

Immigration, Language, and Education: How Does Language Policy Structure Opportunity?

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Background/Context: *According to U.S. Census figures, 11 million elementary and secondary students of immigrant families were enrolled in the public schools in October 2005, representing 20% of all students, and this figure is expected to grow in the coming years. Most of these students enter school as English learners (ELs), and most ELs have exceptionally low performance on measures of academic achievement and attainment.*

Purpose/Objective/Research Question/Focus of Study: *This article examines how language policy in the United States has shaped educational opportunities and outcomes for the nation's immigrant students. First, we examine the role of federal policy in shaping these students' educational opportunities, showing how the changing political landscape in Washington has resulted in inconsistencies in funding and direction for states attempting to serve EL students. Then we focus on how two states with high concentrations of ELs—California and Texas—have responded to the needs of ELs, including the provision of bilingual education, the training and support of properly prepared teachers, and the assessments used to gauge their educational performance.*

Research Design: *The article uses secondary data sources. It draws on secondary data analysis to examine the growth of the immigrant and linguistic minority populations and their educational achievement; it draws on both historical analysis and secondary data analysis to review shifting federal policies; and it draws on demographic, achievement, and reclassification data in analyzing the education of ELs in California and Texas.*

Findings/Results: *We found that the changing political landscape in Washington has*

resulted in inconsistencies in funding and direction for states attempting to serve EL students. We also found that California and Texas appear to have different success rates with their EL students, with Texas reclassifying its ELs to fluent English status at higher rates and outperforming California with respect to National Assessment of Educational Progress scores for this same population.

Conclusions/Recommendations: *The article concludes with the major recommendation that the federal government would do well to spearhead and fund a research agenda that addresses the truly important, and unanswered, questions around the education of ELs so that greater guidance can be given to the states in determining how to raise achievement and enhance the psychosocial development of these students.*

IMMIGRANT STUDENTS AND THE PUBLIC SCHOOLS

The ideal of the public school in the United States has historically been one of a great equalizer, the place where a common culture was inculcated in students, regardless of the culture they brought to school. As such, immigrant incorporation into the society has been viewed primarily as a job of the schools. They were charged with teaching English, citizenship, American history, and social and vocational skills, in addition to the academic “basics” (Spring, 2001). There has long been an understanding among educators and social policy makers that democracy in a land of immigrants depends on the nation’s ability to socialize newcomers into the rights and responsibilities of the democratic state. Certainly, this was John Dewey’s vision as he wrote in 1916,

Countries like the United States are composed of a combination of different groups with different traditional customs. It is this situation, which has perhaps more than any other cause, forced the demand for an educational institution which shall provide something like a homogeneous and balanced environment for the young. . . . The intermingling in the school of youth of different races, differing religions, and unlike customs creates for all a new and broader environment. Common subject matter accustoms all to a unity of outlook upon a broader horizon than is visible to the members of any group while it is isolated. (p. 21)

The comprehensive high school, first championed by William Conant, provided the means by which newcomers and native-born students alike could access the academic and vocational skills needed to gain a foothold in the economy (Spring, 2001). Of course, in spite of the rhetoric, not all students were ever intended to receive *the same* education in preparation

for the same occupational opportunities (Bowles & Gintis, 1976), and immigrant students often have more limited educational opportunities than others (Olsen, 2000). Nonetheless, two decades ago, John Goodlad, a scholar who was deeply influenced by John Dewey, found in a survey of American schools that almost all parents, including large proportions of Latinos, hoped that their children would be provided a well-rounded education by the public schools. They wanted civic and social education, vocational education, the development of personal talents and virtues, *and* academic instruction (Goodlad, 1984). As recently as the 2005 Gallup Poll on the public's attitudes toward education, the majority of parents contended that they wanted their children to take a wide variety of courses in school, as opposed to a "concentrated curriculum," and most preferred a "well-rounded student" over one who receives As (Rose & Gallup, 2005). Magnet schools that focus on the arts, technology, and science are oversubscribed in many districts where they are offered. Moreover, the comprehensive high school that offers "something for everyone" is a well-established model in American secondary education.

Nonetheless, the latest wave of educational reform has emphasized raising test scores in math and reading to the virtual exclusion of any other educational goal(s). And so public schools, in the era of No Child Left Behind, are under intense pressure to demonstrate educational improvement via test score gains—with a particular focus on reading and math—to what many argue is the neglect of a broader education (Sunderman, Kim, & Orfield, 2005): the education that parents claim they want for their children.

But if the problem of a too-narrow curriculum is acute for the average American public school student, it is many times worse for the average immigrant student. As with the narrowing of the curriculum for all students, immigrant education has increasingly come to mean simply teaching English. Public schools, acceding to a xenophobic public—made more so by the events of 9/11—routinely place immigrant students in multiple hours of English as a second language (ESL) classes, with little or no content instruction (Callahan & Gándara, 2004; Valdés, 2001). Most recently, Arizona has mandated 4 hours per day of remedial English instruction for its English Learners, leaving little time for instruction in anything else (Bodfield, 2008). This is done based on the belief that children who speak another language should first be taught English before being given access to other subject matter. In the same 2005 Gallup Poll just mentioned, 61% of respondents believed that this was the most appropriate way to educate English learners (ELs) in spite of a Supreme

Court ruling in 1974 (*Lau v. Nichols*) that found it unconstitutional. As the court noted, “Basic English skills are at the very core of what these public schools teach. Imposition of a requirement that, before a child can effectively participate in the educational program, he must already have acquired those basic skills is to make a mockery of public education.” In states like California and Arizona, where anyone with enough money can put a measure on the ballot to change the state constitution or dictate the way that children will be educated, public opinion can be a powerful driver of policy (Wiley & Wright, 2004). This has led to a number of efforts to either exclude immigrant students from schools altogether¹ or restrict their education to instruction in a language that they do not yet understand.²

Some of what has been lost over the years may be for the better; the strong Anglo-conformity model that reigned over public schools during most of the last century was often oppressive and insensitive to the immigrant students they sought to “Americanize” (Portes & Rumbaut, 1990). Yet, a belief that the state should incorporate new immigrants into the society by socializing them to American mores through the education system was at least an acknowledgment of government responsibility for their general welfare.

In this article, we examine how language policy in the United States has shaped educational opportunities and outcomes for the nation’s immigrant students. We focus on how two states with high concentrations of ELs—California and Texas—have responded to their needs. With similar demographics but very different political histories, these two states have attempted to address the challenges of educating immigrant students in quite different ways. We first document the growth of the immigrant and EL populations nationally and in the two states. We then describe some of the resources and practices necessary to meet their educational needs and why language policy has failed to respond to those needs. We go on to examine the role of federal policy in shaping their educational opportunities. Next, we examine how Texas and California have differed in their responses to ELs, including the provision of bilingual education, the training and support of properly trained teachers, and the assessments used to gauge their educational performance. We then attempt to examine whether differences in approaches to educating ELs are associated with differences in educational achievement in the two states. Finally, we draw some conclusions about what lessons we can take from this analysis for addressing the needs of immigrant students who are ELs.

THE GROWTH OF THE IMMIGRANT AND NON-ENGLISH-SPEAKING POPULATIONS

According to U.S. Census figures, more than 11 million elementary and secondary students of immigrant families were enrolled in public schools in October 2005, representing more than 20% of all students (U.S. Census Bureau, 2006, table 1). About 75% of these were born in the United States, with one or both parents foreign born. In the same year, almost 10.6 million school-age (5–17) children in the United States spoke a language other than English at home (U.S. Department of Education 2008, table 6-1). Some of these students enter school already proficient in English, and these students tend to fare well in U.S. schools as a group (Rumbaut, 1995). However, of those students who are limited in English proficiency, most are born in the United States of immigrant parents. They come from homes—and often from whole communities—in which English is not the primary language spoken. Many of these students enter schools in the United States speaking little or no English, but at some point, they are reclassified as English speakers. Some, however, can linger for many years unable to be reclassified as English speakers even though their oral skills in English appear to be fluent. A recent study of California’s ELs found that the typical EL student had a 40% chance of being reclassified as a “proficient English speaker” within 10 years of schooling (Parrish et al., 2006). These students are often unable to demonstrate sufficient *academic* proficiency in English to qualify as “fluent English speakers.”

The population of language-minority children in the United States has grown substantially faster than the overall population. Between 1979 and 2006, the number of school-age children (ages 5–17) who spoke a language other than English increased 185%, compared with 20% for the total population of school-age children (U.S. Department of Education, 2008, table 7-1). These ELs represent a substantial and growing portion of the national school population. ELs were enrolled in almost half of public schools nationwide—that is, in an estimated 45,283 public schools of the approximately 91,000 schools in the United States (Zehler et al., 2003). Hence, this is a large and increasing portion of the U.S. school-age population and one that is seriously underserved by the public schools.

A nation-wide study of LEP students and services in the 2001-02 school year found the following characteristics of the LEP public school population:

Spanish was the native language of almost 77% of ELs. The next

two largest language groups were Vietnamese (2.4%) and Hmong (1.8%). Estimates provided by school personnel whose job it is to coordinate services for ELs indicated that 46% of these students had been born in the United States. Of the remaining 54%, almost 15% had been in the United States for at least 5 years, 22% were estimated to have been in the United States for 1–4 years, and about 17% had been in the United States for less than 1 year. Of all Spanish-language-dominant students, half were estimated to have been born in the United States and 30% in Mexico (Zehler, et al., 2003, p. viii).

Most students who begin school as ELs, however, are born in the United States, usually to immigrant parents. Data supplied by school surveys in the nation-wide study took into account only those students who are limited in English at the time of the survey; this excludes large numbers of students who have been reclassified as English proficient and skews the pool of EL or limited English proficient (LEP) students toward those who are recent arrivals, and hence, immigrants.

The study also estimated that 23% of ELs nationwide had limited oral proficiency skills in their native language, compared with the level expected of a native speaker of the same age/grade. The authors estimated that 38.9% of these students had limited literacy skills in their native language, compared with the level expected of a native speaker of the same age/grade. On the other hand, the great majority did have considerable skill in their native languages that could be built on to educate them in academic subjects while they learned English—a practice that is increasingly uncommon in the United States (Zehler et al, 2003).

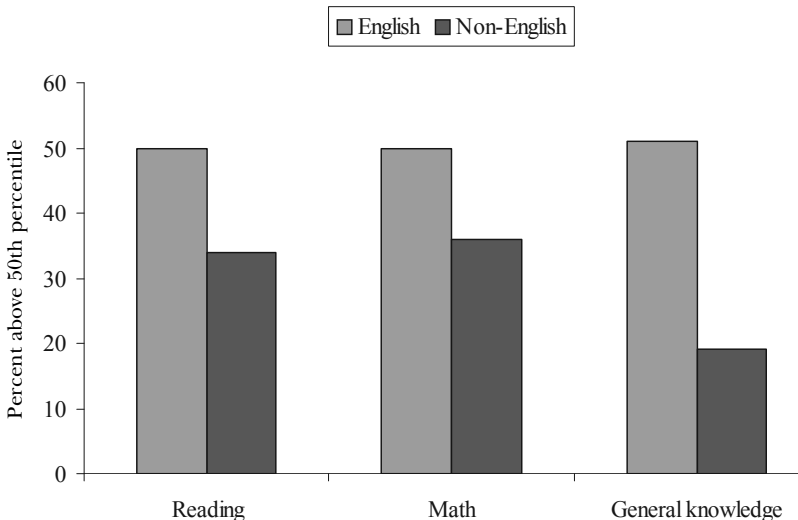
THE NEEDS OF IMMIGRANT STUDENTS

Immigrant students, if they are indeed to be incorporated into the social and economic fabric of the nation, need the same rich and broad curriculum that most parents contend they want for their children. But they also need more: They need additional instructional time to acquire English skills and the standard curriculum; they need explicit instruction in *academic* English; they need explicit instruction in the culture and norms of American society; they need emotional and often social service support to address the traumas of refugee and migrant experiences; and they need a roadmap for navigating the educational and occupational systems in this country. In spite of this, they often receive *less*, not more, instructional attention.

INSTRUCTIONAL TIME

Children of immigrants, and immigrants themselves, who begin school without English fluency are charged with learning both the academic curriculum and a new language and culture. However, they typically begin school far behind their middle-class English-speaking Anglo-American peers (West, Denton, & Germino-Hausken, 2000, tables 2–4; see Figure 1). Even if they begin school in the United States, all this cannot usually be acquired in the same amount of school time allotted for native-born English-speaking students. These students need more instructional time, whether it is through extending the school day or school year, or through summer school or classes conducted after school, before school, or on Saturdays. To complicate matters, many schools engage in practices, such as ESL pull-out programs, that remove students from their regular classes to receive help in English acquisition, thereby causing them to miss the regular instruction. Others provide help for EL students after other students in the class have already been given instruction, and this further reduces their instructional time (Gándara et al, 1999; Olsen, 2000). Gold (2006) argued that secondary ELs need to be given an extra year or two to complete high school, in addition to being provided with more instructional time during the regular school year.

Figure 1. Cognitive skills of beginning kindergarteners by language background, 1998



Olsen (2000) demonstrated how high school reform that was centered on immigrant students could incorporate an extended year that allowed students to take extra classes and enter school throughout the academic year, without losing continuity if they weren't present during the traditional school calendar. Minicucci (2000) likewise reported on findings from the Student Diversity Study, conducted under the auspices of the U.S. Department of Education, in which middle schools both extended and reorganized time for ELs and instituted time-saving innovations. These innovations included keeping students with the same teachers for multiple years so that instruction could be more continual, and time lost in getting to know a student and his or her strengths and needs could be eliminated. All these efforts and proposals speak to the necessity of reorganizing time for academic learning, but few such innovations are routinely incorporated into public schools. For the most part, ELs receive the same amount of schooling—albeit less instructional time due to “wait time,” transition time to special instructional settings, and fewer instructional interactions—as all other students (see Gándara et al, 2003).

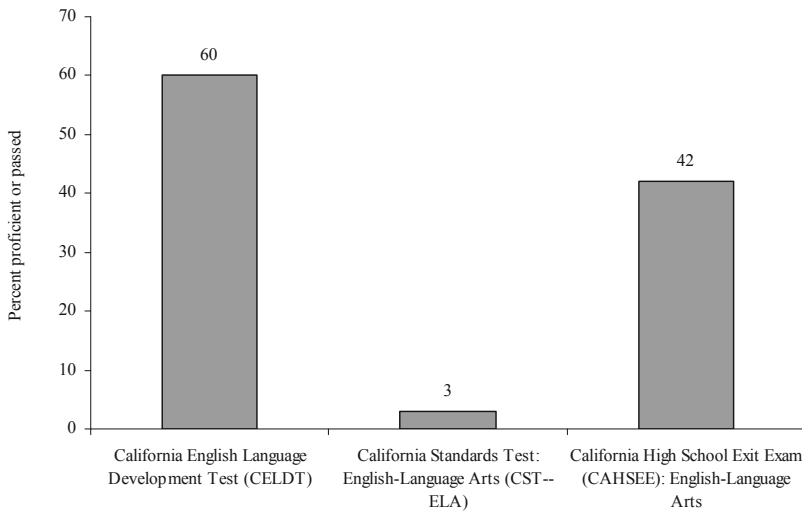
ACADEMIC ENGLISH

A number of researchers (Harklau, Losey, & Siegal, 1999; Valdes, 2001; Wong-Fillmore, 1991) have argued that the type of language instruction to which most ELs are exposed is inadequate to allow them to perform at high levels of achievement in an English curriculum. Wong-Fillmore and Snow (2000) argued that the reason for this is that teachers, especially those in disciplines other than English, are not sufficiently prepared to teach students explicitly about language and its use across genres and disciplines. For example, math teachers do not routinely point out to students *how* the words they use make sense in the context of math but may differ in other contexts, or the ways in which forms of language use may differ in the discipline. ELs can be especially perplexed by the novel uses of vocabulary and rhetorical stance, as in “the sum of the numbers” as opposed to “some numbers,” or “it goes without saying.” We do not routinely teach this to teachers, but we assume that they are making these features of language transparent for their EL students. A focus on oral language development and simplistic forms of the use of English leads us to assume that students understand more than they do and to short-change them in their education.

Recent data from California point this out dramatically (California Department of Education, 2007; see Figure 2). Whereas 60% of 10th-grade ELs were able to pass the California English Language Development Test (CELDT), the state's English proficiency test, at the

level of early advanced or advanced (roughly equivalent to “proficient”), only 3% were able to pass the state’s English language arts (ELA) test at a similar level of proficiency in 2005. As compared with the CELDT, the ELA test assumes that students have a much more sophisticated understanding of English, and exposure to and familiarity with literature in English, yet educators often fail to make distinctions between these two kinds of proficiency in their instructional planning for EL students. A debate has raged within California education policy-making circles for some time over the importance of English language development (ELD) standards as markers of students’ progress toward *readiness* to undertake the more demanding curriculum of ELA. Those who favor a policy of rapid mainstreaming of EL students have argued that there is no substantive difference between ELD and ELA standards.³

Figure 2. Proficiency or pass rates of 10th Grade English learners on California Exams, 2005



CULTURE AND NORMS

Among the critical skills that immigrant students need to survive and flourish in American society is an understanding of the social and cultural practices that will help them gain access to the society (Kao & Thompson, 2003; Stanton-Salazar, 1997). Such knowledge is often referred to as cultural and social capital—that is, knowing “the rules of the game,” knowing whom to go to for specific information, knowing

how to talk to persons in authority, and understanding the material culture of the society. Immigrant parents, for example, often do not understand that schools expect them to be partners in their children's education and to participate in school functions and classroom projects (Valdés, 1996). Many feel that their competence does not extend to helping teachers to do their job. They are not privy to the conversations that go on among members of the PTA about the best programs, teachers, and schools for their children. They do not know how to insert their opinions into the decisions that the schools make that affect their children, nor do they know how to prepare them to go on to college (Villalpando & Solórzano, 2004). Some researchers have experimented with explicit instruction for immigrant parents about these topics (Delgado-Gaitan, 1991), and some organizations, such as the Parent Institute for Quality Education (PIQE),⁴ exist to organize immigrant parents on behalf of their children's education. But the norm is for immigrant parents to be distanced from the schools that educate their children and from the social and cultural capital that are critical to making one's way in this society.

SOCIAL SUPPORTS

Schooling does not occur in a vacuum. Immigrant students—especially those from Hispanic backgrounds—tend to have very low socioeconomic backgrounds. Whereas Asian immigrants have a bimodal profile—that is, a significant percentage come from very high education and income backgrounds, and another significant percentage come from very low-SES backgrounds—Latino families are overwhelmingly low income, with low levels of parental education. For example, nationally, two thirds of all Latino students have at least one parent who is an immigrant (Shin, 2005, table B), and data collected by the U.S. Department of Education show a striking contrast between Latino students and all others with respect to level of education of parents (U.S. Department of Education, 2008; see Table 1).

Table 1. Parental Education of 5–17-year olds, 2001 (Percent)

<i>Ethnicity</i>	High school completion or higher	Bachelor's degree or higher
White	96.0	43.7
Black	86.7	21.2
Latino	67.6	14.9

One third of Latino students come from homes in which the parents have not completed even a high school education, this is true for only 4%

or 5% of White students. Similarly, whereas almost 4 in 10 White students can count on the experience of their parents to help guide them through college, this is true for only about 1 in 10 Latinos. Moreover, education is closely linked with income (Day & Newburger, 2002), and so many Latino students are raised in very low-income homes. More than 25% of all Latino children live in poverty, and this is likely nearly double for immigrant Latinos (U.S. Department of Education, 2008, table 6-1). Students who come to school hungry, poorly clothed for cold weather, without medical care to correct vision and other health problems, and often from unstable neighborhoods that are fraught with violence can find it very difficult to focus on learning (Berliner, 2006; Rothstein, 2005). When this is coupled with a lack of ability to understand and communicate with bureaucratic systems, the most talented students are met with challenges that may be beyond their ability to surmount (see for example, Gándara, 2005). If schools cannot or do not provide the social supports to ameliorate these challenges—and most do not—it should not be surprising that so many of these immigrant students fall between the cracks and drop out of school (Rumberger & Rodriguez, 2002; UC LMRI, 2006).

NAVIGATIONAL HELP AND ACCESSING SCHOOL RESOURCES

Explicit information about the courses needed to graduate from high school and to go on to postsecondary education, and the tests that must be taken and how to prepare for them, is a critical component of the social and cultural capital necessary to navigate one's way successfully through American society. Personal and academic counseling and financial aid are also critical to educational success but are seldom available to immigrant students and their parents who do not speak English (Latino Eligibility Task Force, 1997). Moreover, many immigrant students are placed in classes that do not provide credit for high school graduation or college admission (Callahan & Gándara, 2004), and their parents do not realize this. Many students who had a strong education in their country of origin are never given credit for what they know, and their parents do not know how to intervene. The Latino Eligibility Task Force of the University of California concluded in 1997 that the single biggest impediment to attending college among Latinos (about half of whom are immigrants or children of immigrants) in California was a lack of information about *how* to prepare for college. Explicit information about how to navigate the education system was hard to come by and usually was not available in Spanish (Latino Eligibility Task Force, 1997).

Even though these students need more instructional attention than others—at least for a period of time—they almost always receive less. In

a recent study on the conditions of ELs in California—the state with the largest number of immigrant students—Rumberger and Gándara (2004) identified seven core areas in which these students were consistently underserved by comparison with their White, monolingual, and middle-class peers: (1) They attend more segregated schools (2) where facilities and conditions are poor; (3) they have teachers with less training and (4) who receive very little professional development to aid them in teaching English learners; (5) they have inadequate books and materials and (6) are assessed with tests that distort or fail to capture what they know; and (7) they have insufficient time to learn the curriculum they must master. The likelihood that they will have a teacher who can speak to them or their parents in a common language or instruct them by building on what they already know in their native language is very small. As a result, the educational achievement of ELs is lowest of all groups of students (Gándara, Rumberger, Maxwell-Jolly, & Callahan, 2003), and their likelihood of dropping out of school altogether is very high, probably as high as two of every three (Silver et al, 2008; Rumberger & Rodriguez, 2002; UC LMRI, 2006). The situation might not be so critical were these a small number of students or a declining portion of the school-age population; however, ELs currently represent at least 10% of all students nationwide, and their numbers are likely to increase because of the projected growth of the Hispanic population (Day, 1996; Kindler, 2002).

MEETING THE NEEDS OF IMMIGRANT STUDENTS

Educational responses to the needs of immigrant students have varied widely. One form of educational intervention that directly targets immigrant students is the Newcomer Program, which can be found in at least 29 states, with the majority located in Texas and California (McDonnell & Hill, 1993; Short, 2002). Although these programs focus primarily on language instruction, many also provide services geared toward successfully integrating immigrant students into the society. In a study conducted by the Center for Applied Linguistics, researchers collecting data on 115 programs found that

in keeping with the desire to help newcomer students and their families make a smooth transition to life in the United States, many newcomer programs offer additional services besides English language development and academic courses. Of the programs, 67% (77) offer physical health services, 42% (48) offer mental health services, and 43% (50) offer social services. Also, 50% of the programs (58), primarily at the high school

level, provide career counseling; 77% of the programs (84) offer tutoring. A few programs provide day care and legal referrals. Many programs either have social workers on site or provide assistance and referrals to help students and their families access medical and social services in the community. Almost half of the programs offer classes to orient parents to U.S. schools or to the country. In addition, 66% (76) offer adult ESL classes through the program or the district, and 24% (28) offer native language literacy classes. All programs make substantial efforts to promote parental involvement, and communication with parents is a high priority. Of the programs, 31% (36) have community partnerships that serve parents and families. (Short, 2002, p. 188)

Although newcomer centers clearly have the potential to provide services to immigrant students that extend far beyond simply teaching English, and thus attending to issues in students' lives that complicate their learning, they confront a variety of obstacles in actually delivering on their promise. Although very little actual evaluation has been conducted of such programs (Genesee, 1999), their reputation is mixed, with some providing high-quality services and others affording students only minimally trained staff in segregated settings where there is little contact with mainstream students and schooling. In addition to the pedagogical debates about the best way to educate and integrate immigrant students, the lack of widely available high-quality newcomer centers is almost certainly due to their cost and the lack of high-quality teaching personnel available to teach in the centers. In sum, although a good idea in many respects, high quality comprehensive newcomer centers are a relatively uncommon response to the educational needs of immigrant students.

Today, the needs of immigrant students have, for the most part, been reduced almost solely to a focus on language and, at their most progressive, a focus on two languages. Bilingual education legislation—both at the level of the states and in federal statutes and regulations—has alluded to the importance of language both as a *tool* for learning and a *goal* of education. Nonetheless, many bilingual education programs have taken the form of a transitional intervention, with the goal of, “as effectively and efficiently as possible, . . . develop[ing] in each child fluency in English” (California Education Code, 1976, Section 52161). We have argued elsewhere (Gándara, 2002) that from its inception, bilingual education has incorporated multiple goals: (1) the teaching of language, (2) the enhancing of academic or cognitive development, and (3) the fostering of positive intercultural relations. The federal Bilingual

Education Act of 1968 included provisions for teaching about students' culture in an effort to combat the effects of prejudice and discrimination against language minorities in the United States. It was believed that this would promote a healthier identity that would convert into higher achievement and better intercultural relations. In 1976, California passed one of the first state-level comprehensive bilingual education bills, entitled the Chacon-Moscone Bilingual-Bicultural Act, clearly signaling the importance of teaching culture alongside language. In 1981, Texas followed suit with a similar bill, likewise placing an emphasis on cultural instruction. However, in spite of a more expansive rhetoric, most programs for ELs today focus narrowly on the rapid transition to English, eschewing development of primary language or intercultural competencies (Gándara, Moran, & Garcia, 2005).

Ruiz (1984) has argued cogently that by framing the needs of immigrant and EL pupils as a "language problem," the appropriate policy was easily understood as transitioning these students as quickly and efficiently as possible *from* their native language *into* English. However, if, as Ruiz suggested, programs for EL immigrants had been conceptualized as responding to language as a *resource*, educational policies might have evolved quite differently. We might have seen more political support for programs that built on students' native language as an avenue to enhanced academic competence, and there might have been a greater emphasis on academic achievement rather than merely on acquiring English. Education policy often seems to overlook the fact that immigrant students also bring assets, not just needs. All have linguistic and cultural resources that can be built on, and many have hopefulness and the desire to take advantage of opportunities in their new setting. A number of studies have found immigrant students to be eager learners who often outperform their coethnic peers who are native born (Grogger & Trejo, 2002; Portes & Rumbaut, 1990, 2001; Suarez-Orozco & Suarez-Orozco, 1995). Yet, the policy discussion about the educational needs of immigrant students is usually limited to remedying their lack of English, and they are often viewed as bringing only deficits with them to school. Fishman (1999) and Schmidt (2000) have both argued that the reasons for construing minority language speakers in deficit terms is related to historical notions of identity and nationalism. Being a speaker of English legitimates one's claim to citizenship in the face of "intruders" who audaciously assert a right to speak non-English languages. That many of these "intruders" did not choose to come to the United States (e.g., African slaves), were incorporated unwillingly (e.g., Mexicans), or have a more historic claim on the nation (American Indians) only raises the tensions among groups around language use and identity. Recent proposals for

dealing with undocumented immigration have included provisions that some immigrants be given access to regularization of their citizenship status, but only if they demonstrate that they have learned English, among other things.⁵ Whereas some define Americanism as definitively English speaking, others see this stance as hegemonic and in denial of historical fact. In less politically charged times, other languages were not only accepted but in fact codified as legitimate alternatives to English in German-speaking and Spanish-speaking communities in the Midwest and Southwest (Baron, 1992).

The literature suggests that successfully educating immigrant children necessarily involves more than simply teaching them English. Rather, it requires that many the elements of the educational system be in place to meet their needs, including appropriate materials, adequately trained teachers, valid assessments, and appropriate social supports. Unfortunately, this is often not the case (Rumberger & Gándara, 2004). Federal policies have provided some help to meet the unique needs of ELs, but states have the primary authority and financial responsibility for addressing these students' needs. And although states' responses have varied, as a general rule, they have paid relatively little attention to this population group (Zehler et al., 2003).

FEDERAL POLICY AND LANGUAGE MINORITY STUDENTS

Federal language policy has been shaped both by legislation and rulings from federal courts (García & Wiese, 2002). The education of language-minority students was first addressed at the federal level through provisions of Title VI of the 1964 Civil Rights Act that prohibit discrimination on the grounds of race, color, or national origin. The Equal Educational Opportunities Act of 1974 (EEOA) spelled out more explicitly what constitutes the denial of equal educational opportunity, to include "the failure of an educational agency to take appropriate action to overcome language barriers that impede equal participation by its students in instructional programs." (EEOA, 1974, Sec. 1703 [f], p. 136). The U.S. Congress first passed legislation that specifically focused on the education of language-minority students in the Bilingual Education Act (BEA) of 1968 (Title VI of the Elementary and Secondary Education Act of 1965). The Act provided some modest funds for local education agencies to develop programs to provide "meaningful and equitable access for English-language learners to the curriculum" (August & Hakuta, 1997, p. 16) without prescribing a particular program of instruction. In the 1974 reauthorization of the BEA, however, the Congress encouraged "the establishment and operation . . . of education programs using

bilingual education practices, techniques, and methods,” (BEA, 1974, Sec. 702 [a]).

Federal policy has changed in tone and substance with every new administration. Subsequent reauthorizations of the BEA in 1978, 1984, and 1988 shifted the focus of instruction to achieving competence in the English language and to the acceptance of English-only programs and not simply bilingual instruction (García & Wiese, 2002). The 1994 reauthorization returned the focus of the legislation back to the development of “proficiency in English, and to the extent possible, their native language” (BEA, 1994, Sec. 7111 [2][A]) and gave “priority to applications that provided for the development of bilingual proficiency both in English and another language for all participating students” (BEA, 1994, Sec. 7116 [I][1]). At the same time, the legislation reflected the influence of two other pieces of legislation—Goals 2000 and the Improving America’s School Act of 1994—that promoted equality and quality education for all students. For the first time, Title VI programs would help language-minority students “meet the same challenging State content standards and challenging State performance standards expected for all children and youth” (BEA, 1994, Sec. 7111 [2][B]). However, this more generous attitude toward instruction in languages other than English was short-lived.

Federal policy for language-minority students changed once again with the reauthorization of the Elementary and Secondary Education Act in 2001, called the No Child Left Behind (NCLB) Act. The BEA (Title VII) was replaced with the Language Instruction for Limited English Proficient and Immigrant Students (Title III of NCLB), and the term *bilingual* was completely removed from the legislation and all federal offices and programs (Wiley & Wright, 2004). The stated purpose of Title III was “to ensure that children who are limited English proficient, including immigrant children and youth, attain English proficiency” (NCLB, 2002, Title III, Sec. 3102), which was consistent with the goals of all previous legislation, although the law does allow “instructional use of both English and a child’s native language.”

NCLB has been a double-edged sword for English learners. On the one hand, it has shone a light on their needs and requires states to disaggregate their achievement data to show the specific progress of this group of students—a call to accountability for ELs that had never before been required. Additionally, it recommended, where practicable, the testing of EL students in their native language for the first 3 years that they are in the United States, and up to 5 years with review. The federal law also required that these students “be assessed in a valid and reliable manner. . . including to the extent practicable, assessments in the language and

form most likely to yield accurate data” (20 USCS, 6311, 2005). Thus, NCLB actually provided more protections for ELs than some state laws, but enforcing those protections has been difficult.

On the other hand, the accountability structures that have been built under NCLB are inflexible to the specific challenges that EL students face. The legislation required developing and attaining annual measurable achievement objectives (AMOs) for English language proficiency that some critics claim are “strict, complex, and questionable” (Wiley & Wright, 2004, p. 157). The legislation also required schools and districts to demonstrate “adequate yearly progress” for all students (including EL students) to meet state proficiency standards, with a requirement that all students reach proficiency by the year 2014. The requirement that schools demonstrate that EL students make adequate progress and meet the same standards required of native-born English-speaking students, in spite of significantly greater challenges and little additional funding, has placed many schools in jeopardy of losing their accreditation despite their best efforts. Some critics have also called attention to the ways in which such policies can stigmatize EL students as a source of problems for their schools (Fuller, 2004).

Although federal policy has shifted over the years, often resulting in bitter fights between the Department of Education and immigrant advocate groups, in reality, relatively little direction has been given to states as to how to effectively educate their immigrant students despite a growing body of research evidence (August & Shanahan, 2006; Genesee, Lindholm-Leary, Saunders, Christian, 2006). Ideological disagreements have resulted in little more than the funding of evaluations to test out whether English-only or bilingual programs provided the most effective instruction, even though researchers have long contended that this is not only the wrong question, it is essentially an unanswerable question. Had the federal government listened to educational researchers, they would have heard a strong appeal for research that focused on better understanding the skills needed by teachers and the specific strategies that could be applied to EL students whose needs vary as much as they do (see for example, August & Hakuta, 1997). Perhaps the greatest impact of federal policy has been on funding Title VII (English learner instructional funds) programs that helped to recruit and train skilled personnel to deliver instruction to EL students and their teachers (Crawford, 2004).

TWO STATES, TWO DIFFERENT POLICY CONTEXTS

Because states hold the constitutional authority to provide publicly financed schools, policy for educating English learners falls largely to

them. Texas and California, both with sizeable populations of immigrant students, provide two contrasting approaches.

TEXAS

Texas, like California, has a majority of “minority” students in its K–12 public schools. Today, 45% of its students are Latino, and an additional 15% are African American (see Table 2), although only about 16% of K–12 students are identified as limited English proficient. Overwhelmingly, the majority of non-English-speaking children in Texas are Spanish speakers (90%) and of Mexican ancestry. Texas is also a high immigrant state, but not as high as California (15% of Texans are foreign born compared with 26% of Californians). Early civil rights investigations in Texas found widespread discrimination in the state against its Mexican immigrant students and heavy segregation of Mexican students in the public schools (Carter, 1970). Texas had a very bad record of denying access to equitable education for both Blacks and Latinos (Grebler, Moore, & Guzman, 1970; U.S. Commission on Civil Rights, 1974). Yet, the south Texas border had long been home to elite Mexican-origin citizens who enjoyed considerable power and influence locally and in the state. The segregation that traditionally existed in the state also led to political blocs that could exercise power in the legislature. Although the Rio Grande Valley has been the site of poverty, discrimination, and undereducation of many Mexican immigrants, its towns and cities had long been populated with mayors and city officials of Mexican origin, providing a stepping stone to higher office. San Antonio, with similar proximity to the Mexican border as San Diego, California, was the first major city in the United States in modern times to elect a Mexican-origin mayor. San Diego has never had significant Mexican American representation in government, although it sits on the Mexican border. Even Los Angeles, California, with a much larger Mexican-origin population than San Antonio, did not elect a Mexican-origin mayor until 2004, when the city had a clear majority of Latino residents. As one high-level Texas Latino politician noted, “Texas has long understood the importance of the Latino population in the state” (R. Paredes, personal communication, October 2005). Despite racial and ethnic tensions, Texans’ identity is formed in part by their relationship to Mexicans. The “loss” of the Alamo remains an identity-shaping feature of Texas’s historical landscape.

It is also noteworthy that Texas has a part-time legislature and does not have an initiative process that allows citizens to generate laws, so radical changes in state policy occur less often than in California. Texas

legislators, with their eyes on the southern part of the state, can shape state policy in a more deliberative environment.

CALIFORNIA

California has a much larger EL population—about one fourth of all its 6.3 million public school students—even though the percentages of Latinos are quite similar to Texas, with 48% of public school students identified as Latino. California has an additional demographic wrinkle—a much higher percentage of Asian students (12%), some of whom are also ELs (California Department of Education, 2007; Texas Education Agency, 2005a; U.S. Census Bureau, 2005; U.S. Department of Education, 2007, table 40; see Table 2). California is also home to more immigrants than Texas, resulting in greater tensions over immigrant access to public services, and more students entering the school system along the entire continuum of K–12. Ironically, although during the civil rights era, Texas was far more segregated than California owing to policies from its confederate past, today, both states are among the most segregated in the nation (Orfield & Lee, 2006). Yet, California’s history of incorporation of Mexican residents is different from that of Texas, and its memory is short. Perhaps because it has been such a receiver state—with large percentages of its population emanating from outside the state—peopled by individuals coming to reinvent themselves, California’s identity is strikingly unaffected by its Mexican past; although virtually all of its major

Table 2. Demographic Characteristics of Children and Students: United States, California, and Texas (percent)

	United States	California	Texas
Total population, 2005			
Foreign born	12.0	26.8	15.1
Population aged 5–17, 2005			
Foreign born	5.0	9.4	6.9
Speak English only	81.1	57.3	68.5
Speak language other than English	18.9	42.7	31.5
Speak Spanish	13.4	33.8	28.3
Speak other language	5.4	8.9	3.2
Public school enrollment, 2005–06			
White, non-Hispanic	57.1	31.0	36.5
Black, non-Hispanic	17.2	8.0	14.7
Hispanic	19.8	48.5	45.3
Asian or Pacific Islander	4.6	11.7	3.1
American Indian/Alaska Native	1.2	0.8	0.3
Limited English Proficient		25.2	15.7

cities have Spanish names, its Mexican origin population has, until very recently, had relatively little influence on the emerging identity of the state.

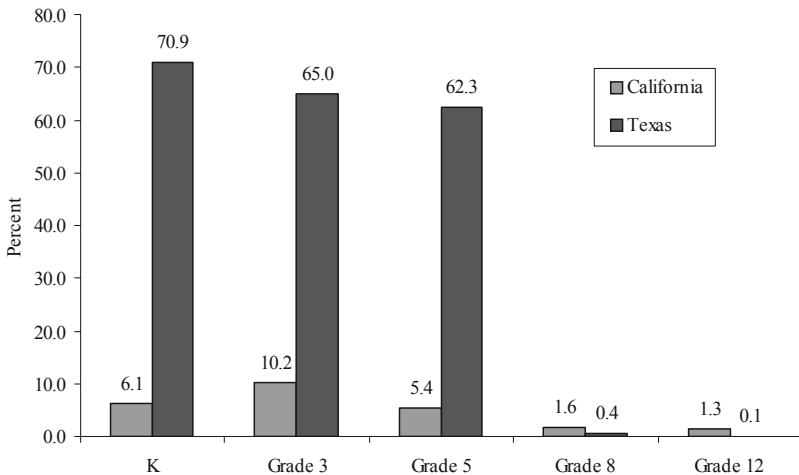
California has also been cited historically for denial of civil rights to Mexican- and Asian-origin residents and was the object of several lawsuits for illegal segregation of Latino students in its public schools (see *Westminster v. Mendez, 1946*; Acuña, 1988) and denial of education to Chinese-speaking students (*Lau v Nichols, 1974*). Yet, the civil rights abuses were not as pervasive in California as in Texas (Carter, 1970), nor was the sharing of power and wealth at the border as evident. It could be said that California has never really understood the importance of the Latino (or Asian) population in its midst in the way that Texas has. In recent years, a series of voter initiatives have been passed in California aimed at curbing access to social and educational services for immigrants (mostly Mexican) in the state. Beginning with Proposition 63 in 1985, in which voters passed an English-only initiative (largely invalidated by the courts), and through the 1990s, which saw an attempt to restrict access to schools and social services for undocumented residents (Proposition 187), a ban on affirmative action, which largely affected Blacks and Latinos for state employment and college admission (Proposition 209), and severe restrictions on bilingual education (Proposition 227), voters have been sending messages that the welcome mat is no longer out for immigrants and other minorities—if it ever was.

DIFFERENCES IN EDUCATIONAL PROGRAMS FOR ENGLISH LEARNERS: TEXAS AND CALIFORNIA

Perhaps because the general climate is different between the two states, Texas and California approach the schooling of English learners quite differently. Texas mandates that elementary schools with 20 or more students in the same grade level from the same language background provide bilingual programs, although parents have the right to refuse to enroll their children in those programs.⁶ The schools can offer different types of bilingual programs, from early-exit or transitional bilingual, in which the native language is used to build academic literacy skills and concepts before transitioning to English, to late-exit and dual immersion programs that promote academic achievement and language proficiency in both languages. If there are insufficient numbers of students to offer bilingual programs, the schools must offer ESL programs in which students learn academic content through second language strategies while they learn English. Texas enrollment data show that the majority of students in elementary school are enrolled in bilingual programs compared

to relatively few in such programs in California (California Department of Education, 2007; Texas Education Agency, 2005b; Figure 3). Although we were unable to identify any data showing the percentage of students enrolled in different types of bilingual programs, the fact that there is relatively little change in the percentage of EL students enrolled in bilingual programs from Grade 3 to Grade 5 suggests that most students are in late-exit programs or at least continue to receive some primary language support. In contrast, very few students in secondary schools are enrolled in bilingual programs, as only ESL is required in grades 9 - 12.

Figure 3. Percent of students enrolled in bilingual programs by selected grades, California and Texas, 2005



California's approach to educating ELs is quite different. Prior to the passage of Proposition 227, California schools were allowed to offer bilingual programs, but, as in Texas, parents did not have to enroll their children in them. However, at no point were more than 30% of ELs in California ever enrolled in such programs. Proposition 227 greatly restricted access to bilingual programs by requiring parents to petition their school districts if they wanted their child(ren) in a bilingual (or "alternative") program. But research has documented that the process of informing parents of their rights and of granting parental waivers was often unclear and politically contentious (Gándara, 2000; Wiley & Wright, 2004). Moreover, the pressure for schools to improve the performance of EL students on English-based accountability tests has also led to a decline in the number of students enrolled in bilingual programs

and in the amount of primary language instruction offered when they are in such a program (Gutierrez, 2002). In 2005, only 6% of kindergarteners, 10% of Grade 3 students, and 5% of Grade 5 students were enrolled in bilingual programs (see Figure 3).

Texas's and California's approaches to educating language-minority students differ in other ways as well. Two important differences are in the credentialing of teachers and in the assessment of students whose primary language is not English.

TEACHER PREPARATION AND SUPPORT

It has been argued that the most important resource in schools is the teacher, and certainly there is abundant research that demonstrates the critical importance of the teacher in academic outcomes (Darling-Hammond, 1999; Darling-Hammond, Berry, & Thoreson, 2001). Although Texas engages in much more bilingual education than California, criteria for credentialing teachers in the area of bilingual education are less stringent than in California. To be credentialed as a bilingual teacher in Texas, one must hold a bachelor's degree, participate in a teacher preparation program (which may be concurrent with teaching), and pass the state tests. The bilingual teacher certification test consists of 160 multiple-choice questions relating to knowledge of bilingual education and appropriate pedagogy. The bilingual teacher candidate must then take the Texas Oral Proficiency Test (TOPT) in Spanish or French. This is a test of oral comprehension and production based on taped prompts in English. The literacy level of the average Texas bilingual teacher in Spanish or French is not known because no testing of literacy is currently required.

California has a more extensive set of requirements for the bilingual teacher credential, including possession of a bachelor's degree, completion of a bilingual teaching certification program, and completion of a standardized test that includes all four modalities—oral comprehension and production, and reading and writing in the target language—and passing the appropriate culture, content, and pedagogy tests in English. These tests do not ensure that teachers will be fluent bilinguals, but the California examination does require greater competency in the target language. However, the bilingual teacher credential is only required for teachers who teach in bilingual classrooms; for teachers who teach ELs in English-only classrooms, where the majority of ELs are currently taught, the credential requirements are much less, as little as 45 hours of instruction in theory and methods for teaching students, and no supervised practice.

California also mandates professional development for its teachers and has invested in developing in-service training for teachers of ELs. However, our analyses of existing data suggest that the average teacher received little more than 2 hours per year of in-service training dedicated to the teaching of ELs in the early part of this decade⁷ (Gándara et al., 2003). Texas does not require that credentialed teachers receive in-service training in specified areas. The difference in credentialing policy has had very real implications at the classroom level: unlike California, Texas has been able to provide a bilingual (if not biliterate) teacher for the great majority of its English Learners at the elementary grades.

ASSESSMENT

Another area in which California and Texas differ substantially is in testing policy. Although both states have developed extensive testing systems tied to state standards and have also developed state tests for English proficiency, California assesses its LEP students in English only, and from the first day that they are enrolled in a California school. That is, although test scores of EL students are not used for accountability purposes until students have been in the schools for 1 year, they are tested along with all other students during the regular testing cycle even if they have only been in the United States for 1 day. This is in spite of the fact that California now has a Spanish language test that is standards-aligned for most grade levels, but chooses not to use it for accountability purposes. Texas, on the other hand, allows EL students to be tested completely in Spanish through the fifth grade. Over one third of third-grade EL students in Texas took the TAKS (Texas Assessment of Knowledge and Skills) in Spanish in 2005 (Texas Education Agency, 2005b, appendix 2), allowing them to demonstrate their achievement in their native language and in the language of instruction. This presumably has an impact on increasing the percent of students who are able to achieve a level of academic proficiency in reading and math. And, of course, this policy is in line with the mandates of NCLB.

California, on the other hand, appears to have ignored NCLB provisions for testing EL students and has insisted on testing these students in English regardless of whether they understand it. This fact has almost certainly reduced test scores for some of these students and has also placed extreme pressure on the remaining bilingual programs in the state to shift to a greater emphasis on English instruction to help the students achieve proficiency on the state tests. If they fail to show adequate progress in English, their schools can be penalized and ultimately even disbanded. The inherent unfairness of this policy has resulted in two

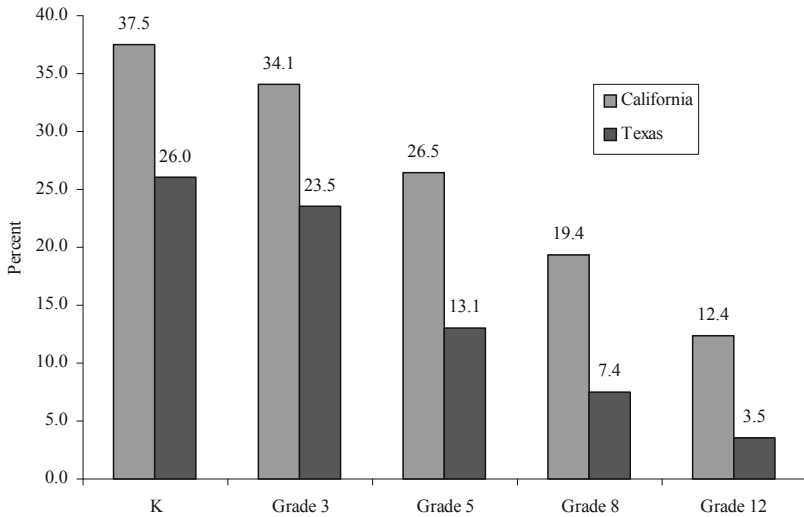
major lawsuits against the state to stop the practice.

It is interesting that although criteria for being reclassified as a fluent English speaker are similar between California and Texas (with possibly stricter provisions in Texas, in which students must meet a state standard of 40th percentile on a standardized test of English language arts or reading, as opposed to varying standards in California schools, ranging from “basic” to “proficient” on the state ELA standard test), students in Texas appear to reclassify to English proficient status at a higher rate than those in California, as shown in Figure 4. It is not clear if this is due to instructional methods or other factors; a lack of monitoring of the process in Texas leaves this as an open question. Nonetheless, Texas appears to be more successful in helping its English learners acquire English.

DIFFERENCES IN ACADEMIC ACHIEVEMENT

Do these two different approaches yield different results for ELs? One way to answer this question is to examine how rapidly ELs are reclassified as fluent English proficient (FEP) and transitioned into mainstream classes. California schools actually report the number of FEP students and the number of students reclassified each year; Texas apparently does not. However, we can examine the proportion of students who are classified as limited English proficient by grade level to see if the proportions change over time. As students become more proficient in English over time, they should become eligible for reclassification. Both Texas and California also require that LEP students demonstrate subject matter proficiency on standardized achievement tests to be reclassified. So we might expect similar declines in the proportion of LEP students over time. However, data show that the proportion of LEP students declines much more rapidly by grade level in Texas than in California. For example, the percentage of LEP students in Texas is reduced by half from the beginning of elementary school in kindergarten to the end of elementary school in Grade 5, from 26% to 13% (Texas Education Agency, 2005c; Figure 4). In contrast, the proportion of LEP students in California is only reduced by one third, from 38% to 27% (California Department of Education, 2007). By the end of Grade 8, the percentage of LEP students in Texas is reduced by almost another half (from 13% to 7%), whereas in California, it is only reduced by another quarter (from 27% to 19%). These data suggest that from the beginning of elementary school to the end of Grade 8, Texas has reclassified almost three quarters of its ELs, whereas California has reclassified only about half.⁸

Another way to answer this question is to compare the academic performance of Texas and California LEP students on a common metric.

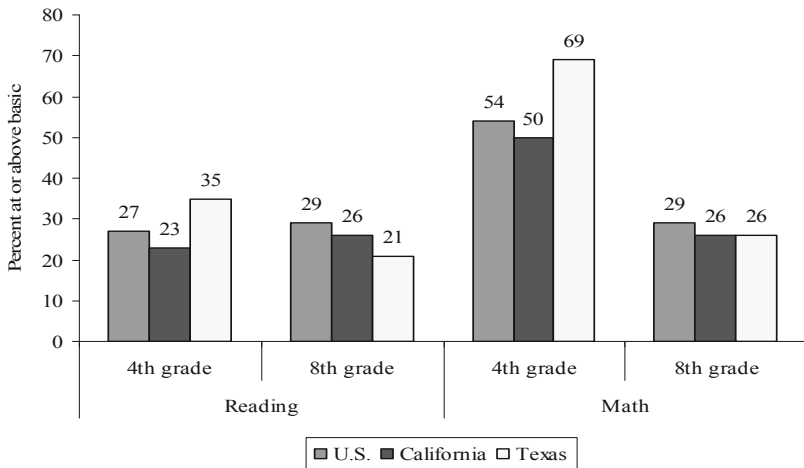
Figure 4. Percentage of LEP students by grade level, California and Texas, 2005

That metric is the National Assessment of Educational Progress (NAEP), a national assessment given to students in every state every other year as part of NCLB. Data from the 2005 NAEP show that Texas LEP students outperformed California LEP students, and LEP students nationally, in both fourth-grade reading and math. In reading, 35% of Texas LEP students were proficient, compared with 23% of California LEP students, and 27% of LEP students nationally (U.S. Department of Education, 2006; see Figure 5). In math, 69% of Texas LEP students were proficient, compared with 50% for California LEP students, and 54% of LEP students nationally.⁹ In eighth grade, however, Texas LEP students underperform relative to California LEP students, and LEP students nationally. But recall that the data we reviewed previously suggest that Texas is reclassifying students at a higher rate than California, which means that Texas LEP eighth-grade students may be more disadvantaged relative to those in California.

CONCLUSIONS

Returning to the question that we ask in the title of this article—How does language policy structure opportunity?—we conclude that narrowly constructed notions of the needs of immigrant youth, such that language alone becomes the focus of immigrant incorporation, appears to lead to

Figure 5. Percent of LEP students at basic proficiency in math and reading, United States, California, and Texas, 2005



enduring inequities in educational opportunity. Moreover, when the approach to language education is one that attempts to eradicate students' native languages in an attempt to transform their identities, the results are predictably negative. Although Thomas Carter's groundbreaking 1970 book, *Mexican Americans in the Southwest: A History of Educational Neglect*, laid the blame for the extremely low achievement of Mexican-origin students on a neglectful educational system, in Texas it might be construed as a vestige of the state's segregationist policies. In California, it was as likely to be the result of a failure to even acknowledge the presence of this population in its midst.

Notwithstanding the reasons for this narrowing of focus, immigrant youth in the United States are typically consigned to curriculum tracks and services that provide little more than an impoverished version of a rudimentary education in English. The data show that their average academic performance is far below that of English-speaking peers, and they are seldom given the opportunity to adequately prepare for postsecondary education.

Although other models of educational services for immigrant students do exist (such as newcomer centers), in practice, the primary way in which immigrant students are served by the public schools is through English language instruction and, to a lesser extent, instruction in content areas. Certainly this is most true at the secondary level; even Texas,

with a relatively strong bilingual law, provides very little primary language instruction beyond the elementary grades, undermining any serious attempt at creating biliterate individuals. Reinforcing a healthy ethnolinguistic identity is no longer on the national educational agenda, and most of these students' broader social and emotional needs are simply ignored by current program offerings.

Within the very limited parameters of programs offered to immigrant ELs in the public schools, substantial differences are found between the approaches of Texas and California, the two states with the largest immigrant student populations. And different policies concerning the education of ELs appear to be related to different outcomes. Texas's ELs appear to outperform California's LEP students on both state and national (NAEP) tests of achievement. Placed in the context of what also appear to be substantially different criteria for bilingual teacher certification, this is an intriguing finding. Texas sets a relatively low bar for certification of its bilingual teachers, but many more students are provided with some kind of primary language support because Texas continues to use bilingual education as a significant educational strategy. California does not. Therefore, one is tempted to conclude that bilingual instruction may be yielding better outcomes for students than the English-only instruction practiced widely throughout California, though we cannot say for certain without a closer examination of the data over time and a better understanding of what happens inside these classrooms. Given the unknown Spanish (or French) literacy skills of bilingual teachers in Texas, the level of primary language literacy instruction they provide cannot be determined.

Weak policy is one kind of problem, inconsistent policy is another. Shifting educational policies at both the state and federal levels have undermined opportunities to gain traction on improving the education of ELs. Some states, such as California, Arizona, and Massachusetts, have voted in EL policies dictated by well-orchestrated ballot initiatives built on identity politics rather than the educational welfare of children. Despite increasing evidence that primary language programs are more effective in raising the achievement of ELs (August & Shanahan, 2006; Genesee, Lindholm-Leary, Saunders, Christian, 2006; Rolstad, Mahoney, & Glass, 2005; Slavin & Cheung, 2003), these states have shifted educational policies away from bilingual instruction in ways that have resulted in educational systems "riddled with inconsistencies in how children [are] being taught" (Sacchetti & Jan, 2006). Texas's greater consistency in policy may be paying off in terms of higher achievement for its immigrant and EL students.

Due in large part to the highly politicized nature of language use, the

federal government has missed the opportunity to spearhead the critical research on how best to educate the teachers who teach our immigrant and EL students and how to most effectively teach these students, depending on differing local conditions, resources, and populations served. The federal government has spent limited resources on studies that asked the wrong question, and avoided the important ones. Millions of dollars have been spent and great amounts of political capital squandered on attempting to determine which program is most effective—bilingual education or English-only instruction—without bothering to ask for whom, under what conditions, or with what goals in mind. When asked in this format, the answers are necessarily complex and multidimensional. Research focusing on the critical competencies necessary for teachers of immigrant and EL students has not been conducted, and the optimum content of teacher preparation and professional development programs remains unknown. To what extent and in what form newcomer programs can best serve the needs of immigrant students has not been well studied.

If we are to meet the challenge of truly educating the increasing numbers of immigrant students in the nation's public schools, we need to better disseminate the research we have, and we need to invest in answering the critical questions that remain. One important element of this effort will necessarily include the development of better longitudinal databases that allow us to ask—and answer—questions about the normative social and academic development of immigrant students and ELs. However, an honest examination of the topic will require a retreat from the politicization of language as a symbol of power and identity in American society.

Notes

1. *Phylar v. Doe*, 1982, decided in favor of undocumented immigrant students for whom the state of Texas sought to deny an education based on their immigration status, finding that they were not responsible for their presence in the United States and could not therefore be punished for an act over which they had no control. Proposition 187, passed by the voters of California in 1994, would have denied education to undocumented immigrant students but was found unconstitutional because the 14th amendment does not limit equal treatment only to citizens.

2. Proposition 227, passed in California in 1998, sought to severely restrict the use of bilingual education for most children in the state. It has resulted in a significant decline in the percent of ELs in primary language programs—from 29% prior to its passage to about 7% today (Parrish et al., 2006). Proposition 203, a referendum passed by Arizona voters in 2000, was modeled after Proposition 227 but with even stricter provisions, thus almost entirely eliminating bilingual instruction in that state (Wiley & Wright, 2004; Wright, 2005).

3. These arguments can be tracked in California State Board of Education minutes during 2006-07 in particular.

4. The curriculum for PIQE consists of seven sessions: home/school collaboration; academic standards and reading; the home, motivation, and self-esteem; how the school system functions; communication and discipline; college and career election; and a practicum. During the final session, the practicum, the principal and staff members respond to parents' questions and further acquaint them with the available school resources, opportunities to volunteer, and other programs to continue their education. The course culminates with a graduation ceremony in which the parents receive a certificate of completion before their children's eyes. It is a real celebration! The PIQE curriculum has been taught in more than 14 languages.

5. At this writing, such a proposal was pending in the Congress, though its outcome was far from certain.

6. See: <http://www.tea.state.tx.us/curriculum/biling/>

7. Funding for professional development of teachers in California fluctuated wildly in the first half of the decade (2000–2005), so it is difficult to say with certainty how much professional development teachers received in a specific year during this period.

8. These differences could also reflect differences in the number of immigrants entering the schools in the upper grades. California does have more foreign-born school-age children (9% vs. 7%; see Table 2) and a larger foreign-born population (27% vs. 15%; see Table 2) than Texas, but it is doubtful that these differences are large enough to explain the apparent differences in reclassification rates that these data imply.

9. Schools can exclude EL students from participating in NAEP testing if the classroom teacher believes the student cannot understand the English-based test. In Texas, 23% of ELs were excluded from the grade 4 reading test, compared to 7% in California; 10% of ELs in Texas were excluded from the grade 4 math test, compared to 5% in California (Rumberger & Tran, 2008). These differences could help explain at least some of the higher scores for Texas ELs.

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