

The Education of Limited English Proficient Students in California Schools: An Assessment of the Influence of Proposition 227 in Selected Districts and Schools

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Abstract

Two separate but interrelated studies are reported regarding the implementation of Proposition 227 in California. The first “in-the-field” pilot study was conducted during a period of eight months after the passage of Proposition 227 in June 1998. The pilot study consisted of eight school districts selected in 1998–99 from a statewide group involved addressing issues of Proposition 227 implementation. The second study took place in 1999–2000. The purpose of this study was to gather information regarding the implementation of Proposition 227 a year after its passage from a more representative sample of districts throughout the state.

The data from first and second year studies provides documentation of local policy articulations related to the specific program implementation of Proposition 227. In general, sampled districts, schools, and classroom teachers have not ignored Proposition 227. Its implementation, however, has not produced a “sea of change” in programmatic efforts for LEP students nor any marked differential achievement gains on standardized exams. Instead, previous programmatic efforts seem to dictate the specific implementation strategies regarding the new state mandate, and ELL students showed similar patterns of test achievement when compared to non-ELL students.

In the state of California, educators of English language learners (ELLs), formally identified under California law as limited English proficient (LEP) students, were faced with implementing a new statewide mandate regarding the educational program alternatives as articulated in Proposition 227. (See the California State Department of Education, *Educating English Learners for the Twenty-First Century, 2000*, for detailed regulations and guidelines. (A related web site is: <http://www.cde.ca.gov/cilbranch/bien/bien.htm>) Indeed, in many parts of the country today’s teachers respond to students in their classrooms in different ways than teachers did in the classrooms of their own childhood. Today in California 1 in 3 children are from an ethnic or racial minority group, 1 in 5 speaks a language other than English at home, and 1 in 10 are born outside the United States. The linguistic and cultural diversity of California’s school population has increased dramatically during the past three decades and is expected to increase even more in the future. The concept of “minority” group is becoming obsolete.

Educating children from immigrant and educating children from families of immigrant and ethnolinguistic groups is a major concern of school systems across the country, but particularly in California. For many of these children, education is not a successful experience. While one tenth of non-Hispanic White students leave school without a diploma, one third of Hispanic ELL students and two thirds of immigrant students drop out of school. This pattern of educational underachievement begins in the early grades (García, in press). The educational practice targeted at these students is the implementation of bilingual education programs. Bilingual education is defined here as the application of specialized educational techniques utilizing a student's native language to enhance the learning opportunities of students who come to school speaking a native language other than the predominant language of the school process. Such students reside throughout the world.

In the United States, bilingual education has received considerable research, policy, and practice attention because of the continued presence of non-English-speaking immigrants and indigenous people of the country who do not speak English as their native language. The U.S. Congress has authorized legislation targeted directly at these students on six separate occasions (1968, 1974, 1984, 1987, and 1994) while numerous states have enacted legislation and developed explicit program guidelines. The U.S. federal district courts and the U.S. Supreme Court have specific enunciated judgements that protect the rights of language minority students. In response to these actions, U.S. schools have developed various models of bilingual education.

Major Educational Debates in Bilingual Education and Proposition 227

The debate regarding the education of limited LEP or ELL students in the United States has centered on the instructional use of the students' native language. Discussion of this issue has included cross-disciplinary dialogues involving psychology, linguistics, sociology, politics, and education. (See Cummins, 1979; Troike, 1981; Baker & de Kanter, 1983; García, 1983; Willig, 1985; Rossell & Ross, 1986; Hakuta & Gould, 1987; August & García, 1988; Baker, 1990; The Stanford Working Group, 1993; García, 1999; Rossell & Baker, 1996.)

Supporters of native language instruction are at one end of this debate. They recommend the utilization of the student's native language and mastery of that language prior to the introduction of an English curriculum. This approach suggests that the competencies in the native language, particularly as they relate to academic learning, provide important cognitive and social foundations for second language learning and academic learning in general. They argue, "you really only learn to read once." At the other end of this debate, introduction to the English language curriculum is recommended at the onset of the student's schooling experience with minimal use of the native language. This specially designed approach calls for English language "leveling" by instructional staff to facilitate the understanding of limited English proficient students, combined

with an English-as-a-second-language component. In essence, the earlier the students are taught in English and the longer they are exposed to it, the greater the English linguistic advantage (Baker and de Kanter, 1983; Rossell, 1992).

Each of these approaches argues that the result of its implementation will be short-term linguistic advantages, which will lead to more long-term psychological, linguistic, and educational advantages resulting in direct social and economic advancement (Cárdenas, 1986; Rossell & Ross, 1994). Simply put, each of these approaches suggests that a simple twist to the educational curriculum focusing on the language of the curriculum will fix the problem. The belief is that this is particularly true if this intervention is carried out in the early years. Thus, it has been the case that policy and practice have been driven by this debate and its related assumptions regarding the importance of the language character of the linguistically diverse student.

In California, the most impressive empirical analysis related to this debate comes from the evaluations of three types of efforts: a large scale bilingual education evaluation in five predominantly Hispanic populated elementary schools in Los Angeles in the early 1990s; a more recent 1998 analysis of over 17 elementary schools and 7 middle schools offering bilingual education programs to Hispanic and Chinese students in San Francisco, and; a set of evaluation studies of two-way bilingual education programs in San Jose and Marin counties (August and Hakuta, 1997). These two-way programs combine Spanish native speakers with English native speakers with the goal of producing bilingual and biliterate students by the fifth grade. In each of these studies students in bilingual programs were achieving at or above the level of comparison group student peers. Most impressive is the data from San Francisco that indicate that students who had been in bilingual programs for four consecutive years were significantly outperforming English-speaking students on measures of English reading and math at the seventh grade. The analysis of the two-way programs indicates that English-only speaking students in these programs performed at the same levels as their similar cohorts who attended English-only programs of instruction.

Unfortunately, proponents of the “native language instruction policy” have ignored the contributions of Freire (1970), Bernstein (1971), Cummins (1979, 1986), Heath (1986), Ogbu (1986), Trueba (1987), Levin (1988), Moll (1992), and García (in press), who have concluded that the schooling vulnerability of such students must be understood within the broader contexts of this society’s treatment of minorities in and out of schools. That is, no quick fix is likely under social and schooling conditions that mark the ELL student for special treatment of his/her language difference without consideration for the psychological and social circumstances in which that student resides. This is not to suggest that the linguistic character of this student is insignificant. Instead, it warns us against the isolation of this single attribute as the only variable of importance. This more comprehensive view of schooling includes an understanding of the relationship between home and school, the socio-cultural incongruities between the two, and the resulting effects on learning and achievement (Tharp, 1989).

As part of this debate, a new California state initiative is the most recent action to specifically address educational services to ELL students. With regard to such educational services, the new ballot measure identified as Proposition 227, English for the Children, passed with 61% of the vote on June 2, 1998, implementing the following:

1. Required all children to be placed in English language classrooms, and that English language learners be educated through a prescribed methodology identified as structured English immersion as a temporary transition period not normally to exceed one year.
2. Allowed instruction in the child's native language only in situations in which parents went to their child's school and submitted a written waiver request each year.

Therefore, Proposition 227 allows native language instruction only through an exclusionary and complicated process and promotes English language instruction as the norm for ELL students. Moreover, teachers, administrators, and school board members would be held personally liable for fees and damages by the child's parents and guardians for improper implementation. These provisions, taken together, are the most restrictive measures yet for serving ELL students either nationally or within any state via legislation or the courts.

The initiative was adjudicated in both state and federal court venues, with the courts finding that the proposition is appropriately aligned with federal and state rulings related to the education of ELL students. It is anticipated that the political and educational effects of Proposition 227 will have substantive influence on the future of bilingual education policy and its practice within and outside the state of California. Opponents of the policy and its related practice implications have indicated that the proposition is completely out of alignment with recent federal policy. In their view, effective classroom practices and new theoretical formulations for these same students are essential (Gándara, Larson, Mehan, & Rumberger, 1999; García & González, 1995).

The express purpose of the research reported here was not to attempt any further elaboration of the bilingual education debate. Instead, this research effort is intended explicitly to explore the link between the new Proposition 227 policy environment and the policy/programmatic effects on a selected but representative set of school districts and schools in California.

Methodology

We used qualitative research techniques for this study. We conducted in-depth interviews using structured open-ended interviewing protocols designed for each of the three groups (district personnel, principals, and teachers). The interviews were conducted over the telephone. Our samples consist of 8 districts based on geographical representation in the state to include urban and rural school districts and a random sample of 39 districts,

which had a minimum enrollment of 25% LEP students. The present study concentrates on an analysis of 46 district personnel and 58 school principal interviews.

For both studies research participants were identified in the following manner. District participants were selected in terms of their identified leadership role in overseeing the implementation of educational programs for ELL students. The district person was asked to nominate two principals in the district using the following criteria: one from a school that represents the district's overall response to 227, and one whose school individually developed Proposition 227 implementation plans. The principals were asked to refer two teachers from their schools. Our first choice was first-grade teachers who met the following characteristics: someone whose classroom represents the district's overall response to Proposition 227; and a teacher who has developed procedures for Proposition 227 at their site which are different than the district's overall response. Participants were informed that their answers would remain confidential. Respondents were coded linking clusters of participants by district: school/principal and teacher/classroom. This procedure allows us to analyze the relationship between the district's stated form of implementation of Proposition 227 and the eventual classroom practices used at a sample site.

While we constructed interviewing protocols according to the respondent role in the district, we asked the following questions of each set of respondents:

1. How did each school and district respond to the mandated components of Proposition 227?
2. What were the specific instructional and curricular effects of this policy initiative on the district, school, and classroom?
3. When and how did related Proposition 227 policy changes influence administrator, teacher, parent, and student relationships at the district and school level?
4. What organizational roles and expectations were affected in policy articulations as a result of Proposition 227?
5. Who and what were identified as critical policy agents? Why?

Our research data illustrate preliminary insights that provide a foundation for a more extensive understanding of the influence of policy instruments like Proposition 227 over time.

The Samples

District characteristics and implementation outcomes:

The pilot sample

The pilot group respondents consisted of 8 school district personnel, 8 principals, and 16 elementary school teachers. These districts had a 30% to 50% LEP student population and were selected to represent districts that had been identified by a study advisory group as having eliminated or maintained bilingual education.

Interviews for the pilot study were conducted between November and June of 1998-99, very soon after the passage of Proposition 227 in June 1998.

Table 1

Pilot Study District Profiles, 1998–1999

	Implementation Procedure	Total Enrollment	LEP
1	Eradicated	11,592	46.1%
2	Maintained BE	53,462	31.6%
3	Choice	133,687	28.0%
4	Choice (Through Waivers)	78,470	33.1%
5	Negotiated Choice English-only and Maintained	3,519	32.6%
6	Maintained	61,174	31.8%
7	Maintained	6,480	79.5%
8	Eradicated with Sheltered English Immersion	19,479	9.7%

District characteristics and implementation outcomes:

The random sample

The random sample includes 39 school districts selected from California Department of Education demographic data (CBEDS). The districts were drawn only from areas reporting a minimum of 25% ELL students. Of the 905 school districts in California that serve ELL students, 77 school districts met all of our criteria. Therefore, our sample constitutes 50% of the eligible districts within the state. Ten districts have fewer than 5,000 students, while 29 districts have a total student population greater than 5,000.

Our initial sample included 40 districts of which 11 districts chose not to participate in the study. When districts declined to participate they were replaced with districts meeting their specific characteristics and were also drawn through random selection. Replacement attempts were limited to three times. After that, a district was considered a failed district. Ten declining districts were successfully replaced. One district became a failed district, as we were unable to successfully replace it from our random sample pool. Thus, we completed our study with an adjusted sample of 39 districts.

We conducted our interviews during January and July of 2000. The data were audio recorded and transcribed for analysis. Interviews ranged from 29 to 115 minutes with most taking between 44 and 55 minutes.

Respondent characteristics: Random Sample

We interviewed 170 respondents (39 district personnel, 50 principals, and 81 teachers). Our sample was overwhelmingly female, with a total of 134 women and 36 men. Men tended to be principals and district personnel (30 out of 35), while women tended to be teachers (75 out of 134). The teachers in our sample had various types of credentials. Forty five percent were CLAD (Cross Cultural Language Academic Development) or BCLAD (Bilingual, Cross Cultural Academic Development) certified. Eleven percent had multiple subject credentials that were not CLAD or BCLAD. Thirteen percent had BCC multiple subject credentials, and 8% had an emergency credential. Twenty-two percent of our teacher sample had credentials categorized as “other.” These included LDS (Language Development Specialist), lifetime, single subject, special education, specialist credential, and TESOL (Teaching English as a Second or Other Language).

Results

All districts and schools reported implementing 227 as prescribed by the California State Department guidelines and related actions of the California State Board of Education.

One school administrator’s comments illustrated the sentiments of both district and school administrators in our sample, “we followed the law to the letter.” Even though all districts reported thorough implementation of Proposition 227, they also consistently reported substantial pressures and confusion in developing and implementing a plan prior to the beginning of the 1998–99 school year. One district administrator of an urban district indicated:

Well, the first thing that we did of course was study the advisories that came out of the California Department of Education . . . including the legislation itself. . . . We tried to make the best interpretation of those documents . . . because there wasn’t a lot of specificity, as you know, in the legislation itself. So a lot of that had to be interpreted and there wasn’t much coming forth from the State Department. They were still in the process of forming implementation regulations that needed to be approved by the State Board of Education. . . . We were very clear that we needed to have a plan to implement it starting in August, this school year, and didn’t have any direction other than our interpretation of the legislation. So, on that basis, we—and, it’s important for you to know we are also under a compliance agreement with the Office of Civil Rights and the State Department of Education to bring the district into compliance based on pre-227 law. So, we were caught between the old law—because of the compliance agreement, and implementing the new law and the two don’t necessarily see eye to eye.

Several districts with large numbers of language minority students admitted that their implementation plans were drawn up rapidly and with little consultation:

The policies and the documents that I referred to earlier, the bilingual reform plan as well as the Prop 227 implementation guidelines were written in a very short period of time. And so, the people who were the main players in this included the superintendent, the board policy analysts, the central office staff, particularly the second language staff from site administration, and the teachers association. So, although there was a short time line and there was not as much participation as there might have been in prior years or in a less time-crunched situation. And it will take planning this spring to get beyond the bilingual and English language immersion and get out into the structured language and get school organized accordingly.

I actually sat down and wrote the whole plan. And I really did not have time to pull in anyone to help me with it. I basically had an eight-day turn around time from receiving the guidelines the State Board of Education and the State Department of Education to put together a plan and take it to the board of education for approval. Now, after the approval, the Board of Education, when we have the directions and the instructions from the board, from our own board, many more administrators, managers from the district level stepped in and together we modified this and we changed that a little bit. We worked it out somehow. But, we did not have a collaborative effort that I had hoped for. We did bring the final plan to a group of teachers and union representatives. So far, if I could recall, they were quite positive in their support of the district's directions. I wish I could share with you more. I sat down a couple of nights and put that together.

Another district administrator reported that in his district there was specific tension between federal regulations and Proposition 227:

What we tried to do first was get the Office of Civil Rights to give us some direction about—does federal regulation supersede state regulation? And if so, where? We were never able to secure that. And so, we kind of had to use our own judgement as to how to maintain some sense of harmony between the compliance agreement and 227. So, we did the best that we could and came up with a set that we call the interim plan to implement 227.

It is evident from our sample that district and school personnel attempted to respond directly to the new state law. However, they faced ambiguity and program conflicts. No district reported ignoring the new set of regulations although they consistently worried about the specific interpretation of the general policies to their specific circumstances. Moreover, their plans developed in a climate of urgency with limited consultation with a broad set of constituencies. For this reason, even at the time of our interviewing, deep into

Table 2

Random Sample District Profiles, 1999–2000

	Implementation Procedure	Total Students	Total LEP	LEP	Spanish	Spanish	Other LEP
D2001	Maintained BE/waivers (C1)	21,693	5,511	25%	3,670	67%	33%
D2002	Maintained BE/waivers (C1)	53,462	16,903	32%	9,024	53%	47%
D2004	Maintained BE/waivers (C1)	78,470	25,947	33%	12,601	49%	57%
D2005	Eliminated BE	5,742	2,480	43%	2,186	88%	12%
D2006	Maintained BE/waivers (C1)	11,436	6,938	61%	5,771	83%	17%
D2007	Maintained BE/waivers (C1)	9,179	2,536	28%	2,042	81%	19%
D2008	True Choice (C3)	30,164	1,3911	46%	4,554	33%	67%
D2009	True Choice (C3)	18,833	5,238	28%	3,884	74%	20%
D2010	Eliminated BE	11,592	5,340	46%	1,916	36%	64%
D2011	Eliminated BE	4,400	1,458	33%	995	68%	32%
D2012	SEI	4,865	1,986	41%	763	38%	62%
D2013	SEI	14,367	4,137	29%	3,573	86%	14%
D2014	Maintained BE/waivers (C1)	11,553	4,830	42%	1,950	40%	60%
D2015	True Choice (C3)	52,107	36,988	71%	35,566	96%	4%
D2016	Eliminated BE	28,294	7,101	25%	6,011	85%	15%
D2017	Maintained BE/waivers (C1)	9,280	4,176	45%	1,859	45%	55%
D2018	Eliminated BE	5,113	1,553	30%	600	39%	19%
D2019	Maintained BE/waivers (C1)	6,370	3,853	60%	3,446	89%	17%
D2020	Eliminated BE	133,687	37,413	28%	26,904	72%	28%

Table 2 (continued)

Random Sample District Profiles, 1999–2000

	Implementation Procedure	Total Students	Total LEP	LEP	Spanish	Spanish	Other LEP
D2021	SEI (BE diminishing) (C2)	25,662	7,063	28%	2,836	40%	60%
D2022	SEI (BE diminishing) (C2)	5,027	3,438	68%	2,962	86%	14%
D2023	SEI (BE diminishing) (C2)	4,397	1,408	32%	1,151	82%	18%
D2024	True Choice (C3)	15,887	7,512	47%	5,724	76%	24%
D2025	SEI	8,928	3,103	35%	356	11%	89%
D2026	Maintained BE/waivers (C1)	23,037	6,135	27%	3,078	50%	50%
D2027	SEI	11,312	3,390	30%	1,121	33%	67%
D2028	Maintained BE/waivers (C1)	10,870	5,750	53%	3,302	57%	43%
D2029	SEI (BE diminishing) (C2)	1,162	507	44%	392	77%	23%
D2030	Eliminated BE	7,774	2,179	28%	1,694	68%	22%
D2031	SEI (BE diminishing) (C2)	2,398	1,773	74%	1,462	82%	18%
D2032	Maintained BE/waivers (C1)	3,749	1,305	35%	1,304	99.9%	0.08%
D2033	SEI (BE diminishing) (C2)	2,364	1,193	50%	1,188	99.5%	0.42%
D2034	Maintained BE/waivers (C1)	985	506	51%	233	46%	54%
D2035	SEI (BE diminishing) (C2)	17,583	5,907	34%	5,587	95%	5%
D2036	Eliminated BE	3,619	1,308	36%	1,304	99.7%	0.33%

Table 2 (continued)

Random Sample District Profiles, 1999–2000

	Implementation Procedure	Total Students	Total LEP	LEP	Spanish	Spanish	Other LEP
D2037	True Choice (C3)	8,076	3,432	43%	3,185	93%	7%
D2038	Eliminated BE	804	223	28%	188	84%	16%
D2039	Maintained BE/waivers (C1)	16,506	5,630	34%	5,362	95%	5%
D2040	SEI (BE diminishing) (C2)	7,037	2,046	29%	1,825	89%	11%

the second school year, district administrators indicated that their implementation was preliminary in nature and would require further review and modification.

Results by Implementation Strategies

Districts reported that they implemented Proposition 227 in three major categories. In the pilot study districts overwhelmingly reported implementing by maintained or offered “choice” (6 out of 8 districts). One district fully eliminated bilingual education, while another had instituted a structured English immersion program prior to the passage Proposition 227. In the random sample, the findings were similarly distributed. Twenty-six of the districts (66%) implemented by maintaining or allowing “choice,” while nine (24%) eliminated bilingual education, and four (10%) had already implemented structured English immersion programs.

Districts that maintained bilingual education through waivers

In general we learned that districts with longstanding that bilingual program policies supported at the district level (12 of 39 districts) tended to pursue parental waivers which allowed them to legally maintain aspects of their existing programs. (See Table 2 for the characteristics of these districts). In these districts, extensive districtwide efforts were mounted to secure the necessary waivers at each school. Efforts included principal-led meetings with staff and parents; letters from the superintendent or district-level staff to each school principal requesting their urgent action to implement the parental waiver process, letters to parents translated into the appropriate language; and, school-wide meetings with parents. In one urban school district an active parent waiver effort was described in the following manner:

What we basically did was to ask for the consent of every parent to place a child in a bilingual setting or in the English-only setting. So every child that was LEP received . . . a letter requesting that they give

their consent so we can place their child in a bilingual or in an English placement. We explained in that letter that the legislation had passed, that we were required to place the child in the English-only setting. If they did not inform us with a letter, a signed letter, that they preferred a bilingual program for their child . . . So, both bilingual and English-only programs are available as well mainstream English. We also informed the parents, the teachers, and the principals, of what our particular board policy was and what our particular situation was with respect to the consent decree that ordered bilingual/bicultural education and what our steps were going to be regarding the alignment with 227. And once we did that, we revised the board policy as well so that it would be in alignment with 227.

Other school districts developed activities for the entire district to allow parents to learn about the programs available for their children under Proposition 227. The district provided the information, also permitting parents to sign waivers for the bilingual program:

(We) did some research regarding other program alternatives that were different than what we were currently offering. Then we broadened our base of input to the school level in terms of getting input from teachers. We then developed program offering options in terms of what mainstream English would actually look like, what structured English immersion would actually look like, and the waiver program that was similar to our pre-existing bilingual programs we are currently offering, mainstream English obviously, structured English immersion and what we call a waiver program which is essentially a transition bilingual program with instruction for students in Spanish until they are ready to transition into English.

Schools in these districts often followed district directives to maintain programs of bilingual education, as one principal indicates:

Basically, we followed the directives of the school district. We informed parents of their rights and got informed consent forms for all the students whose parents were choosing bilingual programs. Which we actually call “English-plus” programs because we want to make sure that everybody understands that teaching English is the primary goal of all good bilingual programs. We don’t even bother with “bilingual” anymore. We [just call them] “English-plus” programs. In this school we have “English-plus-Spanish” programs and “English-plus-Chinese” programs.

Another principal interviewed indicated:

At this school we kept calling our parents, I had every teacher, oh, and the Language Academy came and talked to our teachers regarding these forms and had the forms out to the teachers. We were really

doing a campaign to get the paperwork in. I had the teachers call as many parents as possible and personally talk with them. And then we started checking up and telling them, “if you want your child to continue in the program you better turn in that form or else we have to remove the child from the program. When we were telling them this point blank the forms started coming in. But we still have quite a number that are out. They were sent out in all the languages. I sent out flyers. I mean, you know, I just did everything that I could.

Both of these respondents indicate that districts that pursued the waivers were places where there was a philosophically consistent position from superintendent to teachers about the benefit of primary language instruction. From the policy perspective, the role that principals played in acting on this philosophy seems to be an important part of 227 implementation.

Districts implementing with structured English immersion with diminishing bilingual education

Districts where bilingual programs were on limited standing were more likely to fully implement the English immersion provisions of Proposition 227, switching to an English-only/immersion model for language minority students. In these districts, a minimal district-wide effort was conducted to secure waivers. Schools were asked to send information home regarding the implementation of Proposition 227. Parent meetings were neither suggested nor required. Little if any effort was made to communicate with parents about the options available to them. If letters were sent home, they were often not translated to the home language. In one metropolitan district with over 30% LEP students, little effort was directed at providing parental choice or waivers. This practice was an extension of district policy adopted prior to the passage of Proposition 227:

Basically, we moved—removed—a large portion of our bilingual program serving Spanish bilingual children last year who were receiving instruction in Spanish and transition them in Structured English Immersion. As of this date, we do not have a sufficient number of parental exception waiver requests on file to create any sections in Spanish bilingual program. And we don't have any parental exception waivers from parents of Chinese, Vietnamese, Cambodian students requesting bilingual services. That's it in a nutshell. We are now functioning basically almost as an English-only program for our LEP students.

Districts implementing by true choice

School districts in this category developed efforts to maintain bilingual education, while others sought to switch to English only. In any case, the district fully supported any decision made by the schools by providing them with training, materials, and any other needs. Individual schools were required to report their implementation of Proposition 227 to the district. In one of

these schools “true choice” was discussed as the ability to determine the specific aspects regarding the implementation of the law:

We followed the law to the letter by indicating options. If they wanted—to request a waiver for their children to be put in a bilingual program, they could do that. We received about 3,000 waivers. And the majority—a significant majority of the students that requested a waiver were able to get into the program that they wanted. We also have two dual immersion schools and all of those requested waivers though their program didn’t change at all. And so the two alternatives that we have in the district—are the dual immersion and a continuation of the bilingual program as it was prior to 227.

The school choice strategy took place in large and small school districts alike. One respondent whose district allowed for choice of programs explained the process in this manner:

I took suggestions from the committee and then put together the plan based on what the philosophy of the district was. We definitely knew that we wanted to provide bilingual programs where there were groups of parents who wanted them for their kids. That was real important to us. So, finding a way to make [choice] easy for parents was real key. We wanted to make sure that our waiver process and our information to parents was very well explained . . . because we wanted to make sure that they had the right information on how to get bilingual education for their kids. We knew we had at least one school that would be very interested. I put together the draft of the plan—following the law as best [as] I could. Covering all the points of the law as far as the instruction. Identifying the kids. Placing them in the right classes. Making sure that we still acknowledged that teachers needed to have the appropriate credential, trying to explain the programs as best [as] I could at that point for the different classes. We decided [to] offer four different programs because we do have different groups in different areas.

This school served fewer than 5,000 students and had a diverse cultural grouping within the community. Schools with longstanding bilingual programs staffed by BCLAD teachers tended to pursue parental waivers that allowed them to legally maintain aspects of their existing programs. In the pilot sample this result occurred in 3 out of 16 schools. Principals and teachers played an important role in securing waivers when that was the choice of implementation.

Districts that eliminated bilingual education

At schools where bilingual programs were not fully staffed and implemented, or were already implementing English language development (ELD) programs, it was more likely that they would fully implement English Immersion provisions specified in Proposition 227. Nine out of the 39 districts in our random sample and one district in the pilot study followed this procedure.

These districts switched to programs they identified as “English-only,” “immersion,” or “ELD” models to serve ELL students.

Proposition 227 and standardized testing results

Because state and school level testing results are made public in California, we have been able to review the SAT-9 test scores for those districts in our random study sample. Tables 3–6 present a set of analyses regarding these test scores. Please keep in mind the SAT-9 is administered only in English in grades 2–11. However, it is administered to all students regardless of language status of the student or program. Provisions are made for a parent waiver allowing students to be exempted from testing; however, few parent waivers were obtained for such purposes. Our present analysis helps assess SAT-9 results utilizing a random selection of districts that may have implemented 227 differentially. Since our classroom level interviews concentrated on the early grades, most of our test score analyses do the same.

Table 3 provides a statewide perspective regarding specific LEP student scores and non-LEP scores for the second grade. This data indicates that, statewide, no differences in LEP and non-LEP test scores are apparent. Table 4 presents similar LEP student data for districts in our sample that implemented Proposition 227 differently, either by dismantling bilingual programs, maintaining those programs or sustaining programs identified as structured English immersion (SEI). Again, no significant change in student scoring is apparent across these implementation strategies. In a more substantive analysis of the effect of dismantling bilingual education programs, tables 5 and 6 present Grade-2 data comparing SAT-9 Reading, Math, and Language scores for LEP students and non-LEP students in these districts. This analysis reveals that there is no difference between LEP and non-LEP students. The data in general suggest strongly that within these randomly selected districts the implementation of Proposition 227 did not effect SAT-9 score results for LEP students.

Discussion

In general, we found in both the pilot study and random district analyses that previous policies regarding the use of education strategies for ELL students were adapted to conform to Proposition 227 and related program practices were not significantly affected by those adaptations. The data clearly indicate that the response to the new state law and its related regulations created confusion regarding its implementation but did not seem to drastically redirect district or school policies and related practices regarding the instruction of language for minority students. In general, districts complied with the legislation by fitting it to the programmatic plans that were already in place in their districts. One administrator in a large urban district illustrates the sentiments of respondents from other districts despite their regional site:

As a result of the 227 we have about 70% as many students in the elected bilingual program. There will be no change in credentialing.

We have an additional 30% in the 70/30 [70% English, 30% L1] program. The equivalent of those students receiving primary language instruction will not change appreciably in the district. And the students who are receiving the 70/30 program, we believe at this time, will . . . require a [teacher with a] BCLAD or equivalent credential.

The reality is that there are approximately the same numbers of students in our district who are receiving bilingual or English language immersion programs [as there were prior to Proposition 227]. So there is a discrepancy between what the public perceives and what is actually happening.

The same respondent reflects on the significance of the seemingly inconsequential change in teaching language minority students at the district. He states a sentiment that seems to be present in many of the school districts in our sample. The fact that Proposition 227 may have prompted counter outcomes to its intent of “doing away with” bilingual education remains a paradox.

We were surprised . . . that of the 10,700 students who were in bilingual education last year, there will be approximately 7,200 who will continue this year. Additionally, there will be 4,700 participating in the English Language Immersion [program]. The number of students participating in some form of bilingual education has remained the same or has slightly increased and that was probably not the intent of Proposition 227. So, I think that in our situation—and we are trying to get facts from other districts—as far as our situation [in the present] the bilingual program is being redefined rather than reduced.

So, we are affected, even though our numbers suggest that our bilingual program is just about the same size. The program itself will actually probably end up being strengthened because of all the attention. And that was going on before Proposition 227 passed. But I think that the real effects are probably in the next years to come, over a period of say two years. And I think that end result is that there is going to be more emphasis on the amount of English and the degree to which students are re-designated into fluent English proficient status.

At first glance it appears that there is a lack of change in bilingual education offerings in many districts. Yet, this district, in a similar manner to districts with a comparable outcome, report changes of an unintended manner. We have found that this outcome is not quite counter to Proposition 227, which had left much to interpretation at the district, school, and classroom level. This respondent wisely ponders the implications of Proposition 227 over the years. He asserts that it is too soon to know the true outcome.

Table 3
Grade 2 SAT-9 State-Wide Scores

Statewide LEP Students Reading Percentile Scores			
Grade	1999	2000	Change
2	23	28	+5
Statewide All Students' Reading Percentile Scores			
Grade	1999	2000	Change
2	43	48	+5

Table 4
LEP Student SAT-9 Scores by 227 Implementation

LEP Student Reading Scores for Districts that Dismantled Bilingual Education			
District Code	1999	2000	Change
D2005	14	17	+3
D2010	39	47	+8
D2011	18	25	+7
D2016	50	26	-24
D2018	27	36	+9
D2020	24	31	+7
D2030	25	28	+3
D2036	17	28	+11
D2038	17	25	+8

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Table 5

LEP Students' SAT-9 Scores (2nd grade) in Schools that Dismantled Bilingual Education

School Code	Reading			Math			Language		
	1999	2000	Change	1999	2000	Change	1999	2000	Change
P2010A	43	52	9	73	79	6	56	50	-6
P2010B	48	59	11	61	77	16	47	68	21
P2011A	19	14	-5	32	38	6	15	18	3
P2011B	17	20	3	22	34	12	18	17	-1
P2016A	14	35	21	18	51	33	13	32	19
P2016B	32	22	-10	36	28	-8	33	29	-4
P2018A	32	42	10	37	48	11	26	34	8
P2020A	16	21	5	29	29	0	27	26	-1
P2020B	28	25	-3	44	36	-8	30	30	0
P2021A	21	19	-2	20	20	0	18	15	-3
P2023A	17	25	8	28	41	13	14	21	7
P2023B	21	32	11	38	47	9	19	39	20
P2029A	17	12	-5	22	30	8	13	16	3
P2031B	23	33	10	39	39	0	25	38	13
P2035A	13	26	13	28	41	13	13	17	4
P2030B	23	23	0	15	14	-1	17	19	2
P2038B	25	26	1	39	43	4	29	22	-7
		Average Change	+4.5		Average Change	+6.7		Average Change	+4.6

Table 6

Non-LEP Students' SAT-9 Scores (2nd grade) in Schools that Dismantled Bilingual Education

	Reading			Math			Language		
School Code	1999	2000	Change	1999	2000	Change	1999	2000	Change
P2010A	42	44	2	47	48	1	39	47	8
P2010B	48	62	14	59	78	19	57	78	21
P2011A	35	29	-6	44	55	11	25	27	2
P2011B	21	38	17	44	58	14	34	46	12
P2016A	39	54	15	44	60	16	40	57	17
P2016B	57	61	4	68	73	5	69	72	3
P2018A	48	57	9	60	50	-10	52	42	-10
P2020A	27	35	8	30	41	11	26	35	9
P2020B	41	45	4	44	47	3	45	56	11
P2021A	34	25	-9	31	33	2	31	24	-7
P2023A	53	65	12	55	72	17	50	59	9
P2023B	55	66	11	74	77	3	56	71	15
P2029A	30	35	5	50	51	1	31	32	1
P2031B	41	40	-1	53	46	-7	48	42	-6
P2035A	35	48	13	39	62	23	38	51	13
P2030B	28	39	11	21	24	3	22	29	7
P2038B	28	36	8	38	47	9	42	34	-8
		Average Change	+6.9		Average Change	+7.1		Average Change	+5.7