

THE REMNANTS OF BILINGUAL EDUCATION IN THE „GOLDEN STATE”, 6 YEARS AFTER PROPOSITION 227

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1. Introduction: Defining „Bilingual Education” in the U.S. context

Language policy conflicts in the United States have centered on three primary issues since the mid-1960s: education policy for language minority children; access to political and civil rights by non-English speakers; and the state/federal level attempts to establish English as the sole official language (Schmidt 2000: 11). The various accommodations that limited English proficient (LEP) minority children should receive have always been as much a political as a pedagogical flashpoint. Even the exact definition of the term, „bilingual education” (BE) has given rise to considerable controversy among experts and the general public alike. According to National Public Radio’s Morning Edition Series on Bilingual Education, BE for educators means „a specific curriculum that teaches fluency in two distinct languages” (one of which, in the American context, is English), whereas many people use the term far more generically, to include „any special instruction for children with limited English skills” (Bilingual Education in the U.S.). A bit simplistic and restrictive as they might be, the definitions still highlight the fault lines that divide U.S. society on the issue.

Arguably, there is a basic distinction between education that (1) consciously promotes two languages (enrichment orientation), and (2) education for language minority children in general (Baker 2001: 192), with the hastening of language shift being the ultimate – whether overt or covert – objective (remedial orientation). The varieties of the former involve the „strong” (additive) forms of BE, where bilingualism and biliteracy are the desired outcomes: e.g. two-way (bilingual) immersion (TWI) (a.k.a. dual language education), and maintenance/developmental bilingual education (DBE). The „weak” (subtractive) forms of BE include e.g. transitional bilingual education (TBE), which uses native-language instruction but phases in English instruction as quickly as possible, and „structured/sheltered English immersion” (SEI), where language minority children are taught primarily through sheltered English techniques to increase the comprehensibility of input, with the native language used only for clarification.

Based on Ruíz’s „orientations in language planning” (1984), Crawford outlines three paradigms that can be applied to describe the rationales for and the shifting attitudes towards BE in the U.S. language policy context (Crawford 2003):

Remedial Paradigm (language as problem): limited English proficiency is treated as a deficiency which calls for remedial attention;

Equal Opportunity Paradigm (language as right): focuses on equal educational opportunity for minority children by ensuring equal access to the curriculum;

Multiculturalist Paradigm (language as resource): bilingualism and maintenance / developmental BE are seen as worthy goals, or „English Plus” mentality.

According to Cummins, the debate on bilingual education in the U.S (i.e. the controversy over enrichment-oriented v. remedial-oriented programs) involves the collision of discourses between educational equity and xenophobia, even racism (Cummins 2000: 232). In broad terms, what is at odds is the pluralist v. assimilationist interpretation of the American past: the conflicting arguments about ethnic equality v. national unity (Schmidt 2000: 99). And the real (bilingual) education issue is to what extent (transformative) pedagogy can challenge the operation of coercive relations of power in school and society (Cummins 2000: 172).

2. Bilingual education as a political issue at Federal and California level

Latino immigration intensified after President Lyndon B. Johnson signed the Hart-Cellar Act into law: the Immigration and Naturalization Act of 1965 had far-reaching effects on the ethnic composition of the United States. The 1920s quota system was liberalized, and in 1968 it was finally abolished in favor of a first-come, first-served policy. Between 1930 and 1965, the top 3 contributors to U.S.-bound immigration had been Germany (940,000), Canada (900,000), and Mexico (610,000). As a direct consequence of the Hart-Cellar Act, the pattern underwent profound changes between 1965 and 2000, with Mexico heading the list (with 4.3 million documented, and about as many illegal immigrants), the Philippines coming next (1.4 million), and Korea in the third place (0.76 million people). A significant number of people had arrived from the Dominican Republic (0.75 m), India (0.74 m), Cuba (0.72 m), and from Vietnam (0.7 m) (*The Peopling of America*). The nation's school system began to feel the impact of the huge number of non-English-speaking children as early as the second half of the 1960s, prompting federal action to remedy the situation.

In order to reduce the high dropout rates among Latino students in the Southwest, Congress passed the first Bilingual Education Act (BEA) in 1968, which began a 34-year federal endorsement of (mostly transitional) bilingual education methods. In California, then Governor Ronald Reagan had signed a bill (SB 53) into law just one year before, which – for the first time since 1872 – made BE legal in the state's schools.

At federal level, the reauthorized BEA in 1974 saw the rationale for bilingual education in providing equal educational opportunity for LEP children, and declared that the native language was to be used „to the extent necessary to

allow a child to progress effectively through the educational system” (BEA, 1974, Sec. 703 [a][4][A][i]). Thus the Act recognized the right to use the minority language as a remedial tool.

The year 1974 witnessed other important – and mandatory – federal level developments in the field of educational rights. The *Lau v. Nichols* Supreme Court decision (414 U.S. 563) outlawed „sink-or-swim” as a legitimate „teaching method” for LEP children, although the court declined to mandate BE as a specific remedy. The federal level Equal Educational Opportunity Act of the same year required that educational agencies „take appropriate action to overcome language barriers that impede equal participation by [their] students in [their] instructional programs” (Del Valle 2003: 243). However, „appropriate action” was not to be automatically equated with BE. The US Office of Education, on the other hand, interpreted the *Lau* decision as a mandate for BE, whenever a school district was found to be violating LEP civil rights (Crawford 2000: 93). This aggressive enforcement contributed to the rise of anti-BE attitudes, which developed into assimilationist political momentum from the end of the decade.

By relying on the EEOA to decide a bilingual education issue, the Fifth Circuit Court of Appeals set forth a three-pronged test in the *Castañeda v. Pickard* case (1981) to determine the appropriateness of a particular school system’s language remediation program. According to the *Castañeda standard*, a program serving LEP students – and receiving federal funds – had to be based on „a sound educational theory”, implemented effectively, and evaluated as effective after a trial period (/5th Cir. 1981/ 648F.2d 989). Obviously, English-monolingual methods have also been qualified as „appropriate” ever since, given the loose interpretation of the term.

In 1976, the California legislature went further towards the implementation of a multiculturalists paradigm by adhering to a strong interpretation of the „language-as-right” language planning orientation: the Chacon-Moscone Bilingual-Bicultural Education Act declared (even the „maintenance” version of) BE as a right of LEP students, and required schools to offer this accommodation „whenever the language census indicates that any school of a school district has 10 or more pupils of limited English proficiency with the same primary language in the same grade level” (California Education Code, Sec. 52165 [a] [1]).

Yet, attitudes towards BE were beginning to change around the second half of the 1970s: economic decline, disillusionment in the wake of the Vietnam war, and the rise of Neoconservatism ushered in „melting pot”-type assimilationism with nativistic overtones, occasionally draped into English-only activism, which had resulted in the passage of „official English” legislation in 16 states by 1988.

At the federal level, various reports and studies began to question the effectiveness of bilingual education methods, and the unfolding backlash took its toll on the Bilingual Education Act as well. In 1978, L1-maintenance bilingual

education (a.k.a. „developmental bilingual education”, DBE) was removed from the list of federally supported programs (although the restriction was somewhat eased in 1984). During Ronald Reagan’s presidency, monolingual methods, such as structured (or „sheltered”) English immersion (SEI) gained special recognition as „bilingual” programs under the generic name of Special Alternative Instructional Programs (SAIPs), eligible for up to 25 percent of annual BEA appropriations in 1988.

The early 1980s witnessed the strengthening of the Chacon-Moscone Act: the Bilingual Education Improvement and Reform Act of 1980 expanded the use of students’ primary languages in classroom instruction (Witt 1998). The tide began to turn around 1986: California voters overwhelmingly adopted Proposition 63, which became the state’s „official English” law, intending to „preserve, protect and strengthen the English language” (Proposition 63). Although it did not contain any explicit references to education *per se*, the timing and the result of the referendum appeared to legitimize Governor Deukmejian’s decision to veto the extension of the Chacon-Moscone Act, which consequently „sunsetting” in 1987. The „general purposes” of the law remained active (but ceased to be mandatory), and school districts were allowed to continue offering the specialized services to their students, with financial support from the state (Biegel and Slayton 1997). For eleven years following the Act’s sunset, the California State Legislature was unable to garner the necessary consensus for any subsequent legislation regarding bilingual education (Cos 1999: 16).

Even before the Governor’s veto, hundreds of schools had been „out of compliance” with state law, due to critical shortages qualified bilingual teachers and the influx of ethnically diverse students. Between 1977 and 1987, K-12 LEP-population had risen from 233,000 to 613,000 in the state (Crawford 1991: 154). Criticism of bilingual programs – and of those that were just called bilingual – was intensified by the mid-1990s. The already crumbling stature of BE was further undermined by the 1993 release of a Little Hoover Commission report, titled „A Chance to Succeed: Providing English Learners with Supportive Education” The independent bipartisan state oversight agency condemned the State Department of Education’s „single-minded pursuit of the method known as native-language instruction” and branded it „divisive, wasteful, and unproductive” (Little Hoover Commission). Almost one-fourth of English learners (ELs, formerly: LEP) were receiving no special assistance at all, which was illegal not only by California but also by federal standards (cf. *Lau v. Nichols* 1974). Student redesignation rate from EL to fluent English proficient status (FEP) was considered to be proceeding at an agonizingly slow pace. The Little Hoover Commission also criticized the State Department for not developing and implementing a valid assessment system to track student outcome. The Commission recommended the introduction of financial incentives for schools to help students attain English proficiency rapidly;

suggested increased local control and flexibility in creating programs to meet the needs of the EL population, with greater accountability for results rather than methods; and advised to strengthen teacher training with „language acquisition theory, cultural diversity and techniques to enhance learning ability” (ibid.).

The Commission’s recommendations were realized only 18 years later – by the passage of a comprehensive elementary and secondary education bill – at the federal level. The „No Child Left Behind” Act (NCLB), signed by President G. W. Bush on January 8, 2002, is aimed at closing the achievement gap in America’s public schools between disadvantaged students and their peers. The new law emphasizes the principles of strict accountability for results, increased local control and flexibility in using federal education funds and it calls for states to have highly qualified teachers in every public classroom.

For bilingual education, NCLB represents a marked departure from past federal policies. Barely eight years before, the reauthorized Bilingual Education Act Title VII of the „Improving America’s Schools Act” (IASA) had recognized minority languages as a valuable resource, and declared that the education of LEP students should include the development of „bilingual skills and multicultural understanding” and „the native language skills of such children and youth” (BEA 1994, Sec.7102 [b] [2-3]). On the contrary, the „No Child Left Behind” Act treats minority languages as a minor irritant at best, a serious problem at worst. According to the official bill summary, it completely changes the focus of BE programs from teaching LEP children „primarily in their native languages” to „helping LEP children learn English” (United States House Education and the Workforce Committee). This interpretation of BE seems to reinforce the popular misbelief that BE is not meant to foster proficiency in English; rather, it is almost exclusively aimed at maintaining minority languages and ethnic cultures. From the actual text of the Act, all references to bilingual education have been expunged: the historic „Bilingual Education Act” has been transformed into the „English Language Acquisition, Language Enhancement, and Academic Achievement Act”, with the purpose of ensuring that LEP children „attain English proficiency” and „develop high levels of academic achievement in English, and meet the same challenging State academic content and student academic achievement standards as all children are expected to meet” (NCLB 2001, Sec. 3102 [1]). Educational agencies and schools are to be held accountable for „demonstrated improvements in the English proficiency of limited English proficient children each fiscal year” (NCLB, 2001, Sec. 3102 [8] [A]). Since even „ESL pullout” or English Language Development (ELD) can produce spectacular improvements in the short run – at least in basic interpersonal communicative skills (BICS) – as demonstrated by, for example, Thomas and Collier in 1996 (cited in Crawford 1997), schools may choose the weakest forms of „bilingual” education and will be pushed toward redesignating/mainstreaming their students prematurely in order to comply with the

requirements of the law. Yet, cognitive academic language proficiency (CALP), which, according to Cummins (2000: 58), supposedly enables immigrant students to approach grade norms in academic aspects of English, takes on average 5 to 7 years to develop. However, late-exit BE educational options have been strongly discouraged by federal level policies since 2002, and have explicitly been forbidden by California law since 1998.

Still, Title III of NCLB makes federal funding allowances for one genuinely bilingual „language instruction educational program” which „may include the participation of English proficient children if such course is designed to enable all participating children to become proficient in English and a second language” (NCLB, 2001, Sec. 3301 [8] [B]). No escape clause of this type can be found in the California regulations, although available data clearly show that in the state TWI programs are on the increase.

3. Bilingual education methods after Proposition 227

An eleven-year state level legislative gridlock was ended on June 2, 1998, when California voters decisively approved the „English for the Children” ballot initiative (Proposition 227), sponsored by software millionaire and former gubernatorial candidate Ron Unz. „Proposition 227” immediately became a part of the California Education Code, requiring that „all children in California public schools shall be taught in English as rapidly and effectively as possible” (Proposition 227). English learners „shall be taught English by being taught in English”, which means education „through sheltered English immersion,” in which „nearly all classroom instruction is in English,” and this transition period is „not normally intended to exceed one year” (ibid.).

Leading BE experts criticized the theoretical underpinnings of the initiative from the onset. Stephen Krashen pointed out that the allegations about the ineffectiveness of BE were largely unfounded and exaggerated, the program label „sheltered immersion” was misleading, and the one-year transition period before mainstreaming was wholly unrealistic (Krashen 1997). In the highly overpoliticized atmosphere, bolstered by a professionally organized campaign, Proposition 227 passed nevertheless.

Exemption from the Draconian regulations of the new law can be granted through annually renewable parental waivers. Thus it is still possible to teach children through bilingual education techniques, although the process is fraught with bureaucratic obstacles; in addition, individual schools are only required to offer such classes when a minimum of 20 students of a given grade level receive a waiver.

The intent of the law was clearly to eliminate bilingual education from California’s schools, and to deprive app. 1.5m ELs (or ELLs) from literacy instruction in their native language – a goal that has almost been realized. The total

share of ELs in California enrolled in bilingual education plummeted from 29% in 1997-98 to 12% next year, and by 2002-03 it had fallen to less than 9% (see below).

Official statistics are difficult to interpret, since the annual Language Census, which asks for the number of ELs enrolled in specific instructional settings, has traditionally used the following categorization (Dataquest Glossary):

English Language Development (ELD):

ELD is English language instruction appropriate for the student's identified level of language proficiency (=ESL instruction);

ELD and Specially Designed Academic Instruction in English (SDAIE):

EL students receive ELD and, at least two academic subjects taught through SDAIE to increase the comprehensibility of the academic courses. SDAIE is an approach used to teach academic courses to EL students in English, focusing on increasing the comprehensibility of the academic courses normally provided to FEP and native English-speaking students. Students are not receiving primary language support as described below. This method is close to „structured immersion” or „sheltered English immersion” (SEI), as it is defined by Rossell (2002: 6);

ELD and SDAIE with Primary Language Support:

EL students receive ELD and SDAIE with Primary Language Support (L1 support) in at least two academic subject areas. L1 support does not take the place of academic instruction through the primary language but may be used in order to clarify meaning;

ELD and Academic Subjects Through the Primary Language (L1):

EL students receive ELD and, at a minimum, two academic subjects through the primary language (=bilingual education, including TBE, DBE and TWI);

Instructional Services Other than Those Defined in previous columns:

EL students are provided with an instructional service specifically designed for EL students that does not correspond to one of the previous descriptions;

Not Receiving any English Learner Services:

EL students who are not provided with any specialized instructional service.

The passage of Proposition 227 has entailed the appearance of new categories on the Language Census form (now school districts are asked to fill out both sets of categories each spring):

Structured English Immersion (SEI, which is close to the „old” SDAIE category);

Alternative Course of Study (includes BE programs);

English Language Mainstream – Students Meeting Criteria:

Classes where ELs who have met local district criteria for having achieved „reasonable fluency” of English are enrolled and provided with additional and appropriate services;

English Language Mainstream – Parental Request:

Children originally placed in SEI transferred to an English Language Mainstream Classroom on parental request, where they are provided with additional and appropriate services;

Other Instructional Setting:

Other than the previous categories.

The following tables and graphs show the distribution of students in various programs between 1997-98 (1998-99) and 2002-03, according to the „old” and „new” California Language Census categories:

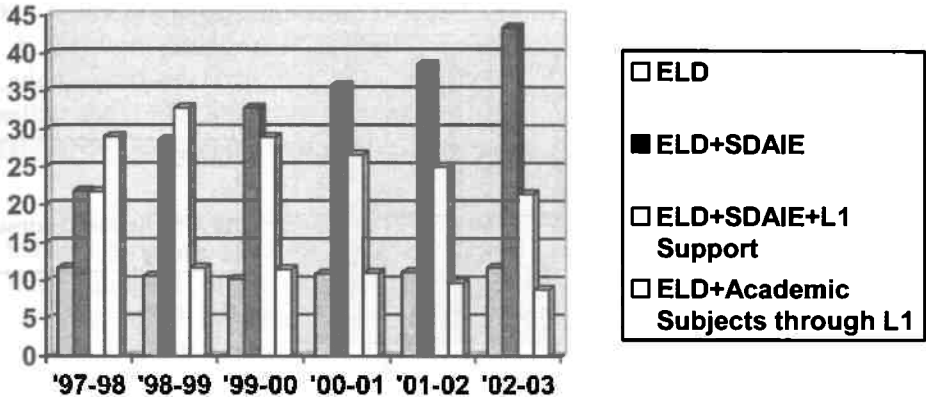
Table 1.

Number of ELs receiving instructional services since 1997-98 (before Proposition 227) to 2002-03, according to the „old” Language Census categorization (based on CDE’s „Statewide Part II English Learner [EL] students” data):

	ELD (ESL)	ELD+SDAIE (SEI)	ELD+SDAIE+ L1 Support	ELD+ Academic Subjects through L1 (Bilingual Education)	Total number of ELs (100%)
1997- 98	159,617 (11.4%)	307,176 (21.8%)	305,764 (21.7%)	409,879 (29%)	1,406,166
1998- 99	152,260 (10.6%)	410,681 (28.5%)	472,893 (32.8%)	169,440 (11.7%)	1,442,692
1999- 00	151,518 (10.2%)	486,091 (32.8%)	427,720 (28.9%)	169,929 (11.5%)	1,480,527
2000- 01	165,044 (10.9%)	539,942 (35.7%)	401,722 (26.6%)	167,163 (11%)	1,511,299
2001- 02	173,145 (11.1%)	599,979 (38.5%)	389,904 (25%)	151,836 (9.7%)	1,559,244
2002- 03	187,693 (11.7%)	694,425 (43.4%)	342,128 (21.4%)	141,428 (8.8%)	1,599,542

Graph 1.

Percentage of ELs receiving instructional services since before Proposition 227 to 2002-03, according to the „old” Language Census categorization:

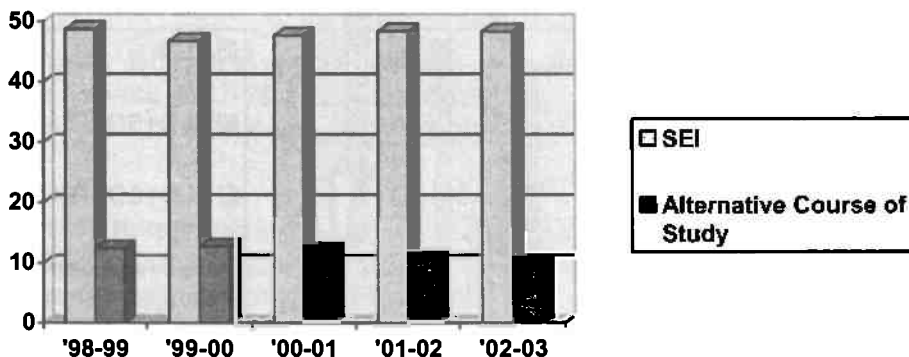
**Table 2.**

Number of ELs receiving SEI and „Alternative Course of Study” since Proposition 227 to 2002-03, according to the „new” Language Census categorization (based on CDE’s „Statewide Part II English Learner (EL) students” data):

	SEI	Alternative Course of Study (Bilingual Education)	Total number of ELs (100%)
1998-99	702,592 (48.7%)	179,334 (12.4%)	1,442,692
1999-00	691,212 (46.7%)	187,832 (12.7%)	1,480,527
2000-01	720,948 (47.7%)	181,455 (12%)	1,511,299
2001-02	754,558 (48.4%)	166,330 (10.7%)	1,559,244
2002-03	773,132 (48.3%)	153,029 (9.6%)	1,599,542

Graph 2.

Percentage of ELs receiving SEI and „Alternative Course of Study” since Proposition 227 to 2002-03, according to the „new” Language Census categorization:



Findings:

The percentage of ELs receiving ELD has remained constant at 10-11%; Immediately after Proposition 227, bilingual education programs were mostly converted into „ELD+SDAIE+L1 Support” programs;

A comparison of EL percentages in the „old” and „new” categories reveals that SEI (with its steady 48% share according to Table 2) must have included numerous programs offering L1 support as well, which indicates a loose interpretation of the SEI category, taking advantage of the rather vague definition in Proposition 227, requiring that „nearly all classroom instruction [be] in English”;

Since 1999-00, the L1 component of these programs has been declining steadily, suggesting gradually increasing compliance with the intent of state law (simultaneously, the tendency also reveals that the remnants of bilingual education – which might have been continued under the guise of „L1 support” – are being phased out);

The percentage of ELs participating in „ELD+SDAIE” has effectively doubled since 1997-98. The negative correlation with „ELD+SDAIE+L1 Support” points to the existence of a virtual „zero-sum” game within the SEI category, to the detriment of L1 support;

Genuinely bilingual programs suffered an enormous setback in 1998-99: the number of students participating in these programs had fallen from 409,879 to 169,440, amounting to a decline from 29% to 11.7% of the EL population. The

trend has continued to this day, although less spectacularly than immediately after Proposition 227.

4. TWI – a wave of the future?

The actual number of ELs served by TBE, DBE and TWI programs cannot be reliably verified, due to the nature of the California Language Census questions. Judy A. Lambert, Bilingual Education Consultant for the California Department of Education, estimates that the number of ELs in dual language education is currently about 13,300, i.e. less than 10% of the students who are in „ELD+Academic Subjects through L1” programs (E-mail communication, May 19, 2004).

TWI or dual language education is in many ways the strongest type of all maintenance programs. Wayne Thomas and Virginia Collier’s latest longitudinal research findings („A National Study of School Effectiveness for Language Minority Students”) indicate that by the end of the 5th grade, language minority students in „90-10 two-way bilingual immersion” significantly outperformed their comparison groups in 90-10 transitional bilingual education and 90-10 developmental bilingual education (Thomas and Collier 2002: 3). In a „90-10 two-way bilingual immersion” program, two language groups receive integrated instruction in English and a second language; 90% of instruction is initially delivered in the minority language, and 10% is in English, gradually evolving to 50-50 instruction over 5 years.

A strong dual language program can even „reverse the negative effects of socioeconomic status more than a well-implemented ESL Content program” (Thomas and Collier, 2002: 5), but only enrichment programs assist students to fully reach the 50th percentile in both L1 and L2 in all subjects (2002: 7).

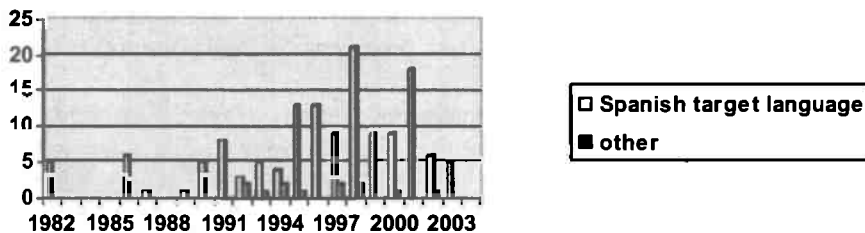
According to the California Department of Education, there are presently 155 operational TWI programs in California, whereas Christian found only 57 of them in the state a decade ago (Christian 1994), and there had been none before 1980. Nowadays the target languages are Spanish (142), Korean (7), Cantonese (4), Mandarin (1), and Japanese (1) (California Two-Way Immersion Programs Directory). In broad outline, the distribution reflects the ethnic makeup of California’s 1.6 million K-12 EL population, which constitute more than 25% of the total enrollment in the state’s public schools (*Fact Book* 2004: 67). The top ten language groups in rank order are (1) Spanish, 84.3%; (2) Vietnamese, 2.3%; (3) Hmong, 1.6%; (4) Cantonese, 1.5%; (5) Pilipino (Filipino or Tagalog), 1.3%; (6) Korean, 1.1%; (7) Mandarin, 0.8%; (8) Armenian 0.7%; (9) Khmer (Cambodian) 0.7%; (10) Punjabi, 0.5% (*ibid.*). The two most conspicuous observations are the apparent overrepresentation of Korean programs and the nonexistence of similar accommodations for Vietnamese and Hmong students.

Nevertheless, the steady increase of TWI programs in California (utilizing

the parental waiver option) might give rise to some guarded optimism for those who favor maintenance bilingual education over assimilative methods.

Graph 3.

The number of new TWI programs in California established in a single year (1982-2003) (based on „California Two-Way Immersion Programs Directory” data):



Since CDE data are based mostly on self-identification, 100% accuracy cannot be expected from the program categorization. Thus any attempts to draw conclusions should be made with extreme caution. Rossell notes that it is only the Spanish speakers who receive authentic bilingual education in general (Rossell 2003: 47). Especially in the case of ideographic languages, the teaching of initial literacy in the native languages is mostly considered to be too difficult or confusing by teachers to be pursued seriously, regardless of the program label (ibid: 48).

What certain is that the number of two-way programs increased markedly after 1994, with 1998 and 2001 being the peak years. Both years witnessed fierce debates on educational reform: 1998 saw the virtual prohibition of BE in California, 2001 ushered in the largest-scale federal educational reform to date, the „No Child Left Behind” Act, with its limitations on BE. One would be tempted to see this TWI expansion as evidence for the viability of the method even in times of anti-bilingual backlash. Yet, there are important caveats:

1. As Graph 3 indicates, during the past two years, the expansive growth of these programs seems to be slowing down.
2. Not all programs on the CDE website meet the criteria for effective TWI programs.
3. Without significant popular – and political – support, the increase of TWI programs can hardly be regarded as a harbinger of a possible pro-enrichment countercurrent.

4.1 California TWI programs and the criteria for success

The CDE TWI Directory contains a few additional pieces of information about the

listed programs: e.g. the year of establishment, the grade levels served by the program, the number of participating students from both language groups, and also the model type („90-10”, „50-50”, etc.). However, a closer look at the available data reveals that (even without actually observing the classrooms in question) that up to cc. 40% of the programs listed there cannot possibly meet the relevant Lindholm criteria for effective TWI programs (cited in Crawford 1991: 167), e.g.:

- (a) long-term treatment (4-6 years);
- (b) balance of language groups (at least a 1/3-2/3 ratio between language-minority and language-majority children, 50-50% is the ideal);
- (c) sufficient use of the minority language (a minimum of 50% of the time /to a maximum of 90% in the early grades/).

The compliance rate with criterion a) is 91/142 for the Spanish-target-language programs, 9/13 for the others. From among the remaining 100 programs, 85/91 and 7/13 can meet criterion b), respectively. The 92 programs that fulfill the first two criteria, all follow criterion c) as well.

Contrary to CDE, the Center for Applied Linguistics website lists only those programs that meet all three of the following criteria (Directory of Two-Way Bilingual Immersion Programs in the U.S.):

Integration: language-minority and language-majority students are integrated for at least 50% of instructional time at all grade levels;

Instruction: content and literacy instruction in both languages is provided to all students;

Population: within the program, there is a balance of language-minority and language-majority students, with each group making up between one-third and two-thirds of the total student population.

Consequently, CAL recognizes „only” 102 TWI programs in California in 2004, and 297 in the entire country (Two-Way Bilingual Immersion Tables), so the increase rate is still significant, even if not as rosy as the CDE data might suggest. The countrywide growth of TWI programs is also notable: fewer than 10 before 1981, 169 in 1993, 248 in 2000, and 297 in May 2004 (Howard and Sugarman 2001; Christian 1994; Directory of Two-Way Bilingual Immersion Programs in the U.S).

4.2 State level political support for TWI

The „English for the Children” campaign made bilingual education a salient political issue in California in 1998. Immediately after its passage, Proposition 227 was challenged in court by several Latino and civil rights organizations, yet no judicial decision has invalidated the measure to date.

The state legislature is effectively barred from repealing or weakening Proposition 227, since „it may amend or repeal an initiative statute by another statute that becomes effective only when approved by the electors” (*California*

Constitution, Art. 2, Sec. 10 [c]). Consequently, no bill has been introduced in either house since 1998 that would have challenged the hegemony of SEI, which now seems to be firmly entrenched by the openly pro-structured-immersion stance of Governor Schwarzenegger himself, who may want to „bring California back,” but definitely without BE (Arnold’s Views: Join Arnold).

According to the results of the online „California Legislative Information” search, the state legislature has twice witnessed the introduction of bills concerning TWI or „dual language education” proper since 1998 (Official California Legislative Information). On February 21, 2001, Assembly Member Strom-Martin introduced AB 503, which would have established a K-12 Dual Language Education Grant Program to school districts offering TWI for eligible (waivered) pupils. Each program was to fulfill the selected minimum requirements of

- a) at least 50% instruction time in the target language;
- b) a duration of at least 6 consecutive years in order to reach academic proficiency in both L1 and L2;
- c) a balance of native English speaking pupils and target language pupils at each grade level (AB 503)

It is clear that roughly half of today’s California TWI programs could not meet these requirements – were the act in force. Unfortunately, the bill died in February 2002, after committee hearings.

A practically identical bill (AB 2698) was introduced on February 20, 2004, by Assembly Member Goldberg. It was amended in assembly on April 15, 2004, as a result of which several important provisions – e.g. the requirement that a program should last at least 6 consecutive years were dropped (AB 2698, amended). The bill is currently in committee stage, but its chances to become law are extremely limited.

Given the formidable obstacles before them, not even TWI advocates seem to be in a politically strong enough position to weaken the assimilationist nature of California EL-education regulations in the near future. The spirit of the law, however, seems to allow a rather flexible interpretation that leaves at least some room for L1 maintenance for waived students especially when language majority Anglo parents also endorse the programs – within the framework of a method that has proved to be effective in the United States for more than four decades.

5. Conclusion

California, with approximately 40% of the nation’s total EL population, has pioneered in reforming – and largely eliminating – its K-12 bilingual education for the recent years. A similar trend to put an end to BE by ballot initiative has continued in other states (e.g. Arizona and Massachusetts) as well, although in Colorado it suffered a setback in 2002, when the proposed „Amendment 31” failed to garner the necessary voter support. And in 2003, the Massachusetts legislature

actually managed to loosen the Unz-type English immersion law by overriding gubernatorial veto, thus granting exemption from the law for TWI programs (Lewis and Kurtz 2003).

Despite the proliferation of TWI programs in California, the overall decline of genuinely BE methods seems to be unstoppable in the short term. Tentative legislative steps at legitimizing TWI appear to be doomed in California at this stage, the rising enthusiasm for two-way programs is still insufficient to be translated into a political momentum that would carve out a legitimate „dual language education” niche in the seemingly monolithic wall of structured immersion. Pro-SEI advocates would consider such a niche a serious breach: e.g. Rossell recommends that Proposition 227 should actually be strengthened by making the waiver process stricter than it actually is at the moment (Rossell 2002: 109).

Bilingual education has always been regarded with suspicion by language majority Americans. Huddy and Sears (cited in Baker 2001: 256) suggested three theoretical explanations to this phenomenon: those in power tend to protect their self-interests („realistic interest” theory); the perception that minorities are undeserving of special treatment; and BE considered as a threat to national identity through its promotion of diversity rather than unity. Padilla argues that the most appropriate one-word description of BE in the United States is „ambivalence” – the mutually conflicting feelings or thoughts about an idea (Padilla 1998). This ambivalence has been observable at federal and state level alike: the successive reauthorizations of the BEA and the California legislative attempts to tackle language education issues illustrate it all too clearly. Federal and state level legislation tended to be more or less in sync until the second half of the 1970s, then bilingual-bicultural education was mandated in California, a policy that well exceeded and outlived similar federal level tendencies. Perhaps as a consequence, the backlash against BE was a lot harsher in 1998 than the federal NCLB in 2001. Another explanation to the more extreme swings in state level BE policies lies in the fact that education is predominantly a state and local responsibility in the United States. Not being listed among the enumerated constitutional powers delegated to the national government, educational issues by default belong to the (residual) powers reserved to the states or to the people. Therefore, overt federal level intervention into the curriculum is prohibited.

Padilla also makes a distinction between individual „bilinguality” (generally seen as a desirable goal) and „bilingualism” as a societal phenomenon, associated mainly with poor Latino immigrants (Padilla 1998). The gap between „bilinguality” and „bilingualism” has been widened considerably by Proposition 227. Closing it through TWI, with its integrationist and consensual appeal, could also mean the successful merger of the Equal Opportunity and the Multiculturalist Paradigms.

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