb ones." I said, "I don't view children that way, I never think in those terms." And she said, "well, you can't let them make up their own decisions about this." Another day, when I saw her in the office, she said, "who's that, the kid with the lips, who's that big girl with the lips in your class?" I said, "all of the children in my class have lips." She said, "the big dumb looking one." I said, "I have three tall girls," and I mentioned their names. I didn't know what it had to do with anything, but then this day when she was in my classroom this child was sucking on her lips and the principal screamed at her to stop and then she yelled at me and said that I was to yell at this child if I saw her sucking on her lips . . . shortly after that and the other kids had already gone over to work on this other thing they were doing and there was this one child, I don't know how it happened but the three of us were around this pod and she said to the kid, "if you continue to suck your lips like that you will have Nigger lips." And I said, "We don't ever use that word in my classroom," and so I said the child's name, and I said, "Do you understand that that's not acceptable?"

Finally, after a year of conflict with the school principal, Carla Richardson resigned and left Valle Encantado. She reflected on her experience at Tyler Elementary:

It was hard, it was really hard and what bothered me was that I thought I was going into a situation that was going to be really positive for children. But students were not considered to be important people. Here I was, with all this training in ESL methodologies and I couldn't use as many as I would have liked. I was overwhelmed with the principal's pressure to teach to the test, to the ITBS. It was amazing to me, test scores were the most important thing. But I loved my class. The kids were wonderful and they worked so hard.

Richardson relocated to a school district in a large city north of Valle Encantado and is currently teaching in an elementary school there.

A year after she left Valle Encantado, at the urging of Concepción Díaz, whose story follows, Richardson sent a letter to the Office for Civil Rights, in Denver, Colorado, describing her concerns about the quality of education that language minority children were receiving in the Valle Encantado school district.⁴²

⁴²I received a copy of this letter from OCR as a result of a Freedom of Information Act request. Because the letter detailed alleged incidents that had occurred more than a year earlier, it appears that OCR did not formally consider them. A handwritten note in the margin -- "untimely to issues of complaint" -- refers to the OCR requirement that complaints be made within 180 calendar days of the date of the alleged discrimination. However, another comment in the same

She complained about the transitional nature of the bilingual education program from Kindergarten to third grade, and "the failure of the school system to recognize and implement the tenets of the current research which overwhelmingly supports bilingual education." In addition, Richardson cited the absence of any language assistance for children at the fourth and fifth grade level, as well as the extremely limited collection of Spanish language materials in the school library. She complained about having to spend her own money on such materials, but stated that even these efforts "could not make the situation equitable for all students." Her letter continued:

The extremely restrictive teaching requirements greatly diminished the opportunity to implement ESL techniques and materials. This affected the majority of the students who were almost entirely L2 (second language) learners. Learning was impeded by the oppressive concerns over students' test scores. We spent the whole year focusing on and preparing for [the] ITBS. Since the NES/LES students in my class were not required to take this test either, their academic progress did not appear to be a primary concern.

On one occasion as I voiced my concerns regarding the lack of resources provided for NES/LES students, I was told by an administrator that

handwriting -- "basis for review?" -- raises the possibility that OCR investigators were concerned about the charges.

I should not worry about these students. Her words were, "no more Mr. Nice Guy, sink or swim."⁴³

I believe that the prevailing attitude was psychologically damaging to NES/LES students. Their verbalizations in this area were translated and conveyed to me on more than one occasion. They said that they felt different and less important than English speaking children. This is ironic when one considers that the predominant culture is Mexican-American and the community is bilingual. Therefore this message not only affects NES/LES students but has far greater implications. When a people's language and culture are viewed in terms of a deficit, their self-concepts and self-esteem are damaged. This message not only affects all students but the community at large.

Concepción Díaz

Concepción Díaz, was born and raised in Valle Encantado and currently resides there, although she commuted to a nearby university almost daily. At the time that Carla Richardson was living in Valle Encantado, there was a serious housing shortage in the city and the few houses and apartments available were expensive. Because Richardson had great difficulty finding a place to live during

⁴³Although the letter did not mention the administrator by name, Richardson informed me that it was her principal, Leticia Lewis.

her first few months in Valle Encantado, she stayed with Concepción Díaz, whom she had met at the university where they were both completing graduate degrees. Richardson stayed at the Díaz residence while she searched for her own place.

Díaz reported that almost from the beginning of the school semester, Richardson would return home very upset about her teaching situation at Tyler:

Carla would come home crying and she would tell me, "What is wrong with the parents in this community? Don't they understand that their children are not getting a good education and that the kids who don't speak English just sit there? Because there are not enough materials or because they're not the right materials or because I'm not a bilingual teacher, I'm only an ESL teacher and these kids need bilingual instruction that I can't provide."

Díaz related that she and Richardson had numerous conversations about Richardson's class and her conflicts with the school principal. She said she tried to help Richardson understand the social and economic context of Valle Encantado, and why the parents might not feel able to confront school authorities:

Carla always wondered why this community wasn't more mobilized, and I was trying to tell her that Mexican- Americans in this community feel that they don't have a right to complain. If you're newly arrived and your immigration status is not very clear and you know you are in the process of becoming a resident alien or whatever, you don't feel you can complain to any authority because they may

"throw you back." [This is] what I call the "relative deprivation of the border," which means that you always look at the context. "Oh my God, the schools in [Mexico] are overcrowded, they have triple shifts, they don't have the same physical structure, they don't have the same material, they don't have the same equipment." [They say], "Why am I going to complain about something that is being given to my kid for free?"

Díaz indicated that, in her opinion, this pervasive attitude allowed the school system to engage in dubious practices that it might normally not "get away with" in a community where parents felt empowered to challenge school policies.

Díaz grew increasingly concerned about Richardson's problems at Tyler. For some time now, Díaz had been uneasy about some of the things she was hearing from her own daughter, Alma, a tenth grader at Valle Encantado's only high school. She recollected:

A lot of children were made to feel inadequate. As Alma progressed in the school system, a lot of kids were just real settled, "well, I'm only going to be a secretary, I'm going to be working in produce, etc." -- you know the same sort of jobs that are here. No one had other ambitions because kids were told, "well, you just can't do that." I mean, there were kids at the high school who were told, "you can't go to Stanford, you're no good, you just don't have the grades, this high school doesn't prepare you for that kind of academic setting," so

children had nothing expected of them, therefore they expected nothing themselves. I was meeting some of Alma's peers and they would come over . . . I was appalled at how lacking they were in a sound educational background. A lot of the kids, for example, were monolingual Spanish speakers and had been in the system for years and supposedly in bilingual/ESL classes. A lot of kids dropped out, a lot of kids never finished, a lot of kids felt they were dumb because they didn't speak English. That kind of stuff really angered me.

Díaz said she believed that students in Valle Encantado had to be encouraged to start thinking about other kinds of careers and "not to be thinking in [terms of their] working-class status all the time." She added that Alma had internalized this attitude, too, when she failed her typing class:

My daughter flunked typing because she said something about she wasn't good with her hands. I can't remember what the reason was, but the kid flunked typing, and her teacher said to her, "Alma, you can't flunk my class. You have to learn to type because you're going to be a secretary." I said to tell him you're going to be Secretary of State, but you don't need to be a typist the rest of your life.

Díaz articulated these concerns and others in a letter she wrote for the Valle Encantado Gazette, which appeared as an editorial in December 1991, p. 5:

It saddens me to listen to students in our community who are unable to articulate their thoughts, dreams and aspirations in either language.

What is even sadder is that these children have been taught to be ashamed of their Mexican culture and are led to believe that their culture and language is an impediment to success.

It is evident that the school system here is helping to perpetuate this working-class mentality in our students by insisting that the Iowa Test of Basic Skills be an indicator of educational success and achievement. Is the school district more interested in teaching students how to take standardized tests rather than prepare them for life?

We have all heard of the impending Free Trade Agreement that the United States, Canada and Mexico will become parties to. According to the experts, there will be a need for a well-trained bilingual and bicultural workforce. What is our school board doing to meet that challenge?

Are they relegating our children to working-class status due to their inability to do well on the Iowa Tests? Why do they refuse to acknowledge our rich cultural, linguistic heritage and our unique situation as an International City on the U.S.-Mexico border?

Díaz reported that Richardson's concerns and her own overlapped to such an extent that she felt compelled to contact the Office for Civil Rights (OCR). Díaz lodged the first of a series of written and telephone complaints in January of 1992. On the "Discrimination Complaint Form" submitted to OCR, Díaz claimed that the

Valle Encantado school district discriminated against Spanish dominant Mexican students because its curriculum was based on the ITBS, and thus violated state requirements that school curricula be based on essential skills. She indicated that the local teachers' union had protested that the new curriculum was unlawful and harmful to the achievement and self-image of the district's Mexican origin population. However, her complaint alleged, the superintendent and school board had ignored these protests. Díaz wrote:

The Valle Encantado school district has adopted a curriculum based straight from the Iowa Test of Basic Skills. These skills are reading, grammar and math. The curriculum is no-frills -- no more, no less. Those principals that do it are promoted -- those that don't do it are demoted. Children are measured by how they test out on these skills, which is contrary to state curriculum law.

However, shortly after receiving her letter, OCR replied that her complaints were incomplete, and requested that she submit specific evidence of discrimination by the Valle Encantado School District against language minority students. OCR also implied that since some of the issues Díaz raised appeared to be related to the educational curriculum in place, it would be unable to address them directly, since "generally, curriculum choices are within the purview of each local educational agency." Instead, OCR provided Díaz with a list of the types of discrimination it was responsible for investigating. These included discrimination on the bases of

race, color, national origin, sex, handicap status, and under some circumstances, age.

In mid February and again in April, Díaz clarified her complaint to OCR on a second Discrimination Complaint Form and in subsequent telephone conversations with OCR's Denver office. She reiterated that Valle Encantado's curriculum was aligned to a standardized test which was culturally biased and that as such it disadvantaged limited English proficient students. Furthermore, she charged the school district with demoting the two principals who had refused to implement the new curriculum, and that those principals were the only administrators in the entire district who had strong bilingual programs in place at their schools.

Finally, in language that conformed to OCR's practice of investigating technical violations, such as inappropriate identification and placement of LEP students in alternative language programs, Díaz charged that the Valle Encantado School District was discriminating against Hispanic LEP students at Tyler Elementary on the basis of national origin because it assigned students to classes on the basis of their English language skills. In addition, she claimed, this assignment ignored the students' knowledge of other curriculum areas or their linguistic abilities in Spanish. She charged that the effect of the district's assignment procedure was a failure to identify the nature and extent of each student's educational needs, and as a result, that Valle Encantado did not prescribe and implement an appropriate education program to meet those needs. By mid April, OCR had agreed to investigate Díaz' claims:

With respect to your allegations, we have determined that our office has the authority to commence an investigation. An investigator from our Compliance Division will contact you to discuss your complaint. The results of the investigation will be included in a Letter of Findings which will be mailed to you. Our procedures provide that we conduct a prompt investigation consistent with the time frames under which OCR operates. We anticipate that the investigation of this complaint will be completed by August 16, 1992. If it is determined that a statutory violation has occurred, we will attempt to negotiate a remedy with the district.

At some point after OCR's April letter to Díaz, the agency commenced a long-distance investigation of Valle Encantado's identification and placement procedures of LEP students. In late May, the district received a letter requiring detailed information about its educational plan for students of limited English proficiency, and asking if those plans deviated in any way from the plans existing at Tyler Elementary. Among other items, OCR sought the following information:

- the number of LEP students in each class [of the alternative language program];
- the number of hours per day or week that the program was provided;
- the method of instruction (bilingual education, English as a second language, etc.);

- a detailed description of the alternative language services provided, including any language other than English used in the program;
- a detailed description of how a student's other academic needs are identified and met.

OCR also sought specific details on LEP enrollment and retention numbers, LEP student test results or other methods of measuring progress (including teacher evaluations, narrative reports, etc.), and reasons why identified LEP students might not be receiving alternative language services. OCR requested copies of all district policy statements concerning identification, assessment and evaluation procedures for LEP students and implementation guidelines for the district's alternative language plans. Finally, with respect to the controversy created by the district's testing procedures and the Iowa Test of Basic Skills, OCR required detailed descriptions of the ways in which teachers and schools used ITBS test results. Specifically, it sought answers to the following questions:

- What individual or group instruction program decisions are based, in whole or in part, on ITBS results?
- Do criteria and procedures for deciding who is exempt from ITBS testing differ at Tyler Elementary from established procedures district-wide, and will they change now that the test is given only every four years?
- Which students at Tyler have been exempt from ITBS testing since the 1989-90 year, and why?

- What is the district's position and explanation regarding the allegation that the district improperly uses inappropriate tests, specifically the ITBS, to determine the language proficiency and other academic skills to students with limited English proficiency?
- What is the district's position and explanation regarding the allegation that the district treats Hispanic students with limited English differently in administering and using the results of ITBS testing?
- Why does the district believe, if it does, that exempting LEP students from ITBS testing does not constitute discriminatory treatment?
- What criteria are used to ensure that decisions to exempt students from testing are not based solely on their LEP status?

Díaz received a third letter from OCR, dated July 10, which informed her that OCR had interrupted the investigation of her complaint because Valle Encantado schools had adjourned for summer vacation on May 27. As a result, investigators would be unable to obtain complete student information, review school files or conduct interviews during an on-site review because of the unavailability of the school personnel it wished to interview. Consequently, the letter stated, OCR would continue the investigation in August, when schools re-opened.

When news of the impending visit from the Office for Civil Rights investigation was published in the local newspaper, Díaz reports that the reactions of

school administrators were generally negative, and that, in fact, another principal had told her father that she was "crazy." She continued:

[People] felt my claims were unsubstantiated and that I was wrong, and that, the goal was to teach kids English and that was the bottom line. People were concerned they were going to lose their jobs and lose funding.

Díaz also indicated that even the OCR official who finally conducted the review of Valle Encantado bilingual programs was cautious and warned her that her charges were very difficult to prove. The official, a woman named Pamela Tully, suggested that Díaz needed more parents to corroborate her claims, and that her complaint was very vague. This was partly because Díaz was not directly affected by the alleged practices at Tyler; indeed, her child had never been a student there. Nor could she produce the name of a Tyler student who had been "harmed" by the discriminatory practices she had described. Still, Díaz felt that OCR would be able to gather evidence from the school that would point to other violations in the district as a whole. She recollected that Tully cautioned her not to expect an immediate resolution of her charges:

Well, the first thing she said to me was not to get my hopes up because this is a really, lengthy process. She also told me that I needed to substantiate my claims further by bringing in parents or students who had been affected, that I needed to be more specific. That they were here because . . . the written request was followed up

with several telephone interviews because I was not specific enough in the written request, so they kept saying, "look, this is just not good enough, you have to word it differently." And I think they went out of their way to make sure that I filed the complaint in an appropriate [manner]. We even had a conference call on the telephone to make sure that the complaint was as substantial as it could be without me being directly affected, so that was the one thing she said. The other thing she said was, "I want you to know that no one is going to lose their job over this" and "I also want you to know that OCR does not have a good record of bringing about substantive change because when it comes down to people really having to sign on the bottom line, they don't do it."

Díaz indicated that when Tully arrived in Valle Encantado, she interviewed her first because she was the one who filed the complaint. The OCR official told Díaz that her case was very weak, and that she needed to produce more evidence.

I told her I didn't have it, because I just did not know the parents and I did not know the students and I could not make up a name, I just couldn't do that, so she told me she would see what she could do and she did call me when she left, and wrote me a letter with her findings, that she had not really found what I claimed, but that there was a review process if I felt that she did not treat this the right way.

The Valle Encantado School District's Response

and OCR's Exoneration of Tyler

In response to OCR's May 22 letter requesting detailed information about its alternative language programs, the district's Bilingual Education director, Joan Taylor-Ramírez, submitted a lengthy memorandum. In it she attempted to explain the kinds of services the district was planning to provide to its "monolingual Spanish, Spanish dominant, bilingual, English dominant, and monolingual English speakers." That the memorandum considered these services as "strategies" rather than described them as actual programs currently in place explains its moderately defensive tone. Taylor-Ramírez admitted that the district goal was to achieve what she called -- but did not elaborate on -- a "middle bilingual language proficiency,"⁴⁴ but that it was only in the second year of a school board policy to make all children bilingual, bicultural and biliterate. She indicated that the district was working on staff and assessment development, purchasing Spanish language materials, and improving criteria for language endorsements and the hiring of bilingual personnel. She also stated that the school district had a "parallel curriculum in Spanish language arts, reading and mathematics" and that all identified LEP students were receiving alternative language services.

⁴⁴In a followup interview, Taylor-Ramírez stated that by "middle" she had meant "mediocre." She indicated that she was criticizing past school district policy that had aimed only for verbal proficiency in Spanish, disregarding literacy development in the language.

In spite of these and other qualifications, Taylor-Ramírez supplied OCR with detailed information on the identification and assessment of the district's LEP students. She indicated that Valle Encantado followed state guidelines for identifying these students, using home language surveys in both Spanish and English and the Language Assessment Scale (LAS) to measure their oral proficiency in both languages. Additionally, the district administered "La Prueba Riverside de Realización en Español (La Prueba)," a normed and validated test in Spanish similar to the ITBS. La Prueba, which typically is given to non-English proficient students who are exempt from the ITBS, is said to measure academic achievement in mathematics, reading, science and social studies.

In partial response to OCR's inquiry about whether exempting language minority children from ITBS testing constituted discriminatory treatment, Taylor-Ramírez implied that subjecting the children to an all-English normed test before they had mastered the language would be detrimental to their academic development and would prevent them from gaining "a solid foundation in basic reading writing, math, and thinking skills." Furthermore, her justification for the district's policy of exempting the children revealed a distinct "language as resource" (Ruiz, 1984) perspective as well as her belief in the validity of research in bilingual education:

Valle Encantado Unified School District believes that all students have the right to the same reading, language arts, and math curriculum and that language should not be an obstacle. We believe what a child brings to school is as important as what we have to offer. If we are

expected to test these students with an English normed reference test, they would lose much of their strengths. . . . All research has proven that late exit bilingual programs are equated to permanent academic success. If we didn't exempt these students, teachers would be forcing English academics too early.⁴⁵

For several days in September, Pamela Tully, who was from the Denver Office for Civil Rights, visited Valle Encantado and interviewed Concepción Díaz, district administrators, and instructional and administrative staff at Tyler Elementary School. Tully analyzed student achievement records and reports about Tyler's curriculum and language assistance program, and examined student files. By October, however, OCR concluded that the Valle Encantado School District had not discriminated on the basis of national origin against LEP students at Tyler by inappropriate assessment and placement. OCR's final letter to Concepción Díaz, dated October 9, stated that OCR had found no indication of Title VI violations at Tyler:

The District uses appropriate procedures to assess the degree of linguistic function or ability of LEP/PHLOTE students and that Tyler

⁴⁵In a followup interview, Taylor-Ramírez pointed out that some of the elementary school principals in Valle Encantado exempted Spanish dominant students from ITBS testing because their schools' overall test scores improved, not because they necessarily believed in "theory." She also accused them of refusing to "furnish the Spanish dominant students with a quality curriculum during those three exempt years" because the students were placed in a remedial English reading program.

Elementary assesses students' language proficiency by valid, objective means. Moreover, OCR found no evidence that the District denies, limits, or bases placement decisions on unassessed academic or linguistic skills. OCR found no evidence that Tyler Elementary makes placement decisions only according to English language skills. The District assigns students identified as needing language assistance programs to classes according to the nature and extent of each student's educational needs.

OCR's letter to Díaz contained an important caveat, and as it turned out, implied a second OCR investigation of the district just two months later. The letter reported that although no violations in the identification or placement of students had been found at Tyler, this "should not be interpreted as a determination of the District's compliance or noncompliance with Title VI in any other respect."

Díaz' Appeal to OCR for Another Review

In the meantime, Concepción Díaz took advantage of OCR policy to reconsider compliance findings if the complainant made such a request within 30 days. Consequently, she sent a letter, dated October 21, to OCR stating that her accusations against Tyler had been misinterpreted. She also attempted to clarify her charges about ITBS testing:

If a student enters as a monolingual Spanish speaker, s/he is exempt from the ITBS for three years. During those three years s/he is

supposedly in a Spanish language program. S/he may be in a Spanish language program for 30 minutes day, but the rest of the day is in a sink or swim situation. S/he does not have equity in his/her educational program because everything is done in English and s/he does not know what is going on. There is no formal English as a Second Language program so that these students may develop English skills and in that way, survive.

Díaz further charged that if students received poor ITBS scores, they were retained or demeaned, even if they had never had a poor grade on their report card. She also claimed that Tyler provided no fine arts, physical education or social studies to students in remedial tracks, and until the September visit by OCR had never notified parents of alternative language programs because none existed at the school. Finally, Díaz complained that although Tyler might follow district or state policy in language assessments, it was not using the results to develop programs designed to overcome students' language barriers.

Summary

In this chapter I have considered the events that led up to the OCR investigation of Tyler Elementary School. I featured the accounts of Carla Richardson, a 5th grade teacher at Tyler who shared her concern about administrative practices at the school with Concepción Díaz, the community member who first contacted the Office for Civil Rights. Díaz' complaint brought an OCR

official to Valle Encantado who investigated her charges concerning Tyler Elementary. Acknowledging that Díaz' case was weak, the official nevertheless interviewed teachers at the school, the principal, and other district administrators, but ultimately found no Title VI violations. This appeared to be due in part to OCR reluctance to intervene in curricular issues. The district's dubious decision to align its curriculum to the ITBS, however damaging to language minority children of limited English proficiency, was not discriminatory, at least by OCR standards. Hence, it could not be the basis for a formal investigation of Title VI violations. Nevertheless, the OCR investigator did find some irregularities in the way that Valle Encantado was conducting its alternative language programs. Though Tyler Elementary was exonerated, the Office for Civil Rights concluded that a district-wide investigation was warranted.

In the following chapter, I will discuss why OCR returned to Valle Encantado, even after its investigation vindicated Tyler of discrimination charges. I will discuss the result of the second visit to Valle Encantado by OCR investigators, how district administrators felt about the results of the investigation, and what the district is doing to redress some of the Title VI violations that the Office for Civil Rights found.

CHAPTER 7
THE SECOND COMPLIANCE REVIEW OF
VALLE ENCANTADO'S
ALTERNATIVE LANGUAGE PROGRAMS

In this chapter I discuss the reasons that OCR returned to Valle Encantado in January of 1993 to review the entire district -- even after Tyler Elementary was absolved of all charges of discrimination. I consider the reactions of OCR investigators to Valle Encantado's linguistic and cultural character and discuss how those reactions influenced the district's decision to implement a K-12 English as a Second Language program, rather than one implementing late-exit transitional bilingual education. I conclude with a discussion of what the district is doing to improve its alternative language programs for language minority children.

OCR's Return to Valle Encantado

In early December of 1992, Superintendent of Schools Manuel Carrasco announced at a school board meeting that the Office for Civil Rights had notified him that it would conduct a compliance review of the entire district to determine whether Valle Encantado schools were complying with requirements of Title VI of the Civil Rights Act. School board minutes of this meeting are unclear as to exactly when district administrators had been notified of the pending review, but they

indicate that Carrasco told the board that "all of the principals were working very hard" to prepare for the visit. Equally unclear from these minutes or those of prior board meetings was whether the OCR review of Tyler Elementary School had been discussed with members of the school board or people attending the meeting.

Nevertheless, after Tyler had been cleared of charges that it had violated Title VI requirements, a number of people in Valle Encantado expressed surprise that the Office for Civil Rights had returned to conduct a district-wide investigation of alternative language programs. These people, for the most part, parents, teachers, or other district employees, had no idea why OCR would want to come back to Valle Encantado. Some of them were optimistic that no violations would be found.

Other people in the district speculated that the Office for Civil Rights was following up on stories about alleged mismanagement of school funds. Two of the teachers interviewed at the high school, for example, felt certain that the OCR review was tied to the alleged misuse of Chapter I funds during the previous two or three years. Both teachers believed former superintendent Lawrence Rubio somehow linked to the investigation as well, although neither could specify exactly how.

William Morales, now president of the school board, concurred with this view, going as far as to surmise that OCR employed friends of the former superintendent and that this connection was important. He also admitted that OCR might have discovered some problems during the initial investigation of Tyler:

When the initial OCR review took place I think that they saw a great deal of non-compliance in the district and I think they said to themselves, "we'd better go back there and make sure that they're in compliance," so that's why I think they came back.

Valle Encantado school district administrators appeared to be a bit more pragmatic in their speculation about why OCR returned to the district. None of the administrators I interviewed attributed the investigation of Tyler or other schools to allegations of mismanagement of federal funding, or connected it to an OCR Title IX investigation of sex discrimination in the district two years earlier. In fact, most expressed the opinion that OCR "didn't work that way," and that a complaint to the agency was needed before it could launch an investigation. The one exception to this was Dennis Walker, the Valle Encantado director of curriculum, who claimed that OCR returned to the district because, "we were just part of the rotary, the random group that popped up."⁴⁶ He did not believe there was a connection between the investigation of Tyler's programs and the district-wide review conducted in January 1993:

I think it was just our turn. But we've been getting a lot of play with OCR. We had three women file discrimination suits against the last superintendent and whoever was supervising them.

⁴⁶By "rotary" I am assuming that Walker meant "lottery."

There appeared to be some confusion about whether or not the Office for Civil Rights had visited the district before October 1992. Several administrators, including former superintendent Charles Monroe, claimed that OCR had visited the district a number of times during his tenure. Monroe denied that these visits were made as a result of complaints about district programs, and stated that, in fact, he had invited them to come because he needed a "hammer," in order to convince the community to support bilingual education. He claimed that these visits helped him in this regard. I could not confirm that OCR had investigated the district prior to October 1992, and Monroe appeared to confuse the OCR investigation of Tyler Elementary School with the visit by OBEMLA officials earlier the same year.

Some of Valle Encantado's current administrators were not at all surprised that OCR investigators had announced a district-wide investigation, even after the visit to Tyler had given the school "a clean bill of health," in the words of the district's director of curriculum. Valle Encantado's current superintendent of schools, Manuel Carrasco, for example, even saw it as inevitable:

It's like anything else, people come in and see your dirty clothes hanging around, and they may not come in to check for dirty clothes, they may just be coming in to check if there's enough food in the cabinet. . . . So they didn't vindicate the situation at Tyler, what they did is just said, "when these things are straightened out, you'll be alright and in this situation you're not too far off, there's this, this,

this, this." And when they came back in January, it was whack!

They took the whole district.

Carrasco indicated that although no major problems had been found at Tyler, the OCR investigator had found "many other discrepancies" in other district programs, particularly, inconsistency between stated district policy regarding bilingual education and the kinds and qualities of alternative language programs actually in place in the schools.

Joan Taylor-Ramírez had her own explanation for reasons why the Office for Civil Rights commenced its second investigation of Valle Encantado's bilingual and ESL programs for language minority children. She indicated that while Pamela Tully, the OCR official from the Denver regional office, was interviewing people at Tyler Elementary School, she was staying at a local motel and that teachers in other schools visited her there to complain about what was happening in the district.

Taylor-Ramírez reported:

People just went to the motel, teachers, and started telling her this, and this, and this was going on in the district and she told them they had to write up a complaint, they had to go through the process. But she knew she would be back [even though] the [Tyler] complaint itself was unfounded. She found some things that she was very uncomfortable about as far as civil rights for minority language students.

When asked to be specific about alleged civil rights violations, Taylor-Ramírez indicated that Tully had encountered negative attitudes toward language minority children and was concerned about those attitudes. Taylor-Ramírez reported that, among other things, Tully had noted that at Tyler Elementary, "all the kids spoke Spanish, but nobody spoke Spanish to them unless it was the janitor . . . not even the secretaries [would] speak Spanish to them." Taylor-Ramírez said that Tully had felt such attitudes to be common "a couple of decades ago" but unexpected today. Furthermore, Tully had stated that it seemed speaking Spanish was viewed as inappropriate.

Taylor-Ramírez also mentioned an incident which she believed to be pivotal in compelling Pamela Tully to return to the district. She related that on the last day of Tully's visit to Tyler, when she was helping Tully review some of the student files in the principal's office, Tully inquired why one first grader had been held back a year even though his grades were good and his Language Assessment Scale (LAS) indicated his dominant language was Spanish. Taylor-Ramírez reported that at that moment, the first grader's teacher happened to enter the principal's office and, in response to Tully's question, stated that she remembered the child, and that she had held him back because his ITBS score had been "terrible." Taylor-Ramírez reported that she was "shocked" to hear such a comment, because it represented a concrete example of OCR's concern that the Valle Encantado School District evaluated minority language students using only one assessment instrument -- the ITBS, even though the state department of education required three instruments -- the ITBS, the

Language Assessment Scale (LAS) and a writing sample. Taylor-Ramírez recalled that Tully was concerned about the teacher's comment and had indicated that OCR might have to return to conduct a district-wide review. Taylor-Ramírez felt certain that the incident had contributed to OCR's decision to return to Valle Encantado.

In reality, the second investigation of Valle Encantado programs likely was far less mysterious than many people in the district imagined. I interviewed Pamela Tully, OCR's lead investigator for the review, who disputed the various reasons cited by other district personnel. She admitted that during the course of her investigation of Tyler, other suspicions about district practices were raised, but they were of a much more general nature and concerned the unique demographic characteristics of the city. In other words, if the majority of school age children in a district were limited English proficient -- the case in Valle Encantado -- it was incumbent on the federal agency to make sure they were being served.

Tully also indicated a coincidence that more than any single incident in Valle Encantado itself assured a second investigation. She said that about the time she was concluding her investigation of Tyler Elementary, there was a significant shift in national OCR policy. The Washington, DC, headquarters had issued "national enforcement strategies" for the different regional offices to follow. The new policy specified a number of issue areas that all regional offices should focus on. One of those areas was to look specifically at district services for LEP students. Tully said the national OCR office asked the regional offices to nominate school districts they felt warranted such a review. Since she had just completed the investigation of

Díaz' charges about Tyler Elementary, she was more familiar with district services for LEP children generally, and suspected that compliance would be weak in this regard.

Pamela Tully said she did not remember the incident involving the first grade teacher who had held back a student because of poor ITBS scores. But such a retention, if it occurred, would not have been the basis for an OCR investigation anyway. She reminded me that the OCR review of Tyler was limited to three or four specific issues, including primarily how students were identified for alternative language programs and how the school was serving them. Tully's memory of conversations she had with people at her hotel was much better, but she said that many of the complaints she heard had to do with factionalism in the district and did not address specific areas that OCR was empowered to investigate. She put it this way:

In the Valle Encantado context it was difficult to separate the relevant from the irrelevant. In other words, there was so much factionalism going on there, i.e., the old superintendent's people vs. new superintendent's people, the old school board vs. new school board, etc.

Tully had the impression that many of the ill-feelings she heard expressed were motivated by personal animosities. She added that many of these attitudes were expressed at public community meetings, not privately at her hotel. She maintained that the second investigation had nothing to do with any of the attitudes she

encountered, and reiterated that OCR reviews were never generated by secret complaints. If OCR received a complaint against a district, the agency insisted that for reasons of due process the complainant identify herself or himself.

In any event, the school board again was informed about the second visit at its first meeting in 1993, on January 3. School board minutes from this meeting reveal that Joan Taylor-Ramírez announced the approaching OCR review and that the district would hold a couple of general meetings for community members, parents and students so that they could "make comments, ask questions or express any concerns about the delivery of educational services" in the district. The minutes report Taylor-Ramírez' assertion that the U.S. Department of Education's Office for Civil Rights reviewed only a few school districts each year throughout the country and it was unlikely that Valle Encantado would have this kind of opportunity again. She stressed that OCR's visit would be a very positive occurrence for the district.

Whatever other reasons for the return visit to Valle Encantado, three officials from the Denver Regional Office for Civil Rights arrived in the district in late January. Once again, Pamela Tully returned as the lead investigator, and all three individuals stayed for the entire week, interviewing the current superintendent, principals, teachers, parents and community members.

At the district-wide "entrance" meeting on January 25 Pamela Tully introduced her team to the various administrators and school board members in attendance. She announced that all of the elementary schools except Tyler would be visited, as well as one of the two middle schools, and the high school. In response

to a question from Joan Taylor-Ramírez, Tully stressed that this was a new review and not related to the investigation of Tyler Elementary two months earlier.

Arthur Cruz, one of the other two officers, explained what OCR's statutory and investigative responsibilities entailed, and for Valle Encantado, that meant investigating alleged violations of Title VI of the 1964 Civil Rights Act. He said the officers would interview people about a variety of issues, including how identification and assessment procedures were conducted in the district, and that they would be reviewing files at the schools and at the central administration building. Cruz also indicated that OCR's review of Valle Encantado alternative language programs was one of only 11 compliance reviews it planned to conduct in the region that year.

Pamela Tully emphasized that this was not a "negative review" and that people should see it as a "positive and helpful endeavor." She reassured Valle Encantado administrators that OCR was only looking at what the district was doing for its language minority LEP students, and that if the principals or other administrators did not know the answer to a question, they had merely to direct OCR to the person who would know the answer. Tully added, however, that "one bad school could bring down the whole report."

The OCR investigators announced that they would be seeking answers to the following questions:

1. How do you identify LEP students?
2. How do you assess them?

3. What type of programs do you provide?
4. Are the teachers endorsed/trained?
5. How do the programs work in the schools?
6. How do you exit the students? What are the criteria?
7. How do you evaluate the program?
8. How does the program work?
9. Are the students successful?
10. Does it work?
11. Are the students segregated?
12. How are Chapter One/special education services provided?
13. Is there an over-representation of LEP students in special education classes?
14. What are the diagnostic tests?
15. What about staff recruitment?
16. What about site-based management? Do principals do their own recruiting?

Results of the OCR Investigation

After nearly an entire week of interviewing Valle Encantado administrators, teachers, parents, and community members, the Office for Civil Rights team held an

"exit" meeting on January 29.⁴⁷ In contrast to the first meeting, which was attended by approximately 15 administrators from around the district, the second meeting drew only four administrators, including the superintendent of schools, the director of bilingual education, and two principals.

Arthur Cruz began the meeting by stating that he was unable to determine whether the Valle Encantado School District was out of compliance with Title VI or not. He indicated that it would take time to sift through all of the information the OCR team had gathered. He did say that the district's identification and assessment procedures appeared to be in order. Tully concurred, adding that at least by OCR standards this process seemed appropriate. Cruz was more specific about other violations, however, which included an absence of any alternative language program at Carter Middle Schools, and a breakdown in services district-wide, beginning at the fourth grade. He suggested that this was due in part to the lack of teachers with bilingual or ESL endorsements, particularly at the middle school and the high school.

Both Cruz and Tully appeared surprised at the amount of Spanish they had heard in the community. They noted that in Valle Encantado "everything is in Spanish" and that the district had a responsibility to teach the children English because the school was "the only place they hear it." I asked Tully in a later interview to explain how

⁴⁷I did not tape this meeting, but the comments of the OCR investigators provided here are verbatim from notes I took at the meeting. I also verified their accuracy with the notes of another person who attended the meeting.

the district's unique linguistic character had impressed her. She replied that in Valle Encantado one had to make a distinction between the level of English proficiency needed to function in the city and the amount of English needed to function in the wider society. She felt children should be able to make the choice to stay or leave the city if they wanted to.⁴⁸

The two officials commented that they had heard much discussion about whether English as a Second Language or bilingual instructional methodologies were preferable in Valle Encantado, but stated emphatically that they were not going to take a position on this. Tully explained:

We want you to aim for consistency in whatever you do. The kids need to learn English. Kids deserve the opportunity to explore the larger world. Stay focused on the need to teach English and function in English.

When I interviewed Tully later about this, she confirmed that OCR's neutrality on educational approaches was a policy mandate articulated in a 1991

⁴⁸By way of illustrating how she felt about the linguistic and cultural context of Valle Encantado, Tully told me about an incident that occurred when the three officials were leaving the city to return to drive to the nearest airport, about a hour north. The incident is a fairly common one for people living on or near the border, but it took the investigators by surprise. Tully and her colleagues were stopped at an immigration checkpoint approximately five or six miles north of the city. Tully's colleagues were "frisked," as she put it, and INS officials searched the car for undocumented immigrants. What impressed Tully, who is blond and blue-eyed, was the fact she was not searched, while her "darker" colleagues were. She told me that she remembered thinking at the time, "They don't want anyone to leave this place."

internal memorandum. But she added that the investigators "weren't educators" and did not have the expertise to make decisions affecting curriculum.

Arthur Cruz repeated his colleague's statement about curricular choices. He said that although bilingual education was one approach, the district needed to establish goals to teach English. He said that OCR would focus its investigation on helping the district develop standards to measure program effectiveness, and that administrators must establish goals indicating the percentage of children who would be able to "speak, write and read English" by a certain time. Cruz indicated that OCR didn't have a problem with the school board's bilingual-bicultural-biliterate policy, but that consistency in program standards and implementation throughout the district was important. "Every school is doing it differently," he stated, "and even within schools teachers do it differently." Tully elaborated:

You must be more consistent at the school level and at the classroom level. Students might be assigned one year to an ESL classroom and the next to a bilingual one. What are your goals? Define your terms consistently. Don't call it "ESL" just because English is being taught, or "bilingual" because students are allowed to speak Spanish. As an American school system, your responsibility is to teach them English.

The OCR officials concluded the meeting by announcing that a final report would be submitted to the district within 115 days.

OCR's refusal to take a policy position on instructional approaches was specifically cited by one of the parents I interviewed as evidence, in her opinion, that instruction in Spanish would be a "big mistake." She explained:

What's interesting is that the investigators who came kept saying that their only concern was to investigate and to see that children are being taught English. [They said], "That's our main objective, that's what we're here to find out. The methodology that you use is up to you. . . . You can do it with ESL or you can do it with bilingual education. You can do it with however method you decide to use but the end result has to be that they're learning English." So I thought that was very interesting because everybody leads you to think that we're a bordertown, that legally we're supposed to be very, very lenient and teach in Spanish. But I think it's a real big mistake. A really big mistake."

During the investigation, the three OCR officials reportedly had held a public meeting one evening at an elementary school, and some of the parents who attended had expressed concern that their children were not learning English. In fact, according to an elementary school principal I interviewed later, these parents did not want their children learning Spanish in school:

They had a meeting the night before the exit [meeting] and the parents gave them an ear full and they said that they didn't want their kids learning Spanish. They wanted their kids learning English, so when these three people went over to the exit meeting they actually echoed

what those parents said. That's what happened. They never expected to get that from the parents. . . . Parents felt that our goals should be just to teach our kids English, period. And that we shouldn't be wasting our time with bilingual education. But we can't do that.

When questioned about the attitudes expressed at this meeting, Joan Taylor-Ramírez stated that these particular parents represented a minority opinion about bilingual education, albeit a vocal one. She pointed out that in a parent needs assessment conducted by the district in 1992, 97 percent of respondents (n = 1,200) felt that students should develop strong communication skills in both English and Spanish. Additionally, more than 70 percent of parents felt that for students learning English, the Spanish language should be used in math, science, and literature.

When I asked Joan Taylor-Ramírez almost a year later how she had felt about OCR's neutrality regarding whether the district should adopt ESL or bilingual education, she said she was concerned. She indicated that three of the elementary school principals in Valle Encantado, including Leo Newman, had brought this up with her on numerous occasions, saying, "OCR said English, teach these kids English." According to Taylor-Ramírez, these principals were opposed to bilingual education, preferring instead to implement ESL programs in their schools. She added that one of the elementary principals, as well as high school principal Luis Escalante, had spoken out at school board meetings against any compliance agreement with OCR that included a native language instructional component.

Taylor-Ramírez indicated that this attitude made the job of persuading other district administrators to support bilingual education even more difficult. Recalcitrant principals, together with OCR's agnosticism on curriculum choices (which Taylor-Ramírez interpreted to mean a preference for ESL) compelled her to develop a K-12 ESL program for Valle Encantado. She also believed this had damaged her earlier efforts to push late-exit bilingual programs at the elementary level:

We developed a K-12 ESL program. I was compelled because of what they had said at the exit meeting to, first of all, create an ESL program for the district, K-12, so that they would not be crawling up my back. Oh, I felt compelled to create an ESL program because of their reaction. They just destroyed three years of work.

When I asked Tully to respond to Taylor-Ramírez' contention that OCR was pushing ESL over bilingual education, she recalled that there appeared to be a substantial number of LEP children who had gone through district programs but who were still considered limited English proficient, at least by standardized measurements. She did not recall advocating ESL specifically, but said the OCR investigators "weren't sure that a transitional program would actually transition kids." They were troubled that district programs were unsuccessful in teaching students to "read, write and speak English, as on an exam." Tully speculated that Taylor-Ramírez might have based her interpretation on the fact that the Valle Encantado school district needed to certify all of their teachers and a certification in ESL was easier and quicker to obtain than one in bilingual education.

During the months following the January 1993 OCR exit meeting, Joan Taylor-Ramírez submitted additional information to OCR about district alternative language programs, usually in response to Pamela Tully's requests for clarification about district practices and procedures. In her written responses to OCR, Taylor-Ramírez was forthright and candid about the district's past failure to provide alternative language programs to its language minority students. In one extraordinary memorandum, obtained from OCR through the Freedom of Information Act, Taylor-Ramírez explained that the current bilingual education program in Valle Encantado began when the school board adopted its bilingual-bicultural-biliterate policy in August 1990. Prior to that time, the district had reported to the state bilingual office as an "ESL" district.⁴⁹ She elaborated on other district practices with regard to language minority children and standardized testing:

The state allowed students to be exempt from the [state-mandated] normed reference test for three years if they were in a bilingual program, so the district reported it had a bilingual program for those students in order to exempt them and not bring down the test results even lower, because these were mainly non-English speaking students.

Taylor-Ramírez was equally frank about the lack of Spanish language materials and the use of concurrent translation, widely regarded as an inappropriate teaching methodology:

⁴⁹State law allows school districts to implement either bilingual education or English as a Second Language Programs.

If you review the bilingual program these students were in before August 1990, you will see that there were no materials in Spanish in reading, math, social studies, and science for all those students exempted from the [ITBS] test, grades 1 to 12. Those students were getting mainly ESL with concurrent translation (from paraprofessionals and peers), at most, and not a bilingual program. Those who did get language arts in Spanish only got it for 30 minutes to an hour daily. The rest of the day many did not understand what was going on.

Furthermore, according to Taylor-Ramírez, moving students between ESL and bilingual programs (in either direction) was based solely on their verbal English performance on the Idea Proficiency Test (IPT). Students considered "non-English speaking" were placed in Spanish language arts, which the district called "bilingual" and then tested in Spanish on the IPT. Students considered "limited English speaking" were placed in a remedial English reading program, with no native language assistance.

Taylor-Ramírez's memorandum to OCR also reported that Title VII evaluations since 1989 indicated that the non-English speaking students actually did better academically and were mainstreamed more quickly than their LEP peers because the latter "were essentially too limited in English to be able to ever catch up." In fact, she wrote, student progress was minimal in schools which exited students into English quickly. In contrast, students who had been retained in the

Spanish program until they were formally exited were working at grade level and no longer needed remediation.

Finally, with a decidedly exasperated tone, Taylor-Ramírez implied that some district administrators were actually ignoring the recommendations made by outside evaluators of Valle Encantado's bilingual and ESL programs:

The [State] Bilingual Education Department analyzed the previous Title VII evaluations and asked that kindergarten students be placed in the correct programs as determined by both the English and Spanish oral language assessments, as mandated by the [State] Department of Education. During the 90-91 school year only one school actually placed its kindergarten students in the correct language arts program. The others waited until the 91-92 school year because they had already placed the students according to the previous NES, LES, FES status [procedures]. Still, in some schools this 92-93 school year, students were not placed in the proper programs at the kindergarten level because there were no available kindergarten bilingual teachers to cover the need for those students considered needing a Spanish language program.

OCR's Final Report on Valle Encantado

Alternative Language Programs

The Office for Civil Rights' "Letter of Finding" on Valle Encantado's alternative language program arrived in the district in late May of 1993. As anticipated, OCR charged the district with violating Title VI by discriminating against "LEP students on the basis of their limited English proficiency by not providing them services necessary to participate meaningfully in the District's educational program." Basing its review criteria on the Castañeda framework, OCR indicated, first, that Valle Encantado's alternative language programs, both bilingual and ESL, were guided "by realistic and accurate judgments that the District operates in a bicultural community with a sizeable population of students who experience academic problems related to limited English proficiency." Thus, the district's policy passed the first requirement of Castañeda concerning the soundness of program design. However, the complete OCR "Investigative Report," also obtained through the Freedom of Information Act, indicated that the district's program model selections were "based on political, social, and financial considerations rather than formal research or educational theory" (p. 9). The report contained the following accounts from several witnesses (pp. 9-10):

*Valle Encantado is and will remain a bicultural community in which true bilingualism with fully developed language skills in both English and Spanish is essential for social and economic success locally as well as being a highly marketable skill elsewhere.

*The district is obligated to serve LEP students, who always have constituted and presumably always will constitute the majority of district students.

*Regardless of grade level on entry, well over half of the district's students do not speak, read or write English with any degree of proficiency upon initial enrollment.

*The district's previous LEP program (ESL pullout for less than one hour a week) was insufficient to qualify for state bilingual funding.

*The previous program was considered ineffective. The district's average pupil achievement scores consistently ranked among the lowest in the state. This was seen to indicate that LEP students did not effectively overcome initial language barriers.

*It would be impossible to staff the entire school district with enough teachers endorsed in bilingual education to implement a full bilingual program immediately. ESL instruction for LEP students allows flexibility in programming, as well reportedly appeasing individuals philosophically opposed to bilingual education.

OCR's consideration of Castañeda's second and third requirements -- "implementation" and "results" -- fared less well. OCR found, for example, that although Valle Encantado had redesigned its alternative language programs to be consistent with the 1990 "bilingual-bicultural-biliterate" school board resolutions, such programs were provided to children from only kindergarten through the third

grade. In fact, district officials admitted that the complete bilingual-bicultural curriculum would not be available in 4th through 12th grades until school year 2002-03 because of the insufficient numbers of qualified staff endorsed in bilingual education. In addition, OCR found that while program resources and services differed at each school level, most schools appeared to base program delivery to eligible students on observed or tested oral English fluency alone. The letter of finding elaborated on this:

Students tested as orally fluent in English are assumed to comprehend instruction in English, regardless of their LEP reading or writing limitations. The elementary schools place 4th and 5th grade students who are orally proficient, but whose assessment indicates limited reading or writing skills, in "enrichment" classes.

That "enrichment" classes were actually remedial English reading and writing programs was also a concern of the OCR report, especially since school staff were unable to explain how they constituted alternative language services designed to help limited English proficient students. Furthermore, according to the Investigative Report, enrollment in the "enrichment" classes was not limited to students needing language assistance, and teachers and school principals could identify neither the alternative language program model utilized, nor the philosophy or educational theory upon which it was based. Finally, enrichment programs were voluntary, after-school programs at two of the elementary schools, and thus did not fulfil the district's obligation to LEP students (p. 14).

With regard to staffing requirements, OCR's letter to Manuel Carrasco had this to say:

When asked what services English-speaking LEP students in the 4th and 5th grades received, school staff stated that oral English-proficient students are placed in regular all-English instruction. Their teachers may be endorsed for bilingual or ESL instruction, but they do not necessarily follow a formal LEP service program model. Although school staff asserted that LEP students who are significantly behind grade level in reading and writing achievement are placed in formal ESL classes, they were unable to identify these classes or students in the 4th and 5th grades.

Consequently, while the district was providing educationally sound program models, i.e., bilingual and ESL, to all identified LEP students in kindergarten through 3rd grades, its failure to implement a similar program for 4th and 5th graders was problematic. Indeed, according to the Investigative Report, the elementary school principals interviewed by OCR officials had stated that the 4th and 5th graders participating in ESL or bilingual programs "were any students placed in homerooms or language arts blocks with a teacher who is endorsed for ESL or bilingual instruction," regardless of whether the teacher used alternative language techniques and methods or not (p. 13).

OCR found no alternative language programs at all at one of the two middle schools in Valle Encantado -- Carter Middle School -- even though up to 80 percent

of the school's students were limited in their English proficiency, according to school staff. With a hint of irony, OCR also noted that in interviews, "two ESL-endorsed English teachers stated that although they use ESL methods at times, all students receive the same services and instruction" (p. 7).

OCR found similar problems at Valle Encantado Central High School, where eligibility for alternative language services also was determined solely by oral English proficiency. Additionally, students were labeled according to the degree of their English language proficiency. For example, "ESL" students referred to only those individuals who were judged monolingual Spanish-speakers. "LEP" students were those whose oral English abilities were viewed as limited, i.e., they could speak or understand some English, but had difficulty understanding or expressing themselves orally (p. 16). Students who were regarded or tested as fully-English-speaking, regardless of their reading and writing assessment scores, were labeled "non-limited" and, according to the high school principal and counselor, needed to "challenge themselves" in the regular curriculum (pp. 16-17).

At the high school, "ESL" students were required to participate in a four-year English as a Second Language program "consisting of three hours a day of ESL language development the first year (ESL I), two hours the second year (ESL II), one hour the third year (ESL III), and regular Senior English the fourth year" (p. 7). However, it also appeared that if students exhibited some knowledge of English they were placed in regular classes, if they could keep up. "LEP classes" were further described by some of the school staff, including the principal, as regular, but

"simplified," courses taught in English by teachers who had some training or experience in ESL methods but who were not necessarily endorsed or even able to speak Spanish (p. 19). The OCR letter to Manuel Carrasco, for example, elaborated on this:

Two teachers of courses identified as "other LEP academics" described their classes as less challenging regular introductory classes, taught mostly in English using greatly simplified content and materials. They stated that their LEP students are generally very poor readers and not well-motivated, so they use different grading standards and goals so that students do not become too discouraged. They stated that other identified "LEP academics" classes are similar to theirs.

For example, the high school offered "bilingual science" to 9th grade ESL-LEP students, although the textbook was estimated to be at about a 7th-grade reading level. Similarly, "LEP Science" was described as "a less challenging regular introductory biology class for 'LES-LEP' students, taught mostly in English using an all-English 4th grade reading level textbook" (p. 19).

Finally, OCR reported that seniors at Valle Encantado Central High School were not "allowed" to take ESL or bilingual program classes. The principal of Valle Encantado High School, Luis Escalante, and the senior counselor told OCR officials that high schools in the state were prohibited from providing ESL or

bilingual services to seniors.⁵⁰ As a result, they said, ESL and LEP students alike had to take a regular "Senior English" course in order to earn credit for the fourth year of the program (p. 17). As a result of this categorical exclusion, the high school was also failing to provide services to several hundred students. In fact, OCR concluded that "more than 80% of LEP students at VEHS are not provided with an educationally sound alternative language program to enable them to participate effectively in the District's educational program."

The OCR Investigative Report also reviewed a graduation rate study conducted at the high school in 1992, which showed that 50 percent of males who started the 9th grade dropped out before graduating. Although their "LEP" status was not identified in the study, the Report indicates that Escalante, in an interview with OCR officials, stated he assumed "all dropouts [were] probably LEP, because LEP students' low reading abilities damage their motivation and vice versa" (p. 32). Furthermore, he stated that all of the students at Valle Encantado High School who had failed more than one class in the first semester of 1992-93 were LEP. Likewise, the senior counselor at the high school recalled that he did not remember more than "a few" ESL-LEP students who had received high school diplomas by completing the required credits (p. 32).

Valle Encantado also operated an alternative high school to serve, among others, students who had previously dropped out of the regular curriculum. At the

⁵⁰ They were incorrect in this assumption.

time of the OCR investigation, this school served 77 students, all of whom were identified by the district as "limited English proficient." However, only 25 of the students were placed in a two-hour ESL language class twice a week. Because the remaining 52 students received no alternative language services, OCR determined that the district's alternative high school failed to meet federal guidelines as well.

Finally, OCR found problems in two other areas. The first concerned the assessment and reclassification of students for exit from alternative language programs. OCR policy, as set forth in its 1991 memorandum, required school districts to ensure that exiting students were able to speak, read, write, and comprehend English in order to "participate meaningfully" in the regular educational program. Exit criteria that relied solely on observation or testing of students' oral language skills would not be adequate to demonstrate their meaningful participation in the regular program. State standards required that exited students be monitored for one year after reclassification. OCR found that Valle Encantado School District's procedures for exiting and reassigning students in alternative language programs conformed to state standards and OCR guidance. However, OCR found "no formally documented follow-up on students exited prior to 1991" (p. 32).

The second area in which OCR found deficiencies concerned evaluation procedures to determine the effectiveness of the district's alternative language programs. Evidently, state officials had evaluated the district in August 1991 to determine whether its alternative language programs were properly implemented and whether they complied with state standards. That evaluation revealed "major

deficiencies in all aspects of program implementation, management, and service delivery," although OCR acknowledged that the district was implementing some of its current programs and procedures as a direct response to this evaluation (p. 9). Still, OCR chastised district officials for refusing to acknowledge the seriousness of program deficiencies (p. 11):

OCR found that the district relies exclusively on outside evaluators to periodically evaluate its program. In 1991, the district modified every aspect of its LEP program design, implementation and procedures in response to outside evaluations. However, findings from outside evaluators that the program failed to identify and remediate linguistic and academic deficiencies of LEP students were not directly acknowledged. OCR's review of these evaluations and of internal district reports and student records determined that they are non-conclusive with respect to the effectiveness of current LEP program design and delivery.

In short, OCR found that the district had not evaluated any data to determine whether its alternative language programs were effective.

With respect to retention of LEP students, the Investigative Report indicated that the "only students in the district who were retained between 1989 through 1992 were NES students who did not achieve LAS oral scores of 4 or 5 within one school year" and that "LEP students who took more than two years to achieve oral English

proficiency were commonly referred for Special Education evaluation." The Report continued:

NES students transferring into the district were usually placed back into the last grade they had completed at their previous school, particularly when their previous education was in Mexico.

Comparing the birthdates of district-identified LEP students with their current grade level indicated that 25% of the 1992-93 Valle Encantado High School seniors either started school late or had been retained at least once (p. 32).

Corrective Action Agreement with the District

Even before the Valle Encantado School District officially had received the final compliance report from the Office for Civil Rights, OCR officials had drafted and transmitted by fax a "corrective action agreement" (May 24, 1993) in which the requirements for complying with OCR guidelines were outlined (see Appendix F).⁵¹ The agreement required the district to develop and submit to OCR a

⁵¹Generally, a corrective action agreement is a written plan that a school district submits to the OCR after civil rights violations have been found. It details the educational services that the district intends to provide to its identified LEP students. The terms of the agreement will depend on the particular circumstances of the OCR investigation and the findings of the federal investigators conducting the compliance review. Failure to abide by the terms of the agreement may result in sanctions -- usually the threat of withdrawal of federal funding which, for many school districts in the United States, is a substantial amount. Still, this represents a sanction of last resort and has rarely occurred in the history of OCR enforcement.

comprehensive plan describing the educational services it would provide to "all identified district LEP students in 4th through 12th grade" (p. 1). The plan had to include, among general statements about the "meaningful participation" of students in district programs, detailed information about staffing capabilities, qualifications, recruitment and training efforts, descriptions of alternative language programs and identified schools and grade levels where they would be implemented. It also required the district to make sure its exit criteria were systematically implemented and that the progress of exited students was monitored. The district also had to develop procedures for evaluating its alternative language programs and ultimately, it would have to "timely improve or modify its program for LEP students according to the findings and recommendations of each self-evaluation conducted" (p. 3).

District Compliance

During the months following the OCR report, Joan Taylor-Ramírez worked hard to develop ways to bring the district back into compliance with OCR guidelines. At the time, the state was also developing its own "Essential Skills" curriculum, which Taylor-Ramírez described as emphasizing "performance-based whole language skills in language arts and foreign language," among other subject areas. Consequently, Taylor-Ramírez and teachers from each school in Valle Encantado developed a district curriculum that corresponded to the state curriculum. Taylor-Ramírez reported that she emphasized the need for a program to teach English, but specified that within that program K-3 Spanish dominant children would

have the opportunity to "have their language arts, science, social studies, and math essential skills in Spanish." Students in 4-6 would also have the opportunity to continue literacy and content area development in Spanish, although, evidently, to a somewhat lesser degree. Taylor-Ramírez acknowledged that in the past the district had had an "early-exit" approach to bilingual education and that Spanish was used only until the children knew enough English to transfer into the regular curriculum. She stated that research in second language acquisition showed a child reached academic proficiency in English after five to seven years; thus it was incumbent upon the district to provide daily "speaking, reading and cognitive development." She continued:

. . . Teachers got together, we created activities, we created the program for the elementary, the middle school, the high school [with] identification based on the state reading and writing holistic tests. It was fabulous. . . .

Taylor-Ramírez hoped that the district's program would comply with OCR guidelines because it would teach children *English*, though not necessarily *in English*. When asked how school board members and district administrators had reacted to the proposed program, Taylor-Ramírez admitted that the process had been difficult. She said four board meetings had taken place before the program was adopted, and that considerable opposition came from two principals, in particular, who were angry about the bilingual component. Taylor-Ramírez implied that in order to gain board approval for the curriculum she had to emphasize the fact that it

was, for all practical purposes, a "K-12 ESL curriculum." Still, Taylor-Ramírez refused to compromise on the provision of "Spanish Academics" to Spanish dominant children, because, as she stated, "academics is part of state law and we have to teach our kids the essential skills."

In early fall 1993, three months after the OCR report had arrived in Valle Encantado, district officials submitted the first written plan to respond to OCR's review of the district's alternative language programs. The plan contained procedures for the identification and placement of "LEP" students into the programs, as well as the types of programs available. Specifically, the plan called for ESL instruction within two programs identified as English Language Development (ELD) and English Literacy Enrichment (ELE). Both programs used an ESL model for second language acquisition. The district justified this approach by stating that it also could effectively serve non-Hispanic LEP students if any enrolled. All LEP students would spend at least two school periods daily in an ELD activity. However, "preliterate" elementary grade students "with no English skills and no previous academic background," would receive "Spanish language or transitional bilingual instruction for core language arts and other academic content areas, regardless of school or grade level, until they demonstrate oral English proficiency through LAS testing" (p.3).⁵² The plan stipulated that the middle schools and high

⁵²The designation "preliterate" is ambiguous and questionable as it appears to refer to the lack of literacy skills in English alone. It is not clear whether the district considered students who entered the elementary grades with literacy skills developed in their first language as "literate."

school would provide ELE instruction to address oral expression and listening skills, as well as reading and writing. If ELE students were orally proficient in English, they might receive content area instruction in English or in bilingual classes, depending on what the schools offered (p. 3).

The district plan also contained strategies to recruit and employ ESL or bilingually-endorsed staff, and to provide current staff with inservice training or cooperative programs with local colleges and universities. It announced the continuation of "stipends to current staff holding or pursuing language program endorsement." In the areas of student exit, follow-up, and program evaluation, district officials also attempted to meet OCR criticism of past district practices. A student would be reclassified on the basis of reading and writing tests (administered annually) if his or her scores were above LEP-qualifying levels. Then the district bilingual office would forward the names of such students to all of the appropriate schools, which would then monitor completion of the exit process.

When I asked Taylor-Ramírez whether OCR had accepted the district's proposed curriculum, she sighed and said that, in fact, OCR had not approved district plans for bilingual instruction.

They [approved] the ESL program and they think that's fine and dandy and convenient and that's exactly what they wanted, but that's the only thing they wanted. They didn't want this other part.

[OCR's] comment was, "You don't need that. . . ." She said, "Why do you need so many bilingual teachers at the middle school?"

Taylor-Ramírez told me that she thought OCR's problem with bilingual instruction stemmed from an observation made by Arthur Cruz at the time of the investigation that children at the middle school were speaking only Spanish. Taylor-Ramírez indicated this was likely the case, but explained that many of the children were newcomers, who needed both content area instruction in Spanish and English language assistance. She also was probably referring to a letter OCR sent in late December 1993, in which the agency raised some additional concerns about the district's proposed alternative language program. These concerns included specific questions about the adequacy of student exiting and follow-up criteria, as well as program evaluation. The letter also expressed serious concerns about the ability of the district to staff its bilingual classes with appropriately trained and endorsed teachers. It also required the district to submit a specific timeframe for staffing each program, and suggested that if student needs justified the district's proposed staffing plan, it would be "reasonable to revise job announcements to formally require appropriate language skills or endorsement."

Between December 1993 and May 1994, Joan Taylor-Ramírez again attempted to respond to OCR's concerns about the district's proposed alternative language program. She began to address the additional steps the district would have to take to staff its alternative language programs, and to establish timelines for recruiting, training or hiring qualified teaching personnel. Taylor-Ramírez also attempted to answer OCR's concerns about how the district would evaluate student progress and program effectiveness, and more important, how each school would

implement the alternative language programs (including indication of student assessment, identification, placement, exit and follow up).

In June 1994, the Valle Encantado School Board adopted a policy requiring "all staff providing instruction to LEP students," as well as those who "teach on a daily basis in grades K-12" to obtain either ESL or bilingual endorsement within three years. Furthermore, the Board required that all staff without a language program endorsement submit a plan to the district, by January 1995, detailing how they intended to acquire it within three years.

In September 1994, OCR sent its final communication to the district, in which it approved Valle Encantado's proposed plan. OCR concluded that the district's programs were based on theoretically sound models and that it had established appropriate implementation procedures addressing student identification, assessment, exit, follow-up and reclassification. The district's proposed plan for evaluating program effectiveness, which included maintaining a student information database to track academic progress, also passed OCR scrutiny. Valle Encantado's attempt to staff its programs with qualified and endorsed teachers was also approved, and OCR noted the passage of the school board's policy requiring ESL or Bilingual endorsements within three years. Finally, OCR commended the district's entire staff and school board for the "creativity and commitment they have demonstrated in developing and implementing programs and standards which will ensure quality educational opportunities to all students. . . ."

Summary

In this chapter, I discussed the reasons that OCR returned to Valle Encantado in January of 1993 to review the entire district -- even after Tyler Elementary was absolved of all charges of discrimination. People interviewed about the visit guessed as to why OCR had returned to the district. Their speculations ranged from accusations of "payback" motives by former superintendent Lawrence Rubio to an assumption that Valle Encantado was simply next in the list of districts OCR planned to review. The director of bilingual education pointed to an incident at Tyler Elementary in which a first grade teacher admitted, apparently without embarrassment, to retaining a student because of his poor ITBS scores. But it seems that what brought OCR back into the district for a closer look was a more mundane desire to examine Valle Encantado's services to language minority children of limited English proficiency.⁵³

At the so-called entry meeting with district administrators, OCR investigators outlined the areas they would be covering, which included among others the identification and assessment of LEP students in the district, recruitment and

⁵³Nevertheless, given that OCR conducted few comprehensive reviews of this nature during the previous ten years, this particular review was quite extraordinary. Pamela Tully told me she was hired by OCR in 1989 and spent most of her time investigating single Title VI complaints, like the one made by Concepción Díaz. The Valle Encantado review was her first as lead investigator, and only her third in which she took part at all. Her colleagues were similarly inexperienced in conducting large-scale reviews. When I interviewed her in July 1995, she reported that she had completed ten additional reviews since the one conducted in Valle Encantado.

qualifications of teachers, and program evaluation procedures. At the exit meeting almost a week later the OCR officials made it clear they would not take a position on instructional approaches, that is, they refused to comment on whether the district should use ESL methodologies or employ native language instruction. Nonetheless, the officials expressed considerable surprise at the amount of Spanish they had heard in the district. Valle Encantado's unique linguistic character appeared to have made a significant impression on them, judging from comments they made about "the need to teach English and function in English" in an "American school system." Evidently, these comments also impressed several district principals opposed to bilingual education, who used them to challenge Joan Taylor-Ramírez' efforts to promote native language instruction in district schools.

OCR's letter of finding was completed in late May of 1993, and it charged the district with numerous Title VI violations. The framework for the report was the three-pronged Castañeda "test" for determining program compliance. With regard to the first prong -- theory -- OCR found that the district's bilingual and ESL programs were based on sound designs. This was an interesting finding, considering the fact that the OCR "investigative report" also revealed that district program designs apparently were more influenced by "political, social and financial considerations" than by "formal research or educational theory."

On the second prong -- implementation -- the district fared less well. OCR found consistency in the district's alternative language programs only from the first through third grades. Indeed, district administrators had admitted to OCR

investigators that a complete bilingual-bicultural curriculum encompassing all grades would not be available until the school year 2002-03. Other violations included the lack of qualified teachers for the district's programs serving LEP students and a charge that the district was determining eligibility for its programs on students' oral English fluency alone. Finally, OCR found an inconsistency in how the district's programs were defined; for instance, so-called "enrichment" classes for LEP students were actually remedial English classes, attended after school and only on a voluntary basis.

OCR reports were somewhat less clear about district violations of the third Castañeda prong -- results -- but they stated that there appeared to be no formal manner of evaluating student proficiency in English (other than relying on students' oral language skills), and that the district had no formally documented follow-up procedures on students exited prior to 1991. Similarly, the district had no means of evaluating the effectiveness of its program.

The Valle Encantado school district agreed to submit a "corrective action" plan to OCR to address the violations, and for the next 15 months the district's superintendent, and especially the director of bilingual education, worked diligently to bring the district back into compliance with federal laws. Yet, Taylor-Ramírez claimed that her efforts on behalf of bilingual education met with skepticism on the part of OCR investigator Pamela Tully, who questioned the need to employ "so many bilingual teachers at the middle school." She believed that in spite of OCR's professed neutrality on curriculum choices, Tully was pushing English as a Second

Language approaches rather than bilingual education; as a result, Taylor-Ramírez felt compelled to develop a K-12 ESL program, rather than the late-exit bilingual model she had hoped for. Ultimately, in September 1994, OCR accepted the Valle Encantado school district's comprehensive plan which satisfied all three requirements of the Castañeda framework.

Epilogue

In this dissertation I have considered the development of bilingual education policy in the Valle Encantado school district, from the first Title VII grant awarded in late summer 1969 to September 1994, when the school board passed a resolution requiring all instructional staff to obtain bilingual or ESL endorsement within three years. For the most part, I completed the interviewing phase of the study by mid-summer 1994, although I continued to collect documentary evidence through the fall of 1995.

The district has continued to improve its alternative language programs in each school. According to bilingual education director Joan Taylor-Ramírez, all elementary schools in the fall of 1995 were attempting to offer native language instruction in language arts and math, and sheltered English classes for other subjects. The district has also continued to pressure teachers to pursue professional endorsements, and has developed a partnership with a university in the northern part of the state to assist in this process.

In spite of an angry declaration from the federal Office of Bilingual Education and Minority Languages Affairs (OBEMLA) -- after an oversight visit in 1992 -- that the district would receive no more Title VII funding, the agency awarded three "Comprehensive School-Wide" grants to the district in the fall of 1995. Santiago Elementary school, which still had the most fully developed bilingual education program in the district, was the recipient of one of the grants (\$310,000 for five years). The grant funded, among other things, staff and para-professional training in bilingual educational technology and ESL methodologies. The school purchased \$150,000 worth of computers for its classrooms, and provided financial assistance to Title I and regular curriculum teachers pursuing ESL or bilingual endorsements. The grant also established an after-school technology training program for parents, and offered classes in computer literacy, family math, and English as a Second Language. In the following year, the school also planned to establish GED and citizenship classes.

A second grant was awarded to Carter Middle School, which had been cited by OCR for civil rights violations because the school had no alternative language programs in place, even though approximately 70 percent of its students were considered limited in English proficiency. Carter's grant was aimed at improving staff development at the school, specifically, to help teachers earn their language endorsement. The grant covered tuition costs for classes at a university in the northern part of the state. Like Santiago's grant, this one also funded training in computer technology (and paid for the necessary hardware), as well as the purchase

of a satellite dish to be used for interactive communication. According to Taylor-Ramírez, Carter Middle School was now headed by an administrator fully committed to bilingual education, and to doing what he could to help bring the school back into compliance with civil rights statutes.

The third grant (\$300,828 for five years) was awarded to Valle Encantado High School and, like its counterparts at Santiago and Carter, was to be used for staff development and technology training, conferences and inservices, and for para-professional certification. Taylor-Ramírez indicated that the high school was now providing an integrated bilingual curriculum, and interdisciplinary teaching between ESL, English, Spanish and social studies. The grant would also be used to develop a Spanish language "essential skills" curriculum to be taught through the high school's Spanish department, rather than solely through the English department.

When asked why these particular schools had been awarded Title VII grants (all schools in the district evidently had written Title VII proposals), Taylor-Ramírez told me that Santiago, Carter, and the high school were the *only* schools (with the possible exception of Alamo Hills) that had a solid compliance program in place. Consequently, they were the only ones eligible for Title VII money. Equally important, Taylor-Ramírez stated, was the fact that although each school's grant application was reviewed by state bilingual officials, only the staff at Santiago, Carter, and the high school were willing or able to incorporate into their applications state recommendations and changes; the other schools, for unspecified reasons, either were enable or unwilling to do so. Staff at other schools in the

district did not make the requested modifications, and consequently, their grant applications were denied.

Meanwhile, the federal Office for Civil Rights (OCR) continued its long-distance monitoring of the Valle Encantado school district's compliance efforts. In late September 1995, district officials received a letter detailing the agency's continuing reservations about the district's plan. The letter also charged the district with failing to submit in narrative form a comprehensive plan describing the steps the district intended to take to meet the terms of the May 1993 corrective action agreement. In the absence of such a plan, the letter stated, OCR was unable to analyze the district's documentation of implementation.

Joan Taylor-Ramírez was dismayed by the letter. She said she found it "disgusting" and considered it evidence that OCR was preoccupied with a minutiae of technical details, rather than willing to acknowledge the overall gains the district had made. For example, she said, district administrators and teachers had worked hard to implement a Spanish as a second language (SSL) program at both middle schools, in part to comply with the state's foreign language requirement, but also to help develop the academic skills of the middle school student population. However, OCR was concerned about the district's continuing difficulties in hiring endorsed teachers, whether for bilingual, ESL or SSL programs; its letter referred to the loss of 60 endorsed teachers after the 1994-95 academic year.

Taylor-Ramírez admitted that 60 teachers had left the district, mostly because district salaries had been "frozen" as a cost saving measure. But she said only 30 of

the teachers had had language endorsements (they left to take jobs in Clarkston, a city north of Valle Encantado, or in parts of California), and while this was a serious loss, the district had restaffed eight of those positions with endorsed teachers, and was continuing to urge regular faculty to obtain ESL or bilingual endorsements.

As evidence of district commitment to fulfilling the mandate of its September 1994 board policy, Taylor-Ramírez pointed out that of the 316 teachers currently in the district, 154 were either ESL or bilingually endorsed (this number also included teachers with provisional endorsements), and 25 others were completing undergraduate degree programs to become bilingual education teachers. Nevertheless, she admitted that although the board policy required all teachers to obtain endorsements within three years, this was a requirement affecting only new hires: all other teachers could not be compelled to pursue language endorsements.

The bilingual education director added that the district had acquired 40 "labor condition certificates" to hire bilingual teachers directly from Mexico, first as substitute teachers and later, as permanent staff. She indicated that these teachers automatically received work permits and could apply for permanent positions as soon as the jobs became available, assuming that a school's principal agreed to hire the teachers. To date, however, the district had received only four applications from Mexican bilingual teachers, primarily because the Mexican Consulate and the Secretariat of Education were unwilling to "offer up" the country's bilingual teachers. As Taylor-Ramírez put it, "Mexico needed them too."

When I spoke to the bilingual education director in mid November of 1995, she said she was discouraged, and tired of submitting the same material to OCR over and over again. She complained that although the school district was "bending over backwards" to enhance its bilingual programs, OCR refused to recognize district efforts to date. Taylor-Ramírez said that she had responded to every request OCR had made, but that the agency seemed to be "harrassing" the district. She felt the school district had come a long a way, and in spite of numerous obstacles had laid the foundation for a workable plan to serve language minority limited English proficient students.

As of this writing, Joan Taylor-Ramírez is busy responding to OCR's latest communication. She and the school superintendent are continuing to argue for late-exit transitional bilingual models over English-only approaches like ESL. Teacher recruitment and retention continue to be serious problems for the Valle Encantado school district, and are unlikely to decrease in the shrinking economy of the wider community. Some school principals are still opposed to bilingual education in any form, and are implementing pull-out ESL in their schools. Taylor-Ramírez declared, nonetheless, that the district was doing more for LEP students now than it ever had in the past. She understood that OCR had a job to do, but wanted even a little recognition for the countless hours she and others had devoted to the district's comprehensive compliance plan.

CHAPTER 8

CONCLUSION

This dissertation has considered the historical influences on the development of bilingual education policy in Valle Encantado, a small city in the American Southwest on the border with Mexico. After a fall 1992 pilot study revealed that information on research in bilingual education played little role in the development of district educational policies affecting language minority students, I determined to investigate factors that *did* influence policy decisions.

I re-explored the connection between research in bilingual education and policy decisions regarding alternative language programs for non or limited English-speaking children. I also attempted to seek out other influences which, in the absence of research findings, might have contributed to the district's current policy on language minority education. In general, my research questions comprised the following:

1. What is the connection between research in bilingual education and bilingual education policy at both the federal and local levels?
2. Do recent insights from basic, classroom or school-based, research on second language acquisition influence school district policy choices?
3. Given that the results of large-scale evaluation studies, such as AIR (1978) and the Baker and de Kanter Report (1981), have affected education policies toward language minority students at the federal level, is there a similar influence at the local level?
4. What other factors influence the development of bilingual education policy?

5. Has the recent Office for Civil Rights (OCR) review of bilingual/ESL programs in the Valle Encantado school district influenced the way in which the district's "bilingual-bicultural-biliterate" policy is being implemented?
6. What reasons do school district staff state for supporting or opposing district policy?
7. What are the implications of this study for future policy and research in bilingual education?

Shortly after I began the study, it became apparent that these general questions would yield some of the "thick description" I was seeking, but as worded, would not lead to a complete contextual understanding of the phenomena investigated. Chapters 3 and 5 in this dissertation discussed an example of this: missing from the research protocol were questions concerning a divisive school board recall election in the summer of 1992. Because initially I was unaware of the relationship between this election and the federal OCR investigations of Valle Encantado's alternative language programs, my questions did not address it. Instead, this important connection was brought to my attention by a number of study consultants.

Consequently, my research questions evolved over the duration of the study, and this evolution gave the study more contextual depth than it might otherwise have had. In short, the more I became aware of policy issues in the wider community, the better I was able to delve into an explanation for those issues. What follows is a general discussion of the initial "big picture" questions, as well as an analysis of important contextual variables which help answer the questions.

The Influence of Research on Federal Bilingual Education Policy

Because I was interested in examining the connection between research findings in bilingual education and the development of school district policy in Valle Encantado, I discussed the connection between research and policy at the federal policy level. The discussion served as a context for understanding the development of bilingual education policy in the Valle Encantado school district.

1. What is the connection between research in bilingual education and bilingual education policy at both the federal and local levels?
2. Do recent insights from basic classroom or school-based research on second language acquisition influence district policy choices?

Because of their similarity, I have considered these two questions together.

Chapter 2 of this study discussed in considerable detail the lack of consideration given by federal bilingual education policymakers to research in bilingual education, particularly research in second language acquisition. The federal Bilingual Education Act (Title VII), from its inception, has been conceived of as a transitional, compensatory program. Its first authorization in 1968 contained an explicit "poverty" criterion. It also provided little guidance about the use of the native language in bilingual programs or whether the goal of the new law should be acquisition of English or bilingualism. The 1974 reauthorization of Title VII defined a bilingual education program as one in which instruction was given in English and the native language "to the extent necessary to allow a child to progress effectively through the educational system." The poverty criterion was removed and

a bilingual-bicultural approach to the curriculum was added. Still, the overall goal of the Act -- English acquisition or bilingualism -- remained unclear.

The 1978 reauthorization of the Bilingual Education Act finally clarified the legislative goal: a child's native language was to be used only to facilitate competence in English. Thus, the compensatory nature of Title VII programs was reinforced and the programs were to be strictly transitional.

In both 1984 and 1988, major changes occurred in the way that Title VII funding was allocated, largely as a result of Congressional hostility toward native language instruction. The former reauthorization resulted in a category of general instructional grants known as "special alternative instruction programs" (SAIPs) that did not require the use of the student's native language. Four percent of the total VII appropriations could now be used for special alternative instruction programs. Congress and the Administration ignored research findings on English-only approaches that increasingly demonstrated the ineffectiveness of such approaches in helping students acquire English *or* academic proficiency. In 1988, the 4 percent allocation of funds became 25 percent, and a child's enrollment in a Title VII-funded program was limited to three years.

The 1984 and 1988 reauthorizations were influenced, to some extent, by arguments concerning the notion of "local flexibility," advanced by education officials in the Reagan and Bush Administrations. Local flexibility or "local control," as it was sometimes known, promoted the idea that school districts were in the best position to make decisions about which programs suited the needs of their

language minority limited English proficient students. Consequently, districts should be free to propose programs which used English exclusively, if they so desired. But from the perspective of bilingual education researchers and policy watchers alike, "local flexibility" served as a euphemism for discrimination. More than benign neglect, a policy of "local flexibility" could sanction a school district's practice, intentional or otherwise, of "doing nothing" for its limited English proficient student population. That the federal government at the time of these legislative developments refused to recognize "local flexibility" as a code for potential discrimination reveals, at best, woeful ignorance of the critical roles that students' language and culture play in the acquisition of English; at worst, it suggests a scornful indifference to the statutory and constitutional right of language minority populations to receive a *meaningful* education.

The 1994 reauthorization of Title VII resulted in major compositional changes. The legislation was combined with the federal Emergency Immigrant Education Act, and another category called "foreign language assistance" was added to fund foreign language programs in elementary and secondary schools. The new legislation acknowledged the importance of bilingualism as a goal of its programs. However, it still allowed up to 25 percent of all appropriations to fund programs that did not use a student's native language.

Meanwhile, the federal Office for Civil Rights (OCR) was responsible for enforcing the statutory education requirements of the 1964 Civil Rights Act. With respect to school districts serving language minority limited English proficient

students, this meant enforcing Title VI of the Act, which prohibited discrimination on the basis of race, color, and national origin. The so-called "May 25th [1970] Memorandum," issued by OCR director Stanley Pottinger, articulated the first legal requirement to provide special assistance to LEP children, and applied to all school districts in the nation receiving *any* federal funds, not simply to those which were receiving Title VII discretionary grant funds.

After the Supreme Court's 1974 ruling in Lau v. Nichols upheld the Title VI implementing regulations expressed in the May 25th memorandum, OCR officials created the "Lau Remedies," or guidelines for the elimination of discriminatory educational practices related to language minority children. OCR used the Lau Remedies as the basis to negotiate consent decrees with school districts found in violation of Title VI, and by the end of 1975 had identified 334 districts it suspected were out of compliance with Title VI mandates. Between 1975 and 1980 the agency had carried out nearly 500 compliance reviews and negotiated "Lau Plans" with 359 districts. These districts agreed to adopt bilingual education to remedy their civil rights violations.

The issue of "local control" was not limited to debates about discretionary grant funding under Title VII. In the mid to late 1970s it surfaced in OCR enforcement policy as well. In 1976, when OCR charged Fairfax County, Virginia, schools with Title VI violations, the district fought OCR pressure to establish bilingual education program, arguing that ESL was the only logical alternative

because of the presence of multiple languages in its schools. Thus, the school district began lengthy negotiations to implement an English-only Lau Plan.

Similarly, a consortium of Alaska school districts sued the federal government in 1978, challenging the legality of the Lau Remedies because they lacked the legal force of federal *regulations*. As a result, the Carter Administration developed the "Lau Regulations" that favored bilingual education approaches even more strongly than had the Lau Remedies. However, a significant majority of school districts responding to the proposed regulations opposed them, complaining among other things that the new regulations would interfere with their ability to develop their own programs. Faced with the defeat of President Carter in November and the impending advent of a conservative Republican administration, plus a threat of Congressional action to block funding for the implementation of the regulations, OCR moved to demonstrate its own flexibility. Thus, the agency approved the first ESL-only Lau Plan with Fairfax County. Shortly afterward, the new Reagan Administration withdrew the proposed regulations.

In the absence of official regulations, OCR policy once again relied on the Lau Remedies, although enforcement of Title VI requirements was greatly diminished. Reduced enforcement had a measurable effect on school district delivery of equitable programs for language minority limited English proficient students. According to Crawford (1995), school districts were nine times less likely to be monitored for Lau compliance under the Reagan Administration than under the Ford and Carter Administrations.

Since withdrawal of federal regulations for enforcement of Lau standards, OCR has relied on the analytical framework articulated in the 1981 5th Circuit Court decision in Castañeda v. Pickard. The Castañeda court devised a three-part test to evaluate school district compliance with the Equal Educational Opportunity Act of 1975, specifically the Act's requirement that districts take "appropriate action" to help students overcome language barriers that impeded their success in instructional programs. The test required, one, that district programs be driven by a sound educational *theory*, and two, that districts allow for effective *implementation* of the theory, and three, that the programs produce *results* indicating that students actually were overcoming language barriers. This standard remains in effect today and has played a significant role in litigation and civil rights enforcement since Castañeda.

The Influence of Research on Bilingual Education Policy in Valle Encantado

Valle Encantado's first bilingual education program was funded in 1969 through Title VII (Bilingual Education Act) of the Elementary and Secondary Education Act. The funding application contained references to other "bilingual-bicultural" programs across the Southwest, including the Rough Rock (Arizona) Demonstration School on the Navajo Indian Reservation, and a "biliteracy" program in Laredo, Texas. The application also quoted from *The Invisible Minority, Pero No Vencibles*, the National Education Association-Tucson Survey on the Teaching of

Spanish to the Spanish-Speaking (1966), paying particular attention to districts with similar socio-economic, linguistic and demographic characteristics.

It is apparent from the application that its authors intended the program to produce fully bilingual students. Indeed, among the six general goals listed were three pertaining to the development of bilingualism. Project staff believed that acquisition of English would be accelerated if based on a sound foundation in the home language. It is unclear whether their belief in this was influenced by research findings in second language acquisition, as research in this area was relatively underdeveloped at the time. It is equally unclear whether the authors drew from other published sources on bilingualism or minority education. However, the application indicated that some Valle Encantado school district officials consulted with faculty at two universities in New Mexico, as well as with the Southwest Educational Laboratory in Albuquerque. They also apparently drew from expertise in a number of school districts.

Most of the people I interviewed about the district's first Title VII project attributed principal authorship of the application to Dr. Michael Littleton, a professor of education at a nearby university. Littleton, who served as consultant to the project for its duration, was interested in a number of educational innovations at the time. For example, "interest centers" were established in the initial bilingual education classroom at Dooley Elementary School, the project site. This classroom was one large "open" area, although it contained three separate classes taught by

three teachers. Team-teaching was encouraged and the teachers and students were free to move about as they circulated through the interest centers.

The application also stressed the importance of a strong home-school-community component, although it was not discernable from subsequent yearly project reports whether the ties were cultivated actively or even maintained. For example, plans to set up a family room with daycare to enable parents to visit the bilingual classroom evidently were abandoned because of lack of facilities and staff. Similarly, adult Spanish literacy classes were not conducted because there was no demand for them.

All study consultants were asked for information regarding the influence of research findings on bilingual education policy in Valle Encantado. Although the majority could not specify how or when research had been used to formulate the district's policies with regard to LEP students, they agreed that knowledge about theory and methodology was probably important. School board president William Morales, for example, indicated that in late 1992 the board had begun to look at programs implemented in other border districts comparable to Valle Encantado. He mentioned school choice and educational decentralization as issues being considered by the school board. Morales felt the board had a responsibility to investigate the success or failure of educational programs in other districts before implementing them locally. He elaborated on this:

It's the intelligent way to go. As a board, you can't just go out and say, "well, let's do this" and shoot money at it. You've got to -- and

this is just my opinion -- look for comparable studies and examples in other communities and ways they've addressed [programs]. You try to incorporate what you can from those studies into your own community and then try to figure out how the dynamics here will affect those variables. Then, you move forward with a plan.

Morales was supportive of the district's policy to graduate all students as bilingual, bicultural and biliterate in English and Spanish. But he indicated that the policy was based more on community sentiment about the importance of bilingualism in a border context than it was on research considerations. Community members wanted their children to learn English well, but not at the expense of their language and culture. Still, Morales pointed out, there was a sizable number of community residents, including the majority of school principals, who were opposed to bilingual education. Many of them resented native language instruction because of a belief that in the United States one only needed to learn English. Morales was not unsympathetic to this viewpoint, stating that in Valle Encantado, the school building might be the only place a Spanish-speaking child would hear English. His own preference would be for the district to adopt what he called an "ESL transitional" program, perhaps lasting up to five years, but no longer. For him, the principal issue was not a particular methodological approach, but for teachers to set high expectations for their students. Morales said that a six or seven year program was too long. Eventually, he stated, students needed to be mainstreamed, and by the end of five years should have learned enough English to survive and "to begin to

learn what they need to learn to get by." As a result, Morales favored an ESL approach, but conceded that program recommendations were the responsibility of the administration, who would then make their preferences known to the school board.

Valle Encantado's curriculum director, Dennis Walker, expressed similar sentiments about the importance of using research findings to formulate district policies. But to him, "research" was not solely defined as an understanding or implementation of theory to practice. It was also an active investigation by district administrators of innovative programs conducted in other districts with similar demographics. Research meant visiting those districts or attending conferences in which information about successful programs was shared. For example, Walker reported that he had been impressed with presentations on "Two-Way" bilingual education at a recent conference of the National Association for Bilingual Education (NABE).⁵⁴ He felt such a model would be difficult to implement in Valle Encantado, but stated that the district was working on it in a "piecemeal" fashion. When asked to be specific about the theoretical foundations for such an approach, Walker referred me to Joan Taylor-Ramírez, the district's bilingual director, because he believed she "seemed to work a lot on research." He admitted not knowing the

⁵⁴Two-way or bilingual immersion education is an approach that, ideally, places both language minority and language majority children in the same classroom, with content area instruction in both languages. Dual language instruction, according to some, offers the benefit of "additive" bilingualism for both groups. For language minority students, two-way approaches allow for native language literacy development. They also offer English speakers the opportunity to become functional bilinguals, although research also indicates that students rarely achieve native-like skills in the second language (Crawford, 1995; Lindholm, 1990).

research, per se, but declared its importance as a public relations tool to convince reluctant parents about the benefits of bilingual education. Walker mentioned that he frequently pointed out successes of the bilingual program at Santiago Elementary as evidence that similar programs could be implemented in other district schools.

He put it this way:

We've used it with other schools in the district to cause them to implement the program. But I'm not adverse to using it as public relations with parents and other people who don't agree with [bilingual education]. It's not one of those things you vote on, whether it's good or not. Almost anything you think will work, will work, but the fact that a group of people out there don't think something . . . you make your best guess about what you think is best, and hopefully, you're using some research.

Former superintendent of schools Lawrence Rubio stated that he felt research findings had not been used to formulate district bilingual education policy during his tenure. But he recalled that some district administrators, associate superintendent Omar Norzagaray in particular, were knowledgeable about research issues. Norzagaray, he said, knew about bilingual education studies conducted in Canada.

Rubio's observation about Norzagaray's interest in bilingual education research was confirmed in my own interview with the associate superintendent. Of the 36 people interviewed for this study, Norzagaray was one of only two people who actually named some of the major theoreticians in the field of second language

acquisition. He indicated that he had read widely in the literature on bilingualism, the merits of bilingual education, and bilingual teaching methods. Norzagaray observed, however, that the gap could be wide between a district policy based on research and what actually happened in an individual classroom:

You can have all the research, and believe in the research and the way to implement some of the findings that research has provided. Either it's going to trickle down or trickle up. For example, you can come in with a board policy, and you can have commitment from central administration to have a bilingual program -- and let's assume all the staff development materials, textbooks, and other things are provided for this to happen -- but when you close that door in your classroom, something else may happen. The curriculum you may have could become a textbook curriculum, which is maybe not a bilingual curriculum.

Norzagaray added, however, that any policy or methodology mandated from a top-down perspective would be unsuccessful. He preferred what he called a "trickle-up" approach, where teachers themselves would ensure implementation of bilingual education in their own classrooms. He believed that district teachers were more committed to bilingual education now than in the past, partly because of negative educational experiences they might have encountered coming up through the school system. But Norzagaray also felt that teachers' attitudes toward bilingual education

were changing and that as a result they were more willing to use bilingual instructional methodologies.

It is possible that Omar Norzagaray's own attitude toward bilingual education was evolving as well. Daniel Portillo, Valle Encantado's first director of bilingual education (1973-1975), recalled that in 1974 Norzagaray had requested a transfer from his teaching position as a math instructor at the district high school. He had asked Portillo to make him a bilingual resource specialist and math coordinator under the ESAA grant that Portillo was managing at the time. Portillo granted him this favor, but implied that Norzagaray was neither especially knowledgeable or supportive of bilingual education at the time. Rather, he was simply tired of teaching and wanted to try something new.

Joan Taylor-Ramírez complained that Norzagaray provided her with little guidance when she was first hired as bilingual education director in 1990. She said her position was created partly as a result of federal criticism of the district's management of two Title VII grants awarded in 1988. The Office of Bilingual Education and Minority Languages Affairs (OBEMLA) was concerned that out of the four grant evaluations required by Title VII regulations (one for each year of each grant), only one was ever submitted. She said district officials had accepted federal Title VII money, but had given school principals "free reign" to use the money however they chose. Evidently, not all of the principals used it to implement bilingual programs at their schools.

Taylor-Ramírez indicated that at the time that this was occurring, Omar Norzagaray was in charge of the grant money and "was responsible for the direction the grants took." But the problematic distribution of the federal funds was also possible, she reflected, because the bilingual program had no real leadership and no direction. Eventually -- and perhaps inevitably -- these fiscal abuses resulted in the "infamous" oversight visit by agency officials in 1992.

Adding to Taylor-Ramírez's growing frustration was the district's alignment of its curriculum to the ITBS, and the fact that the new bilingual director had been ordered by former superintendent Lawrence Rubio to translate ARI materials into Spanish, and to use Title VII grant money for this purpose. A new and inexperienced employee with little clout, Taylor-Ramírez recalled bitterly that the former superintendent even refused to grant her permission to speak at central office administrative meetings. Thus, she was unable to warn anyone about the dangers of circumventing the federal requirements.

Two of the high school teachers I interviewed, who taught biology and ESL, observed that if their LEP students had had a formal education in Mexico, they appeared to do better academically. Both teachers remarked that this was especially true of their "ESL" students who had learned to read and write in Spanish prior to enrolling in the Valle Encantado high school. These teachers intuitively acknowledged a relationship between native language literacy development and the transfer of academic skills to English, even if they did not attribute this phenomenon to second language acquisition theory.

When I asked Luis Escalante, Valle Encantado's high school principal, to discuss whether research in bilingual education played a role in district policy, he stated that he was sure it had. He also stated that research was "vital" in any program design, but voiced some skepticism about the way it might be interpreted:

How you interpret the research is the key, okay? Research to me is exactly like judicial opinions. It's how you interpret the opinion.

The research does not say "yes, no." The research says, "based on this. . . ."

Escalante criticized some of the research on minority education because the results were not generalizable from one population to another. Research based on Anglo or African-American populations, for example, would yield different results than research on Hispanic populations. He became quite animated on this point:

Sometimes I'm hesitant when people say, "The research says this," but they'll never tell you the author of the research, what the title of the research is. They'll say, "Research says. . . ." To me, that's the big give-away right there.

Escalante, like a number of other people interviewed for this study, reiterated the oft-quoted number of five to seven years for academic acquisition of a second language. But he also stated that it was hard for him to understand if this amount of time was accurate or not. He also questioned why, after eight years in the district school system, students were entering high school still classified as "non-English proficient." He implied, but did not state directly, that bilingual education might be

the culprit. "Once in, always in," he lamented, "like special education." Still, he admitted that it also might be the district's lack of alternative language programs for students, or even that the district did not have an instructional "accountability" plan. Escalante's principal concern, however, was whether the district had appropriate exit criteria for its bilingual education programs. He felt students were "just in there all the time."

Escalante acknowledged his past opposition to bilingual education and spoke about his battles with Daniel Portillo, Valle Encantado's first bilingual director. He told me that over the years the two men had had major confrontations on the issue, although they remained good friends. For his part, Portillo believed that Escalante's strong feelings about bilingual education had to do with his contradictory attitudes toward the role of language in a border context. In other words, English should be the language of the schools, although Spanish could be used in one's daily business life. Portillo pointed out that the principal, who also owned a flower shop in Valle Encantado, used primarily Spanish with his customers.

Escalante told me that he did not enter school as an LEP student, although he was bilingual in Spanish and English. He was a successful product of Valle Encantado schools, and indeed, went on to become a member of the school board, the city council, mayor, and finally, school principal. Yet, he struck me as someone having difficulty reconciling his own educational experiences with what he knew about current research findings in bilingual education. He admitted, for example, that it would be difficult for students entering Valle Encantado high school

from Mexico to learn English and graduate in four years. Some students, he said, were unwilling or unable to invest the number of years it would take to learn the language, and frustrated, would return to Mexico. He added that these numbers inflated the already high drop-out rate at the high school.

But Escalante also felt that Mexican students who enrolled at the high school specifically to learn English would not need to receive content area instruction in Spanish. He complained that sometimes the students were put into classes taught by teachers hired directly from Mexico. Although the teachers had been hired because of their proficiency in Spanish, they did not speak English; when he observed their classes, he noted, "it was just like being in school in Mexico." Escalante continued:

Sure the kids were being successful in the content area, but as far as mastering another language, they weren't successful. . . . I think a student does not need to take a content area class in Spanish if they're here to learn English. Now, they have to put effort into it, okay? A bilingual class I find acceptable. The methodologies of bilingualism are appropriate here, but not to teach the class in Spanish.

Escalante's offhand comment about student "effort" evidently also was made to OCR officials when they visited the high school in January of 1993. The OCR investigative report mentioned that the principal, along with other district administrators, did not consider any student tested as "fully English speaking" (FES) to be limited English proficient (LEP), regardless of other district identification procedures and reading or writing assessment scores. On the contrary, the report

stated, Escalante believed that these "non-limited" or "English-speaking" students needed to "challenge themselves" in the regular curriculum. The principal also told the OCR investigation team, erroneously as it happens, that the high school was prohibited by the state from providing ESL or bilingual education classes to seniors.

The OCR investigators found, furthermore, that course content in classes labeled "ESL or "bilingual" was generally more simplified, but was intended to present the same curriculum that students received in "regular" classes (OCR Investigative Report, p. 18). So-called "LEP" classes at the high school were taught in English by teachers who might have had some training in ESL methods but who were not necessarily endorsed or able to speak Spanish. In these classes, teachers used greatly simplified content and materials. One "LEP Science" class, for example, was taught mostly in English and teachers used an all-English 4th grade reading level textbook. Ironically, the only classes for LEP students that used grade level materials and followed a normal or advanced curriculum were those identified as "Spanish." These classes were conducted in Spanish, frequently by teachers who had difficulty speaking English (OCR Investigative Report, p. 19).

Whether Luis Escalante was responsible for the poor teaching of some of his instructors is debatable. But Escalante's ambivalent feelings toward bilingual education and ESL may have communicated, at best, a *laissez faire* attitude with regard to the education of LEP students at the high school. At worst, his belief -- reified as school policy -- that such students needed to "challenge" themselves in the regular curriculum might have inhibited their academic growth even further.

Nonetheless, in spite of his past opposition to bilingual education, Escalante appeared to be working closely with central administration staff to bring the high school back into compliance with federal law. Indeed, Joan Taylor-Ramírez in a follow-up interview praised his willingness to comply with OCR requirements. She also indicated that, increasingly, he seemed more supportive of her efforts to implement bilingual education in the district, and that she appreciated that.

Santiago Elementary School principal Loretta Jenkins, by many accounts, had implemented the most extensive bilingual program in the district. Jenkins said she had always wanted to be a bilingual teacher, and as an administrator, wanted to make sure that the Santiago program was a good one. Like other people interviewed for this study, Jenkins repeated the five-to-seven year time span for acquiring academic proficiency in English. But she also admitted that many residents of Valle Encantado were unwilling to wait that long.

At Santiago, all of the classes had integrated bilingual and ESL instruction, and Jenkins indicated that all of the teachers, except one, were bilingually or ESL endorsed. Even the support teachers in Chapter I, special education and music were working toward state endorsements. She said all of the teachers at Santiago knew about research in second language acquisition, and that she encouraged them to mention it in parent-teacher conferences, especially when parents wanted to withdraw their children from bilingual classes. Still, Jenkins felt that discussing the research was not always a successful strategy. This was because people wanted to see the "results" of a bilingual program right away. When asked to be specific,

Jenkins stated that by "results" most people meant test scores, particularly from the ITBS. She felt this was unfortunate, as the English language test did not accurately assess achievement. The principal indicated, however, that a 1993 study by a Santiago teacher showed that students who had been in the bilingual program for five years actually performed better academically than students who had been exited from the program earlier.

3. Given that the results of large-scale evaluation studies, such as AIR and the Baker and de Kanter Report, have affected education policies toward language minority at the federal level, is there a similar influence at the local level?

If district administrators and teachers were uninformed in general about basic research in bilingual education, they were even less informed about evaluation-style research, and the studies named above, in particular. In truth, the question elicited mostly blank stares from study consultants, and after approximately 20 interviews or so, I ceased asking it. Joan Taylor-Ramírez was the only person who seemed to understand the difference between the two research approaches, at least in the context of federal bilingual education policy. In the pilot study interview I conducted with her in the fall of 1992, she discussed second language acquisition theory as she remembered it from her Master's program at a state university. She was familiar with and especially admired the work of Jim Cummins and Steve Krashen. She also knew about the Baker and de Kanter report and Ann Willig's well-known critique of the report.

At the time, Taylor-Ramírez also discussed the newly released "Immersion" study by David Ramírez, of the research firm Aguirre International. The study impressed her, she said, as its findings lent more support for the kind of late exit bilingual models she was pushing in the Valle Encantado school district. She also discussed the political context in which the Ramírez study was conceived and developed, which surprised me somewhat, as this information was not widely known.

In a long interview with Taylor-Ramírez in late December 1993, the bilingual director stated that her knowledge of second language acquisition theory had influenced her desire to implement a late exit bilingual program district-wide. Because academic proficiency in English took anywhere from five to seven years to achieve, she said, she and other teachers had designed a program to develop Spanish language speaking and writing skills (K-2). The program was also designed to phase-in English gradually, beginning in the third grade.

In followup discussions with the bilingual education director, however, research was addressed in the context of her growing frustration with OCR, and her perception that the investigators were pushing an ESL-based program, rather than a bilingual one. Taylor-Ramírez lamented that other district administrators shared this perception, and that, unfortunately, it appeared to lend credibility to the arguments of bilingual education opponents in Valle Encantado, who were pushing ESL as well.

Other Policy Influences

Questions four and six will be considered together because of their similarity.

4. What factors *do* influence the development of bilingual education policy?
6. What reasons do school district staff give for supporting or opposing district policy?

Altruism

Valle Encantado's first formal bilingual education program in 1969 appears to have been motivated to a large degree by an altruistic desire to facilitate academic achievement *and* bilingualism for students at Dooley Elementary School. Most of the teachers and other school staff I interviewed about the project agreed that English was phased into the curriculum only gradually, and that although its acquisition was a main goal, they attempted to develop Spanish as well. Ironically, all district administrators interviewed about the Dooley school project articulated its principal goal as transition to English. However, this stated goal did not appear to have influenced the teachers' desire to develop full bilingualism in their students.

Funding

Title VII of the Elementary and Secondary Education Act (ESEA) channeled the first federal dollars for bilingual education into the Valle Encantado district. By most accounts, the funds were considerable and provided the Dooley school with human and material resources unavailable elsewhere in the district. As one of the

first project teachers remarked, Dooley had "everything," including evidently the only carpeted rooms in the entire district. When Title VII funding ran out after five years, however, the district was unable to match federal funding levels. While it covered some of the salaries for teacher aides and purchased materials and audio equipment for the bilingual project, district officials were unwilling or unable to fund its expansion into other schools.

In the early to mid 1970s, considerable funding from the federal Emergency School Aid Act (ESAA) also was available to school districts for desegregation efforts. Valle Encantado district administrators took full advantage of the new program and the district at that time was "rolling in money," according to Daniel Portillo, the district's first director of bilingual education. Title VII continued to fund the Dooley school project during its final year (1973-74), but ESAA funding was used to develop bilingual education in other district schools. Much of it was used to pay for bilingual teacher aides, whether classroom teachers supported bilingual education or not, or even whether they intended to use bilingual or ESL instructional methodologies. As Daniel Portillo put it, they simply wanted the aides. Ultimately, however, district financial commitment to bilingual education wavered. By the end of the 1970s, bilingual education was only sporadically implemented in the district, and lack of funding was a major culprit, according to some people.

In the 1980s, district officials continued to submit Title VII funding applications, although the school board minutes indicate only once, in June 1988,

that such an application was funded.⁵⁵ Actually, the district was awarded two Title VII grants that year, one for a transitional bilingual education program, and the other for a program funded under the Special Alternative Instructional Program (SAIP) category.

Community Apprehension

Initial apprehension about the bilingual education project at Dooley Elementary School came from parents who believed the school's responsibility was to teach English. They were apprehensive about the use of Spanish as the medium of instruction, and some voiced concern about the project's goal of bilingualism and biculturalism. Others were worried that their children would develop poor pronunciation skills in English from delayed exposure to the language, or worse, simply not learn English at all. This opposition was mitigated somewhat through the efforts of Marta Rodríguez, president of the parent-teacher association (PTA), and Dooley's first parent liaison for the bilingual program. She organized community meetings with Dr. Michael Littleton, academic consultant to the project, Dooley principal Howard Davis, and project teachers. According to Rodríguez, these

⁵⁵As I stated in Chapter 4, the absence of entries in Valle Encantado school board minutes regarding Title VII money should not be interpreted to mean that the district was not awarded Title VII funding during this time. There is evidence that the district received *some* money from the legislation, although the dollar amount was difficult to track down. No guidance was provided by the minutes, and people's recollections about the number of grants received were similarly vague.

meetings contributed to the parents' confidence about enrolling their children in the bilingual program.

Further opposition to bilingual education at the time of the Dooley project came from middle and upper socio-economic class Mexican-Americans in the community, who feared expansion of the project into other district schools, possibly because of the perceived remedial nature of the program, or possibly because of the widely-held view that Spanish was the language of the home, and English, of the school. Similarly, some Mexican-American and Anglo teachers opposed bilingual education, perhaps because of uncertainty about their own Spanish-language skills.

Although accounts are contradictory on the extent of opposition to bilingual education from the small number of Anglos in Valle Encantado, most people I interviewed about the Dooley project believed that when a couple of prominent Anglo families placed their children in the program, the opposition lessened.

Program Territoriality

Daniel Portillo told me that when he attempted to implement bilingual education district-wide, he received little cooperation from the Dooley staff. They were "super-protective" of their bilingual program, he claimed, and were unwilling to share their expertise with other schools. Portillo indicated that these attitudes contributed in part to his inability to replicate the Dooley model in other schools.

Personality Conflicts

Daniel Portillo was circumspect about his short and volatile tenure as Valle Encantado's first bilingual education director. He admitted that his management style was somewhat overbearing and that this did little to create a positive working relationship with other district administrators. But he maintained that he merely was carrying out the superintendent's dual agenda of desegregation and bilingual education. Nonetheless, Portillo saw bilingual education as a way to create educational change in the district, and it was this larger vision that created suspicion in the wider community.

Portillo's relationship with two members of the school board became particularly contentious. The two board members -- Marge Larson and Luis Escalante -- objected to his plan to implement bilingual education in all of the district's schools. They were adamantly opposed to the approach and at school board meetings also voiced their disapproval of the bilingual education director himself. Portillo reflected that their opposition to him was more personal than ideological, and that it had made his job increasingly difficult. He resigned after only two years as bilingual education director.

Local Politics

In Valle Encantado, local political developments to a certain extent appeared related to personal conflicts that arose between individuals or groups. For example, although five years had passed between the time that Daniel Portillo left his position

in 1975 as director of bilingual education and the school board recall election of Marge Larson in 1980, his relationship with the former school board member had not improved. In fact, Portillo led the campaign against her. Arguably, by the end of her term Larson represented a divisive force in the community, and indeed, her unfortunate comment about the moral character of Valle Encantado students may have sealed her fate. But Portillo's crusade to oust Larson, while rooted in his concern about her alleged racism toward Mexican Americans, may have been personal as well.

Toward the late 1980s, conflict between the school board and former superintendent Charles Monroe was building even before he retired in the summer of 1989. Monroe's relationship with the board had become strained, especially with Norma Gallegos, its newest member. Bilingual education was not a principal source of conflict for the two individuals, as both supported it. Monroe had been an advocate for transitional bilingual education throughout his career as superintendent of Valle Encantado schools. And by most accounts, Gallegos had been more supportive of bilingual education than any other board member in recent memory. Instead, their confrontations occurred over differing interpretations of "accountability" among district administrators and staff. Eventually, disagreements about accountability were superseded by conflict over the school board's choice of a replacement for Monroe. The board's choice of Lawrence Rubio for the district's top position, and ultimately its support for Rubio's controversial decision to align district curriculum to the ITBS, set the stage for even further conflict. While

bilingual education was not an issue in the ensuing recall election, its implementation in the district was all but ignored in the maelstrom engulfing the community. Still, it is undisputable that the two principals who actively opposed Rubio's curriculum alignment were the only two administrators who had invested staff resources and funding in the bilingual education programs in their schools.

Was this a coincidence? If the demotions of both Manuel Carrasco and Loretta Jenkins had withstood community resistance, would the bilingual programs at their schools have survived? Was it also a coincidence that the principals who faithfully implemented the ARI alignment system were the very administrators most opposed to bilingual education in the Valle Encantado school district?

Unfortunately, I was unable to explore fully these questions, in part because the significance of the events leading up to the recall election was not evident until relatively late in my study. I had only one interview with Lawrence Rubio, which I conducted by telephone because of our inability to arrange a meeting time and place. The former superintendent was very critical of Manuel Carrasco, but indicated that his disagreements with the principal were professional, not personal. Rubio removed Carrasco from his position as principal at the high school, he said, because Carrasco refused to follow central administration mandates. On the other hand, Luis Escalante was "rewarded" with Carrasco's position, according to a number of people I interviewed, because he wholeheartedly implemented the curriculum alignment system, and because the ITBS scores at Carter Middle School -- where Escalante had been principal -- evidently were the highest in the district. Although their

interpretations of these events were different, both Escalante and Carrasco told me that their relationship with each other had been damaged, though they remained cordial. Ironically, the rivalry and ambitions of both administrators were cited by school board president William Morales -- who liked and admired both men -- as evidence of their competence and commitment to Valle Encantado:

You have a highly competitive group of administrators, and I think the animosity exists because everybody wants a little bit of what the other person has. I think you want those kinds of very competitive people who want to do the best. That reflects on their teachers, and in turn, on the kids.

Teacher Recruitment and Attrition

The recruitment of qualified bilingual education teachers remains a serious problem for Valle Encantado school district officials. From the Dooley bilingual education project in the early 1970s to OCR criticism in the 1990s, recruiting and retaining teachers has been a major problem.

Howard Davis, principal of Dooley Elementary during the bilingual program, complained that many of his teachers were recruited away, either to other school districts in the state, or ironically, into administrative positions within Valle Encantado itself. Former superintendent Charles Monroe, whom Davis blamed for some of the attrition at Dooley, complained bitterly about the district's inability to attract and hold on to experienced bilingual teachers. Monroe accused recruiters

from other districts in the state of recruiting teachers directly from Valle Encantado classrooms. He stated that he reached a point where he refused to allow visits from consultants and project personnel from the Clarkston school district, because they were on recruiting missions.

Hiring and holding on to bilingual teacher aides was apparently also a problem. In the late 1970s and early 1980s, for example, lack of federal funding forced many of the bilingual teachers, who previously had had their own aides, to share them with two, and sometimes three other teachers. Notwithstanding an arrangement between the Valle Encantado school district and the University of Indiana's "Latino Program" to place student teachers in district schools, few of the student teachers stayed on.

In response to the serious shortage of bilingual teachers, the Valle Encantado school district in 1987 began to offer a financial incentive to attract teachers into the district. The school board approved the granting of \$800 annually for provisional ESL or bilingual endorsement, and \$2,000 extra per year for anyone hired with a full endorsement. However, the impact of the salary incentive is difficult to assess; most administrators I interviewed about policies after 1987 continued to cite teacher recruitment as a major problem plaguing efforts to placate both state and federal criticism of the district.

Lack of qualified and endorsed bilingual or ESL teachers was a problem illuminated in the second OCR investigation of the district's alternative language programs. OCR conceded the district's past difficulty in this area, but noted

nonetheless that it was a problem. Ultimately, in June 1994, the Valle Encantado school board adopted a policy requiring "all staff providing instruction to LEP students," as well as those who "teach on a daily basis in grades K-12" to obtain either ESL or bilingual endorsement within three years. Additionally, all current staff without such an endorsement had to submit a plan by January 1995 indicating how they intended to acquire it.

Sporadic or Inconsistent Program Implementation

When federal Title VII funding for Dooley's bilingual project ended at the end of the 1973-1974 school year, bilingual education was implemented irregularly in other district schools. Recollections were vague on the influence of the Dooley project on other schools and other administrators. Most of the people I interviewed about bilingual education in the 1970s agreed that by 1980 only a few schools had bilingual classes, and that frequently meant ESL, rather than native language instruction. Even in the decade that followed, in spite of continued funding from Title VII, it seemed that bilingual education existed only in schools where the principals were receptive to the approach.

Still, it was possible that by the decade's end, transitional bilingual education was implemented in some fashion in all of the schools in the district, including the high school. This was the assertion of former superintendent Charles Monroe, who retired in 1989. Yet, Monroe's optimistic declaration was difficult for me to confirm, given the wide range of definitions for bilingual education that I received.

The Dooley bilingual teachers, for example, described a curriculum where the distribution of Spanish and English was fairly uniform, that is, from 75 to 85 percent Spanish in kindergarten, 60 to 75 percent in first grade, and approximately 50 percent in second grade. Lesson plans from some of the Dooley teachers suggested that they extensively incorporated cultural content as well.

However, other people I interviewed described so-called "bilingual" classrooms where the use of Spanish was minimal, at best. Still others considered ESL instruction to be "bilingual" and used the terms interchangeably. Finally, a number of administrators and teachers reported a perception that if the teacher was bilingual herself, then she taught a bilingual class.

As pointed out earlier in this study, what these differing interpretations suggest is that while some students were provided with some form of instruction involving the use of Spanish -- at different times during the district's history of alternative language program delivery -- a large number of LEP students in the district were not served adequately. This sobering conclusion was also drawn by the OCR investigative team that reviewed the district in January of 1993.

The Effect of the OCR Investigation on the District's Bilingual-Bicultural-Biliterate Policy

5. Has the Office for Civil Rights (OCR) review of bilingual/ESL programs in the Valle Encantado school district influenced the way in which the district's "bilingual-bicultural-biliterate" policy is being implemented?

The Valle Encantado school board's "bilingual-bicultural-biliterate" resolution was one of three passed in August 1990 concerning the provision of alternative language programs to language minority LEP children. A bilingual, bicultural, and biliterate curriculum would benefit all students, the resolution stated, because it "encourages and emphasizes the strength of cultural pluralism as a model for American society," and because biliteracy in particular was "a marketable skill."

The school board passed the resolutions, it seems, with little discussion about how they would be implemented. The board was unanimous in its approval of the new policy, but commitment to bilingual education as a way to achieve it was not equally shared by all board members. The bilingual-bicultural-biliterate policy was influenced primarily by the efforts of only one member, Norma Gallegos, who was determined to change the way in which the district served its LEP students. Gallegos believed it was very important to be both bilingual and biliterate in Valle Encantado, and she encouraged the other board members to support a curriculum that would enable students to develop the bilingual and biliterate skills they increasingly would need.

All of the study consultants I interviewed agreed that a bilingual-bicultural-biliterate policy made "good sense" in a border community. Most of them appeared to believe that the practicality of the policy was the reason for its adoption by the school board. Indeed, this may have been the case, given Norma Gallegos' persuasive abilities, as well as the fact that there likely were few convincing arguments opposing the policy. But the policy also was adopted as a direct response

to state evaluations critical of the district's services to LEP students. Additionally, the federal Office of Bilingual Education and Minority Languages Affairs (OBEMLA) had criticized the district's failure to submit Title VII evaluations for two grants it had awarded the district in 1988. The three resolutions, which addressed bilingual education, English as a Second Language, and biliteracy approaches, represented a logical first step in addressing some of this criticism. The board resolutions thus were designed to conform to state law, which allowed districts to select and implement several instructional approaches for programs serving LEP students.

District plans for implementing the new policy, as far as I could determine, were fairly vague after its adoption by the school board. Beginning in the 1990-91 academic year, the Valle Encantado school district redesigned its alternative language programs to reflect the new bilingual-bicultural-biliterate policy (OCR Investigative report, no date). However, aside from hiring a new director of bilingual education -- and giving her little direction or influence -- it was unclear how the district proposed to revamp its programs. District administrators at this time, including the bilingual director, were caught up in extensive and ambitious efforts to align the curriculum to the ITBS. Indeed, the district-wide alignment appeared to consume most of the attention and energy emanating from Valle Encantado's central administration. Thus, whatever plans the school board had for implementing the bilingual-bicultural-biliterate policy soon were overshadowed by the escalating controversies of the curriculum alignment.

While praising the policy itself, school superintendent Manuel Carrasco criticized the former school board's inability to ensure its implementation. He stated that the board merely gave the policy "lip service" without monitoring how each school principal was implementing it, if at all:

[The board] really didn't insure that the principals were setting up any kind of consistent program. Each school was able to do its own thing, and if it had the teachers, fine. If it didn't, a program wasn't offered. No effort was made that would force [the principals] to bring in the teachers who were needed. If the principal didn't believe in it, fine. No effort was made to in-service them. . . . There was a bilingual office and there was a person in charge of getting bilingual funds, but there was really no effort to insure that principals were actually enforcing a bilingual program in their schools.

Dennis Walker, Valle Encantado's curriculum director, had equally harsh words about the former board's failure to implement the bilingual-bicultural-biliterate policy. He stated that there had been no effort to recruit teachers, and he speculated that the district was less able now to implement bilingual education than it might have been 20 years ago. Walker likened the policy to a flag waved by the former board, but one with neither substance nor real support:

Anyone who reads the paper and moves to a place like Valle Encantado knows, "Hey, we should be bilingual-bicultural-biliterate"

-- that's the way it should be here. So, it's easy to write [the policy] down, and you can wave that flag all over the place. But if you aren't giving it an emphasis in the schools themselves, and with the principals and teachers, and supporting it with materials and supplies you still don't have anything but a flag.

Evidence suggests that district officials were surprised by OCR's announcement of its intention to investigate Tyler Elementary School. In part, this was because Tyler had a reputation as a school with high ITBS scores. But their surprise also was due to a common view that other district schools would have made more logical targets for a federal investigation.

In contrast, district officials seemed less surprised when OCR announced a second investigation of district-wide programs serving LEP students -- even after it had absolved Tyler. In fact, most of the administrators I interviewed before OCR issued its findings speculated that the outcome would be negative. There were two reasons for this. First, it was commonly accepted that although the district was providing bilingual education or ESL in grades kindergarten through third, albeit inconsistently from school to school, services began to break down beginning in the fourth grade. Students who entered a school's bilingual program before the third grade were generally exited after completing that grade, because few schools were able to continue the program in the fourth or fifth grades. Unfortunately, this meant that new LEP students who entered district elementary schools after the third grade received fewer or no special services.

Second, it was also widely known that there were no bilingual *or* ESL classes provided at all at Carter middle school, even though nearly 80 percent of the student body was considered LEP. Instead, students at the school were assigned to regular classrooms where instruction was delivered in English only.

As it turned out, speculation about anticipated negative findings was accurate. OCR investigators found a serious breakdown in services to fourth and fifth grade LEP students, as well as a total lack of program delivery at Carter middle school. OCR also found violations at both Valle Encantado high school and the alternative high school. Basing its enforcement strategy on the three-part Castañeda test -- theory, implementation, results -- OCR reported that while the Valle Encantado school district had designed a sound program, it had no means of implementing the program, and in the absence of implementation, could demonstrate no meaningful results.

As a result, school district officials and OCR worked out a "corrective action agreement" requiring the district to submit a comprehensive plan describing the educational services it would provide to all LEP students in grades four through twelve. Thereupon, central administration officials, chief among them Joan Taylor-Ramírez, moved quickly to develop ways to bring the district back into compliance.

When the district's bilingual-bicultural-biliterate policy was first adopted in August 1990, no one predicted that the OCR investigation would serve as its enforcement "muscle." But this is what some enterprising administrators were hoping for. Manuel Carrasco, for example, complained that bilingual education was

implemented inconsistently in the district because site-based management allowed principals to pay it "lip service." Although he found it unfortunate that his administration had to resort to a federal directive to ensure that LEP students were served, he felt the "government had helped us out pretty well." He continued:

They've got the law and they come back and they say, "Here's the muscle that you need in order to carry out what you have to do." It's unfortunate that we have to do it that way, but I think if it meets our needs, we're going to have to use it.

By most accounts, OCR's investigation and subsequent findings did, in fact, serve as the necessary "muscle" behind the development and implementation of the district's programs serving LEP students. All schools were required to report information to OCR regarding both the particular programs they planned to implement and how their respective faculties would assist in that implementation. Furthermore, if schools were unable to provide adequate language programs because of a lack of qualified, endorsed teachers, they had to demonstrate how they would recruit them.

Joan Taylor-Ramírez reported in a follow-up interview that most of the principals were trying to comply, and that some of them in particular were working very hard to improve their bilingual and ESL programs. Included in that group, she said, were principals who in the past had opposed bilingual education. One of them was Alamo Hills Elementary principal Leo Newman, who under the Rubio administration had been one of the primary supporters of the curriculum alignment.

Newman wondered why OCR had decided to reinvestigate the Valle Encantado school district after exonerating Tyler Elementary. Unlike the Tyler investigation, which had been instigated by a formal complaint, the second OCR review seemed random to him, and he did not understand why OCR investigators would want to return to the district. But Newman was philosophical about the visit, and acknowledged that there had been some unexpected benefits for him, and for Alamo Hills Elementary School. He commented about this:

One of the things that it's done for me, it's made me learn my programs a lot better. It has made me more aware of my responsibilities to everyone. It has helped me deal with my teachers. My teachers right now can articulate any program that we have because of OCR. We have learned a process for auditing, for monitoring, [and] for understanding what our responsibilities are for different programs in Chapter I, bilingual, K-3, you name it. Each one of my teachers can articulate the program now, and how it works, and who qualifies and who doesn't, and what are the necessary steps to take.

Newman reflected that the OCR visit had given the school "a better awareness" of how to serve students. In fact, he stated, school staff were so prepared and articulate about their programs, that they felt "left out" when state or federal teams came to the district for routine monitoring reviews and failed to visit Alamo Hills.

In general, it seems that the OCR investigation of Valle Encantado's alternative language programs raised awareness among administrators of the need to provide adequate programs to LEP students. While some district principals resisted implementing bilingual education at their schools, most others complied with central administration efforts to improve educational programs for LEP students. Most of the administrators I interviewed stated that they took seriously federal charges of civil rights discrimination. Not all of them were aware of the sanction that OCR could impose on the district in the absence of compliance with the corrective action agreement, that is, loss of all federal money received by the district. Most administrators also were unaware that in the history of OCR Lau enforcement, the agency had never completely followed through on this threat. However, district officials seemed reconciled to establishing and improving programs for LEP students, whether they agreed with bilingual education or not. By most accounts, they moved forward to comply with the goals and standards that OCR had developed for the district.

Nevertheless, it appears that the willingness of several Valle Encantado principals to comply with OCR requirements was predicated on their freedom to insist on ESL-based programs over native language instruction. Their insistence on ESL over other bilingual approaches was based in large part on comments made by OCR investigators at the close of their week-long visit in the Valle Encantado school district. OCR officers Pamela Tully and Arthur Cruz had noted their surprise at the bilingual nature of the border community. The investigators were concerned that the

only place a child might hear English was in the school building itself, and they impressed upon the district the need to "teach English and function in English." Furthermore, Tully had declared at the district-wide "exit" meeting that Valle Encantado was an "American school district," and as such, it was the district's responsibility to teach its students English.

At the exit meeting, OCR officials refused to take a position on whether ESL or bilingual instructional methodologies were preferable. They were not "educators," they said, and besides, neutrality on educational approaches was OCR policy. Nevertheless, Taylor-Ramírez and other district administrators interpreted their comments to mean a preference for ESL. The investigators' pronouncement of the need to "teach the kids English" evidently was echoed by other district administrators at school board meetings, and on numerous occasions to Taylor-Ramírez herself. The bilingual education director indicated that this made even more difficult the job of persuading the district to implement bilingual education.

The extent to which Taylor-Ramírez might have resisted pressure from district principals to implement ESL over bilingual education is debatable. Site-based management, or the extent to which individual principals control staffing and hiring, curricular choices, and budgets in their own schools, also plays a role. Principals in Valle Encantado appear to have considerable autonomy in this regard. While the school board may have established a policy of bilingualism, biculturalism and biliteracy, and the superintendent and director of bilingual education might favor

a late-exit transitional bilingual education program model, principals could implement an English-only program model, if they so chose.

Additionally, district administrators, especially those who have been in the system a long time, occupy politically and socially prestigious positions in the community, and wield considerable influence on district policy decisions. Included in that group were the Valle Encantado's principals who most opposed bilingual education. It is possible that even with the backing of superintendent Manuel Carrasco, Taylor-Ramírez might not have been able to implement the kind of late-exit program models she preferred.

Ironically, OCR itself appears to have played a role in impeding the district-wide implementation of bilingual education. Taylor-Ramírez indicated that opposition to the bilingual approaches she favored surfaced in negotiations with OCR over the district's plans to improve its alternative language programs. She complained, for example, that OCR investigator Pamela Tully had questioned her desire to place bilingually-endorsed teachers at Carter Middle School. Indeed, when I asked Tully to respond to this, she confirmed that she had questioned Taylor-Ramírez' preference for bilingual endorsements, because certification in ESL was easier and quicker to obtain than in bilingual education.

Ultimately, Taylor-Ramírez's perceptions of local *and* OCR opposition to bilingual education, whether real or imagined, compelled her to develop a K-12 ESL-based program for Valle Encantado's schools. Transitional bilingual education continues to be the preferred approach at Santiago Elementary, and indeed, it is

more regularly implemented at Alamo Hills. Nonetheless, ESL appears to be the more palatable and practical choice from the point of view of a number of district administrators. The bilingual consultant at Tyler Elementary School, the site of the first OCR investigation, indicated that ESL instruction had been provided at all grade levels as a result of the OCR investigation and routine state monitoring.⁵⁶ When asked to be specific about the kind of ESL instruction LEP students received at Tyler, the bilingual consultant stated that it was provided for 30 minutes daily on a pull-out basis. She also indicated that some LEP first graders -- but not all -- received Spanish reading instruction for 30 minutes daily on a pull-out basis.

The implications of a district-wide English as a Second Language program for Valle Encantado's bilingual-bicultural-biliterate policy are plain. It is doubtful that the district's stated goal of achieving bilingualism and biliteracy in Spanish and English for every student is realistic. ESL instruction is not designed to develop students' first language abilities, and its effectiveness in helping students achieve academic proficiency in English is questionable. As a result, the district cannot expect its ESL classes (of which many appear to be provided only on a brief pull-out basis, rather than being integrated into the entire curriculum as most ESL specialists recommend) to fulfill the expectations of its policy.

⁵⁶Depending on the number of students, each school had to appoint a "bilingual consultant" to work with central administration officials to ensure compliance with state and federal mandates. Each consultant was responsible, among other things, for making sure that new LEP students were tested, and that others were reassessed periodically.

Unexplored in this study was the extent to which bilingualism, biculturalism, and biliteracy in the wider community were influenced by extensive economic, social, and familial ties across the international border. Similarly unexplored was the extent to which literacy in Spanish was developed in the homes of Valle Encantado's Spanish-speaking residents. Study consultants mentioned more than once in the many interviews I conducted that they believed Mexican parents spoke "good" Spanish at home, and that it was "better" than the Spanish spoken by the Mexican-American bilingual teachers. It appears that the lack of proficiency in Spanish among some of Valle Encantado's bilingual teachers contributed to the perception that bilingual education programs in the district were of poor quality. Even Concepción Díaz, a vocal proponent of bilingual education, commented on this:

In our [schools] we don't have good Spanish-speaking role models. Some people would say, "you know, if my kids are going to speak Spanish like that, I'd rather they not speak Spanish. . . ." Here, people are bilingual. I mean, there's bilingual and there's *bilingual*. Some [teachers] just don't cut it, and you know, the kids can really tear you apart. That's what happens to a lot of these people and they get discouraged, and they take it out on the kids.

Díaz shared two examples of community attitudes toward the lack of Spanish language proficiency. The first concerned an incident at the high school commencement ceremony a few years back. Díaz recalled that the keynote address

was delivered by the region's congressional representative, himself a Mexican-American. The Congressman attempted to say something in Spanish, but unfortunately, said it "wrong." Díaz said that the audience "let him have it," laughing at his Spanish and questioning how he could represent them in Washington "with such hideous Spanish."

Díaz's second example was even more indicative of the consequences that a person's ability in Spanish could have on community acceptance of bilingual education. She stated that a professor at one of the state universities had visited the district to conduct a parent/teacher in-service on bilingual education. This person, also Mexican-American, had been invited by the district central office because of his affiliation with the region's Multifunctional Resource Center, a Title VII-funded organization which provided technical and curricular assistance to school districts implementing bilingual education. According to Díaz, the inservice -- conducted primarily in Spanish -- was a disaster because his Spanish was terrible:

Oh my God, it was awful! It was a disaster. This person was here promoting bilingual education, and people were saying, "if my kid is going to end up speaking Spanish like [him], forget it, we're not interested. . . ." But you can't blame parents for that, I mean, you really can't. And it's real hard for a person like X to sell this program when he comes here speaking the terrible Spanish that he did.

Díaz also pointed out that parents were skeptical when school district officials promoted bilingual education, especially non-bilingual Anglos. She said this contributed to suspicion of district motives:

It's real hard for an Anglo who doesn't [speak Spanish], a Charles Monroe telling people that they don't understand what's good for their kids. These are people who have suffered discrimination and have been denied jobs because their English is not adequate. They want their kids to learn better English. They see it as mutually exclusive, you know, you can't learn both well. People still haven't accepted that notion and they're saying, "see the Gringos; they want *their* kids to have the advantage over our kids, so I want the same kind of education the Gringo kid is getting. I don't care what the cultural, racial, or legal implications are, whatever the Anglo kid is learning, I want the same for my kid, because that means an equal chance."

Another parent I interviewed, Mayra Delgado, provided some insight about where responsibility for developing bilingualism and biliteracy should lie. I had met Delgado after attending a meeting of "Parents for Education," a group which was founded by parents who were opposed to bilingual education. Although the group discussed other issues like truancy and drug education, for instance, the topic of bilingual education evoked some angry comments. At the meeting I attended -- conducted entirely in Spanish -- parents were upset about district attempts to implement bilingual education in the schools.

Delgado was a Mexican immigrant herself, who recalled that she had learned English in one year after being immersed in an all-English first grade. She had achieved considerable economic success over the years, and owned a business which catered to a primarily Mexican clientele. She complained that she had great difficulty finding salespeople who were bilingual *and* biliterate in Spanish and English. Like other parents in "Parents for Education," Delgado strongly opposed bilingual education, and advocated for the strict separation of the languages. Spanish could be imparted in the home or by other private means, she said, but English should be the language of the school. She admitted that without Spanish one could not "survive" in Valle Encantado, but believed that it should be secondary to learning English:

If you really want your children to excel and be educated in the United States, [Spanish] should not be the primary thing. The primary thing should be English, to be able to get good grades, to be able to pass ACT tests, to be able to go to college and to be able to be productive.

Delgado stated that Spanish would be a definite "plus" but that people could learn it on their own. She said, somewhat paradoxically, that her own children were learning Spanish on their own, and that although she spoke it to them constantly, they sometimes responded in English. Delgado added that she was planning to hire a tutor to teach them more writing and grammar.

Implications

The following section addresses the implications of the study for future policy and research in bilingual education.

Research findings in bilingual education, even when acknowledged by some district officials, have had little impact on the development of policy in Valle Encantado.

Many of the people interviewed for this study expressed the opinion that acquisition of English required anywhere from five to seven years. They also acknowledged that students who entered the Valle Encantado school system after having attended school in Mexico -- where they had learned to read and write in Spanish -- seemed to "do better" than students who had not. Although teachers and administrators acknowledged a connection between literacy development in Spanish and academic achievement in English, most were unaware of specific theories of second language acquisition. Both the high school principal and the school board president seemed to feel that such a connection was counterintuitive. As a result, they preferred all-English approaches to the education of LEP students in the district.

Omar Norzagaray and Joan Taylor-Ramírez were the only two individuals who discussed literacy development in the context of second language acquisition theory. Both were widely read in a variety of literature on bilingual education, and both were more open to implementing native language instructional approaches than other administrators I interviewed. Taylor-Ramírez was a clear advocate for bilingual education, and told me that she discussed research findings with

administrators, teachers, and parents whenever she could. Although perhaps less convinced than Taylor-Ramírez about the benefits of a late-exit transitional program, Norzagaray nonetheless expressed support for the district's "bilingual-bicultural-biliterate" policy.

Unfortunately, neither Taylor-Ramírez' knowledge about research findings in bilingual education, nor the support given to her by superintendent Carrasco, appear to have had much impact on her ability to influence skeptical administrators in the district. This suggests that in Valle Encantado research findings in bilingual education (and especially in second language acquisition), at best, will be disregarded, and at worse, dismissed altogether.

In the absence of local expertise and/or altruistic commitment to providing alternative language programs to LEP students, districts may design and implement such programs only when compelled to by law.

Although the first OCR investigation took the district by surprise, and the second caused concern and even grumbling among district personnel, Taylor-Ramírez saw some potential benefits. First, she hoped the visits would increase awareness among both administrators and teachers of the need to provide *quality* alternative language programs to the district's LEP population. Second, she hoped to implement a late-exit transitional model in district elementary schools, and bilingual content instruction in the middle schools and the high school. Finally, lacking the willing cooperation from principals she knew to be opposed to bilingual

education, Taylor-Ramírez saw the OCR investigation as the legal hammer she needed to develop the kind of policies she envisioned.

OCR's agnosticism on program choices, e.g., native language over English-only approaches, and the agency's professed lack of expertise or interest in curriculum issues, can lead to the implementation of subtractive, academically questionable programs. Intentionally or not, OCR's neutrality on this question has undermined the Valle Encantado school board's policy of graduating all students in the district as "bilingual, bicultural, and biliterate."

As this study has shown, the OCR investigation set in motion a series of events that led directly to the creation of an ESL-based program, rather than one that promoted the use of Spanish as a means of acquiring English. Ironically, OCR *did* serve as a legal hammer as some district administrators had hoped. Where once there were inadequate programs for LEP students, or in some schools no programs at all, the Valle Encantado district is now providing improved programs. But the OCR investigation did not provide the kind of legal ammunition that Taylor-Ramírez and others had expected. OCR investigators were reluctant to sanction the bilingual director's stated preference for transitional bilingual education. While they professed neutrality on program choices, their declaration that the district needed to "teach English" to its LEP population was used by district opponents of bilingual education as an official endorsement of English-only educational approaches.

Clearly, OCR's continued agnosticism on program choices is grounded partly in its acknowledged lack of expertise in educational approaches serving language minority LEP populations. The agency's policy of giving school districts "local flexibility" to make program decisions also partly reflects this agnosticism. OCR's

record of weak enforcement of Lau standards during the 1980s suggests that serving LEP populations was not a high priority either. But herein lies a problem, at least from my perspective. The fact that OCR investigators are unaware of -- or deem irrelevant -- research findings in bilingual education suggests that school districts out of compliance with civil rights statutes increasingly may reject bilingual education in favor of English-only programs. Undeniably, districts have a legal right to do this, and they *might* be successful in designing and implementing quality ESL or structured English immersion programs for students entitled to them. But while students conceivably would learn English -- assuming teachers were highly trained and had instructional materials of superior quality -- it is questionable whether academic achievement in other subjects would be facilitated equally. Research findings in second language acquisition, for example, suggest that learning English takes more than five years, regardless of the instructional approach, and that a child's first language provides the "linguistic context" for the second language (Bialistok & Hakuta, 1994; Ramirez et al., 1991). Additionally, providing students with substantial amounts of first-language instruction does not impede or delay their acquisition of English (Ramirez et al., 1991). In fact, native language instruction allows students to progress in other content areas while they are learning English.

Alternatively, an ESL program, even a well-designed one, may be inadequate in helping students achieve cognitive academic language proficiency (Collier, 1987). In Fairfax County, Virginia -- the site of OCR's first ESL-only Lau Plan -- a six

year longitudinal study of achievement data revealed that ESL-only students took four to nine years to reach grade level in English (Crawford, 1995).

Site-based management, or the extent to which individual principals in the district control staffing and hiring, curricular choices, and budgets in their own schools, may serve as a deterrent to the implementation of bilingual education in the district.

Only one elementary school principal in Valle Encantado was implementing bilingual education in kindergarten through fifth grades. This was Loretta Jenkins, who steadily put into place the human and material resources necessary to provide bilingual instruction in the majority of classrooms in her school. With the exception of Leo Nelson, other principals in the district were reported to have established ESL instruction, frequently organized on a pull-out basis, for the LEP students in their schools. Some may have implemented transitional bilingual education in the early grades as well. Valle Encantado's policy of allowing its principals autonomy in both program and personnel decisions is responsible, in part, for the wide range of alternative language programs in place in the district. It seems also that negative attitudes toward bilingual education play a role in program choices favoring ESL instruction.

The federal policy of "local flexibility," defined as a euphemistic code for potential discrimination against language minority limited English proficient students, has been a qualified success in the Valle Encantado school district.

In the last 25 years in Valle Encantado, educational policy toward language minority limited English proficient students has been driven by several considerations. One was a specific articulation of the linguistic or academic needs

of LEP students that could not be met in the regular curriculum. This was the case in 1969 when Valle Encantado school district officials applied for funds under Title VII of the Elementary and Secondary Education Act. The new title provided a much-needed funding conduit for school districts serving language minority populations, and Valle Encantado administrators full took advantage of it. Their application was approved, and a bilingual education project was launched at Dooley Elementary School.

In addition to the desire for additional federal funding, district administrators also appear to have been motivated by an altruistic desire to improve the academic achievement and self-esteem of Spanish-dominant children by developing their Spanish language capabilities. Although teachers and administrators disagreed on whether the project's ultimate goal was full bilingualism or transition to English, they jointly implemented a program that gained a reputation throughout the region as both impressive and effective.

When federal Title VII funding for the Dooley school project ended in 1974, the district was unable or unwilling to continue funding it. There is some evidence that bilingual education was supported at other district schools through funds provided by the Emergency School Aid Act (ESAA). But even before the mid 1970s Dooley's bilingual program seemed to lose its momentum. Arguably, the district's commitment to bilingual education was signaled by its hiring of Chicano activist Daniel Portillo as Valle Encantado's first director of bilingual and bicultural education. However, Portillo left the position after only two years, without having

achieved a successful transfer of Dooley's bilingual education model to other district schools. Thus, for the next five years and even into the 1980s, bilingual education was implemented as an undefined and directionless "policy." There appeared to be little consistency from school to school, and little articulation of district-wide goals for programs serving LEP students.

Unfortunately, while the district may have continued to receive Title VII funding during that time, there is little evidence that the federal legislation provided direction or guidelines to district officials. This may have been due in part to the fact that until the 1978 reauthorization, Title VII program goals were unspecified. But it might also have been due to the federal practice of allowing school districts "local flexibility" in program choices, especially during the 1980s. School districts were in the best position to make such choices, the federal argument went, because they were the educational experts. Consequently, bilingual education policy at the federal level was characterized by the promotion of educational approaches that did not use a student's home language as the medium of instruction. Indeed, the Bilingual Education Act by the end of the decade was funding a substantial number of English-only alternative language programs, such as ESL, structured immersion, and others.

An analysis of the effectiveness of these programs in achieving the federal goal of English acquisition is beyond the scope of this study, which has considered the development of bilingual education policy in only one site. However, it seems that in Valle Encantado "local flexibility" has been a disaster for language minority

limited English students. Notwithstanding the intermittent commitment and expertise over the years of a few district officials, district policies toward LEP students have been inconsistent and generally inadequate. "Local flexibility" in the Valle Encantado context has been typified, at best, by differing definitions for bilingual education among school staff, and lack of direction from the district's central office. At worst, it has meant that at different times in the last 25 years, language minority LEP students have been "submerged" in the regular curriculum. The fact that in Valle Encantado this has occurred more by accident than by design is nevertheless an indication that the federal policy of "local flexibility" has had insidious effects.

Paradoxically, at a time when the federal government was pushing its local flexibility policies, district administrators in Valle Encantado could have benefitted from leadership in the area of second language acquisition theory, native language instructional methodologies, bilingual curriculum development and program management. Clearly, some district administrators have understood this, even while unable to provide the necessary leadership. Former school board member Norma Gallegos, for example, appeared to understand well the need for local leadership, whether she was familiar with federal policies or not. But Gallegos became caught up in community-wide political events that precluded her own ability to provide direction in the area of bilingual education policy.

Similarly, Joan Taylor-Ramírez, perhaps more than any single individual in the district, recognized that leadership and expertise in bilingual education would improve the district's programs for language minority LEP students. But from the

beginning of her tenure of director of bilingual education, her efforts to implement bilingual education district-wide have been frustrated. Initially, lack of support and guidance from central office administrators did little to improve her credibility among district principals and teachers. Later, when the district was pursuing its ill-fated policy of aligning the curriculum to the ITBS, Taylor-Ramírez' was forced to spend her efforts translating alignment documents into Spanish. These activities prevented her from devoting time to designing and implementing bilingual education in the district.

Continued disarticulation between research findings in bilingual education and federal policy regarding language minority LEP populations may result in failure to create and deliver quality educational programs to students entitled to them.

This study has argued that federal policy in bilingual education, symbolized by changes in Title VII legislation and decreases in civil rights enforcement, has had negative consequences for language minority LEP students. The study also has found that the federal policy of "local flexibility" has served more as a recipe for disaster than a practical solution to the complex, and often difficult, implementation of programs that teach both English *and* facilitate academic competence in other subjects. In Valle Encantado, the "hands-off" approach of Title VII legislation contributed in part to the district's failure to provide acceptable alternative language programs for its LEP students. Indeed, this got the district into trouble, and resulted in intervention by the Office for Civil Rights. The OCR investigative findings forced district officials to bring school programs back into compliance with

statutory requirements. But OCR's neutrality on program choices -- perceived by district administrators as an endorsement of ESL over bilingual education -- resulted in a K-12 ESL-based program. The new program has direct consequences for the district's "bilingual, bicultural, and biliterate" school policy, which under the current circumstances would appear to have little chance of success.

APPENDIX A

VALLE ENCANTADO SCHOOL BOARD RESOLUTIONS

**Valle Encantado Unified School District
School Board Resolutions**

Bilingual-Bicultural-Biliterate Instruction

In recognition of our nation's cultural and linguistic diversity, the Governing Board wishes to preserve that heritage for its students while assuring equal educational opportunities for all of its young people.

Biliterate, bilingual, bicultural, and English-as-a-second-language education is based on linguistic, sociological, psychological, and educational theories that emphasize learning through the use of the student's first language as an initial and continuing medium of instruction while also emphasizing second-language acquisition as an essential part of the student's total learning experience.

Biliterate education is a program beneficial for all students, since it encourages and emphasizes the strength of cultural pluralism as a model for American society. Further, biliteracy is a marketable skill.

The District shall provide a biliterate curriculum. While it is the intent of the District to meet the needs of all students, ten (10) students who speak primarily the same language other than English shall constitute a need for the District to begin a biliterate program of instruction for that group. Priority will be given to children whose language is other than English, and provision shall be made for students whose parents wish them to acquire an understanding of the language and cultural heritage offered in this program. Instructional, administrative, and support staff members will be recruited on the basis of biliterate language skills and competencies. Staff development will be aimed directly at implementing a biliterate, bilingual, bicultural curriculum.

Adopted: August 9, 1990

LEGAL REF.:	A.R.S.	15-751
		15-752
		15-753
		15-754
		15-755
	A.A.C.	R7-2-306

Bilingual Instruction

Identified limited-English-proficient students will receive English-as-a-second-language instruction to improve their acquisition of English language skills in listening, speaking, reading, and writing. This will be a component of the basic instructional biliterate curriculum.

Adopted: August 9, 1990

LEGAL REF.:	A.R.S.	15-751
		15-752
		15-753
		15-754
		15-755
	A.A.C.	R7-2-306

Bilingual Instruction

The District shall make available a program of bilingual instruction or instruction in English as a second language, as provided in A.R.S. 15-751 *et seq.*, to pupils who have limited English proficiency (in accordance with A.R.S. 15-754). Pupil participation in any program of bilingual instruction or instruction in English as a second language is voluntary and requires parental notification. Parents or guardians who do not wish their children to participate in a bilingual program or a program of English as a second language shall so indicate, in writing, to the principal of the school in which the pupil is enrolled.

Adopted: August 9, 1990

LEGAL REF.:	A.R.S.	15-751
		15-752
		15-753
		15-754
		15-755
	A.A.C.	R7-2-306

APPENDIX B

PARTICIPANT'S CONSENT FORM

DISSERTATION RESEARCH STUDY

"Factors Influencing the Development of Bilingual
Education Policy in the Valle Encantado Unified School District"
Researcher: Mary Carol Combs, Ph.D. Candidate
University of Arizona

Participant's Consent Form

I am being asked to read the following material to ensure that I am informed of the nature of this research study and of how I will participate in it, if I consent to do so. Signing this form will indicate that I have been so informed and that I give my consent. Federal regulations require written informed consent prior to participation in this research study so that I can know the nature and the risks of my participation and can decide to participate or not to participate in a free and informed manner.

Purpose

I am being invited to voluntarily participate in the above-titled research project. The purpose of this study is to investigate the influence of research in bilingual education on the policies adopted and implemented by the Valle Encantado Unified School District. The study will also examine how attitudes toward language (and other important factors) in a border community have contributed to the development of the district's policy.

Procedure

If I agree to participate, I will be asked to participate in at least one interview, and possibly another follow-up interview. My participation is strictly voluntary, and I may terminate the interview at any time.

Confidentiality

All tapes and transcripts will be kept strictly confidential. Excerpts from some of the transcripts may be used in the final dissertation document. I understand that a pseudonym will be substituted for my real name.

I have read and understood the above information. My signature below indicates that I agree to participate in this research study.

Name (please print)

Date

Signature

APPENDIX C

**PROPOSED INTERVIEW PROTOCOL:
ADMINISTRATORS (PRINCIPALS, OTHER DISTRICT OFFICIALS)**

Proposed Interview Protocol
Administrators (Principals, Other District Officials)

1. How would you define the term "bilingual education"?
 "Bilingualism"?

*Are you bilingual? What is your first language? How did you learn your second (English)? What were some of your personal experiences learning English?
2. Who attends a bilingual program? Who is it designed for? What research, if any, was used to develop the program? Is this important, or not?
3. What kind of programs do you provide your language minority students (transitional/maintenance bilingual education, ESL - pullout, or general ESL instruction, tutorials, etc.)?
4. *If bilingual:
 - a. What kind? Why this particular approach?
 - b. How much Spanish is used?
 - c. When is English introduced and when?
 - d. How long do children remain in the program?
 1. identification/evaluation/exit procedures?
 2. who determines whether the level of English proficiency is sufficient?
 3. do you measure Spanish proficiency at all?
 - e. Is the program federally or state funded?
 - f. What kind of research, if any, was used to help design the bilingual program model(s) currently in place? (may need to refer to examples, i.e., Hakuta's research on bilingualism and cognition; Krashen' on comprehensible input and sheltered English; Cummin's theories on interdependence and transfer, OR big evaluation studies like AIR, Baker-de Kanter, Ramirez, etc.)
 - g. Put another way, has any research been influential in the design or implementation of your school's program?
 - h. Do you try to keep up with the latest research in bilingual education or ESL?

i. Are you a member of NABE or TESOL?

*If ESL:

- a. Is it conducted on a pull-out basis or are the students together the entire class day?
- b. If pull-out, how long is it? (30 or 60 minutes a day, for example?)

4. What kinds of special education programs exist in your school?

- a. Who are the special education students?
- b. How are they identified/evaluated/exited, etc.?
- c. Are there bilingual special education services?

5. Are there enough bilingual/ESL teachers for your classes?

- a. Are they bilingual themselves? (ESL teachers as well)
Is this important?
- b. Are they certified (bilingual/ESL endorsements, etc.) or working toward credentials of some sort?
- c. What kind of training do they have? (BAs, Masters Degrees, experience, etc.)
- d. Do they live in Valle Encantado? Outlying communities? Clarkston? Do you live in Valle Encantado?

6. Do you feel the bilingual/ESL classes in your school are effective?
Why or why not?

How is ESL taught? (Audio-lingual, lab, integrated with curriculum, writing or reading emphasis, etc.)

7. Do you observe them from time to time?

- a. What would you do differently?
 - 1. another approach?
 - 2. less or more native language?
 - 3. exit students into mainstream classes
more rapidly or slowly

- b. What improvements, if any, would you make to the current program?
- 8. What influence, if any, has politics had on the district policy? (E.g., funding issues, public opinion, the OCR review, school board sentiment, etc.)
- 9. What other factors, if any, may have influenced the current policy, in your opinion? (E.g., school board recall election, personnel shifts, etc.)
- 10. What is your general feeling about the current district (bilingual/bicultural/biliterate) policy? About the new curriculum?
 - a. Would you prefer to see a different one in place?
 - b. What do you think the outcome of the current policy might be?
 - c. What would it take to implement a policy you would be comfortable with?
- 11. What is your general feeling about bilingual education/ESL? About bilingualism in general? Who does it benefit, for example?
- 12. Is it important to be bilingual in Valle Encantado? Why or why not?
- 13. How did you feel about the OCR review?
- 14. Is there any kind of research you would like to see conducted in your school?
- 15. What do you think about basic research? Evaluation research? (may have to define)
- 16. Is there/should there be a connection between research and practice? Is research important? Why or why not?
 - a. For district policy in general?
 - b. For program design?
 - c. For instructional methodologies?
- 17. Who should fund research?

APPENDIX D

PROPOSED INTERVIEW PROTOCOL:

TEACHERS

**Proposed Interview Protocol
Teachers**

1. How would you define the term "bilingual education"?
"Bilingualism"?
2. Who attends a bilingual program? Who is it designed for? What research, if any, was used to develop the program? Is this important, or not?
3. What kind of programs do you provide your language minority students (transitional/maintenance bilingual education, ESL - pullout, or general ESL instruction, tutorials, etc.)?
4. *If bilingual:
 - a. What kind? Why this particular approach?
 - b. How much Spanish is used?
 - c. When is English introduced and when?
 - d. How long do children remain in the program?
 1. identification/evaluation/exit procedures?
 2. who determines whether the level of English proficiency is sufficient?
 3. do you measure Spanish proficiency at all?
 - e. Is the program federally or state funded?
 - f. What kind of research, if any, was used to help design the bilingual program model(s) currently in place? (may need to refer to examples, i.e., Hakuta's research on bilingualism and cognition; Krashen' on comprehensible input and sheltered English; Cummin's theories on interdependence and transfer, OR big evaluation studies like AIR, Baker-de Kanter, Ramirez, etc.)
 - g. Put another way, has any research been influential in the design or implementation of your school's program?
 - h. Do you try to keep up with the latest research in bilingual education or ESL?

*If ESL:

- a. Is it conducted on a pull-out basis or are the students together the entire class day?
 - b. If pull-out, how long is it? (30 or 60 minutes a day, for example?)
4. What kinds of special education programs exist in your school?
 - a. Who are the special education students?
 - b. How are they identified/evaluated/exited, etc.?
 - c. Are there bilingual special education services?
5. How long have you been teaching in the bilingual/ESL program? In your particular school? (Or, if not in the program, how long have you been teaching for NUSD?)
 - a. Are you bilingual? (ESL teachers as well) How well do you speak Spanish/English?
 - b. Are you certified (bilingual/ESL endorsements, etc.) or working toward credentials of some sort?
 - c. What kind of other training do you have? (BAs, Masters Degrees, experience, etc.)
 - d. Do you live in Valle Encantado? Outlying communities? Clarkston?
 - e. Do you enjoy teaching in the bilingual program?
6. Do you feel the bilingual/ESL classes in your school are effective? Why or why not?
7. Do you observe other classes from time to time?
 - a. What would you do differently?
 1. another approach?
 2. less or more native language?
 3. exit students into mainstream classes more rapidly or slowly?
 4. curricular changes/suggestions?

- b. What improvements, if any, would you make to the current program?
 - 8. What influence, if any, has politics had on the district policy? (E.g., funding issues, public opinion, the OCR review, school board sentiment, etc.)
 - 9. What other factors, if any, may have influenced the current policy, in your opinion? (E.g., school board recall election, personnel shifts, etc.)
 - 10. What is your general feeling about the current district (bilingual/bicultural/biliterate) policy? About the new curriculum?
 - a. Would you prefer to see a different one in place?
 - b. What do you think the outcome of the current policy might be?
 - c. What would it take to implement a policy you would be comfortable with?
 - 11. What is your general feeling about bilingual education/ESL? About bilingualism in general? Who does it benefit, for example?
 - 12. Is it important to be bilingual in Valle Encantado? Why or why not?
 - 13. How did you feel about the OCR review?
 - 14. Is there any kind of research you would like to see conducted in your school?
 - 15. What do you think about basic research? Evaluation research? (may have to define)
 - 16. Is there/should there be a connection between research and practice?
 - a. For district policy in general?
 - b. For program design?
 - c. For instructional methodologies?
-

APPENDIX E

**INTERVIEW PROTOCOL:
PARENTS AND COMMUNITY MEMBERS**

Interview Protocol

Parents and Community Members

1. How would you define the term "bilingual education"?
"Bilingualism"? Are you bilingual? What is your first language and how did you learn the second language? What were some of your personal experiences in learning the second language?
2. Who attends a bilingual program? Who is it designed for? Is your child in a bilingual program? Where? What grade? How long has he/she been in the program?
3. What kind of program are provided for language minority students in the district (transitional/maintenance bilingual education, ESL - pullout, or general ESL instruction, tutorials, etc.)?
4. *If bilingual:
 - a. Have you observed your child's classroom?
 - b. How much Spanish is used?
 - c. When was/is English introduced and how much?
 - d. How long was/is your child in the program?
 1. identification/evaluation/exit procedures?
 2. who determines whether the level of English proficiency is sufficient?
 3. is your child's Spanish proficiency measured at all?
 - e. Do you know if the bilingual program at your child's school is federally or state funded?
 - f. Do you believe research is important in helping design bilingual/ESL models currently in place? Why or why not?
 - g. What kind of research, if any, was used to help design the bilingual program model(s) currently in place? (may need to refer to examples, i.e., Hakuta's research on bilingualism and cognition; Krashen' on comprehensible input and sheltered English; Cummin's theories on interdependence and transfer, OR big evaluation studies like AIR, Baker-de Kanter, Ramirez, etc.)

- h. Put another way, has any research been influential in the design or implementation of your school's program?
- i. Do you try to keep up with the latest research in bilingual education or ESL?
- j. Are you involved in formal or informal student/parent organizations at your child's school?

*If ESL:

- a. How is ESL taught (audio-lingual? lab? integrated with curriculum? writing or reading emphasis?)
 - b. Is it conducted on a pull-out basis or are the students together the entire class day?
 - c. If pull-out, how long is it? (30 or 60 minutes a day, for example?)
4. Are there special education classes at your child's school?
- a. Who are the special education students?
 - b. How are they identified/evaluated/exited, etc.?
 - c. Are there bilingual special education services?
5. Do you feel the bilingual/ESL classes in your child's school are effective? Why or why not?
6. Do you visit/help in your child's class from time to time?
- a. What would you do differently?
 - 1. another approach?
 - 2. less or more native language?
 - 3. exit students into mainstream classes more rapidly or slowly?
 - 4. curricular changes/suggestions?
 - b. What improvements, if any, would you make to the current program?
7. What influence, if any, has politics had on the district policy? (E.g., funding issues, public opinion, the OCR review, school board sentiment, etc.)

8. What other factors, if any, may have influenced the current policy, in your opinion? (E.g., school board recall election, personnel shifts, etc.)
9. What is your general feeling about the current district (bilingual/bicultural/biliterate) policy? About the new curriculum?
 - a. Would you prefer to see a different one in place?
 - b. What do you think the outcome of the current policy might be?
 - c. What would it take to implement a policy you would be comfortable with?
10. What is your general feeling about bilingual education/ESL? About bilingualism in general? Who does it benefit, for example?
11. Is it important to be bilingual in Valle Encantado? Why or why not?
12. How did you feel about the OCR review?
13. Is there any kind of research you would like to see conducted at your child's school?
14. Is there/should there be a connection between research and practice? Why or why not? Who should fund research?
 - a. For district policy in general?
 - b. For program design?
 - c. For instructional methodologies?

APPENDIX F

CORRECTIVE ACTION AGREEMENT

BETWEEN THE VALLE ENCANTADO SCHOOL DISTRICT AND

THE FEDERAL OFFICE FOR CIVIL RIGHTS

Corrective Action Agreement¹
Between the Valle Encantado School District #1 and
the Federal Office for Civil Rights

May 24, 1993

Ms. Cathy Lewis, Regional Director
Office for Civil Rights
Department of Education
Federal Office Building
1244 Speer Blvd., Suite #310
Denver, Colorado 80204

Dear Ms. Lewis,

CORRECTIVE ACTION AGREEMENT

Pursuant to compliance review number _____ of Valle Encantado Unified School District #1 (District) by the U.S. Department of Education, Office for Civil Rights (OCR), under the authority granted by Title VI of the Civil Rights Act of 1964, the District agrees to take the following corrective action:

1. The District will develop and submit to OCR a written plan by September 1, 1993, describing the educational services which will be provided to all identified District LEP students in 4th through 12th grade. The plan will specify procedures which are reasonably calculated to provide educational services to all District LEP students (including non-English speakers, limited-English-speakers, and fluent-English-speakers) based on educational need. The plan will explain how these services are calculated to allow LEP students to meaningfully participate in the District's educational program.
2. To ensure that necessary steps are taken to adequately staff its LEP program, the District will provide as part of its September 1, 1993 plan:

¹The text of this corrective action agreement is reproduced from the actual letter. Only the name of the school district has been changed, as has that of its superintendent.

- a. The training and qualifications of staff needed to implement the program;
- b. The extent to which the staff needed to implement the programs are currently available;
- c. Any measures taken by the District to recruit and/or employ qualified staff; and
- d. Where qualified, trained staff are not available, the interim measures taken, including the amount and type of training to be provided to existing staff.

The District will adequately staff the LEP program selected by the District for LEP students by the beginning of the Spring 1994 semester.

- 3. The District will provide a concise description of each alternative language program or program service selected by the District in its September 1, 1993 plan. For each alternative language program or program service, the District will identify the applicable schools and grade levels, and the anticipated dates for partial and full implementation.

The District will implement its selected alternative language program or program services by the beginning of the Spring 1994 semester.

- 4. The District will specify in its September 1, 1993 plan the procedures which will be employed by the District to ensure that District exit criteria are implemented and systematically applied by all schools in the District servicing LEP students.

District exit criteria will be implemented and systematically applied by all schools in the District servicing LEP students by the beginning of the Spring 1994 semester.

- 5. The District will specify in its September 1, 1993 plan the procedures which will be employed to ensure that the progress of former (exited) LEP students is monitored by the District. Monitoring shall ensure that former LEP students can meaningfully participate in the District's regular education program. The District will track former LEP

students who are reenrolled in any LEP program services, and shall provide a justification for such change in program services or reclassification.

The District will systematically monitor the progress of former (exited) LEP students by the beginning of the Spring 1994 semester.

6. The District will develop by September 1, 1993, procedures for evaluating the effectiveness of its program for LEP students. The District will specify in its plan how often it intends to evaluate its program. At minimum, the District will evaluate its program once every two years. Evaluation procedures shall include supporting data. Supporting data may include:
 - a. Specific programmatic goals, criteria, and performance standards at each school or grade level;
 - b. The scores, achievement or performance measures of LEP students over time;
 - c. The relative scores, achievement or performance measures of non-LEP and LEP District students;
 - d. The relative scores, achievement or performance measures of former LEP District students;
 - e. The qualification and number of staff members servicing LEP students; and
 - f. A schedule of assignment and responsibility for monitoring and assessing LEP students progress and program effectiveness.

The District will evaluate the effectiveness of its program for LEP students as of the beginning of the Spring 1994 semester.

7. The District will develop by September 1, 1993 procedures for improving or modifying its LEP program services based on the District's self-evaluation results.

The District will timely improve or modify its program for LEP students according to the findings and recommendations of each self-evaluation conducted by the District.

8. The District will provide OCR with a report and supporting documents demonstrating compliance with this agreement on September 1, 1993 (the plan) and May 1, 1994 (program implementation). The District will timely provide OCR with the findings and recommendations of its first two self-evaluations, and a summary of measures planned or taken in response to those self-evaluations. OCR may request additional reports and supporting documentation until full compliance with this agreement has been demonstrated.

Dr. Manuel Carrasco
Superintendent
Valle Encantado School District #1

May 24, 1993

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