

## The Inequitable Treatment of English Learners in California's Public Schools

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### **Overview**

English learners comprise one-fourth of the entire public school population in California, and one out of three students in the elementary grades (Rumberger & Gándara, 2000, Table 1). In total, they represent nearly 1.5 million students. Of these, the largest percentage--approximately 80%--speak Spanish; 88% of the students speak one of four major languages. There are very few California schools that report having no English learners among their student population. Today, the typical California school is composed of both English learners and English speakers, and in many schools more than one-quarter of the student body is not fluent in English.

Although most English learners are found at the elementary school level, a larger proportion of English learners (hereafter also referred to as ELs or EL students) is found in secondary schools than commonly believed. One-third of elementary students are ELs, but more than 18 percent of secondary school students are also English learners (Rumberger & Gándara, 2000, Table 1). Proportionately, the number of English learners in secondary schools has been growing at a faster rate than the number in elementary schools (California Department of Education, Language Census 2001). The increase in the population of these secondary level English learners presents a particular challenge for both the students and the schools that serve them. This is principally because older children have less time to acquire both English and academic skills in order to get ready for high school graduation and to prepare for post-secondary

options. Unfortunately the unique needs of these older EL students are often overlooked entirely in California's schools.

In California, the state is responsible for ensuring equality of educational opportunity for all of its students. Yet, with respect to English learners the state has largely failed even to assess the conditions of education for these students. It has not adequately monitored their educational opportunities in terms of access to critical resources such as qualified teachers, appropriate instructional materials, coursework, and learning environments. Most of the data we present has been collected and analyzed by persons outside of the California Department of Education (CDE) because the Department does not track these conditions of education for English learners. Moreover, even when the critical nature of these conditions is brought to its attention, the state has failed in its duty. It has been unsuccessful in guaranteeing that EL students have the teachers, the curriculum, the instruction, the assessment, and the support services they need to achieve meaningful access to the same academic content as native English speaking students. Furthermore, when the state has become aware of specific substandard learning conditions for English learners through the CDE's review processes or through outside litigation, such as in the Oakland and Compton school districts, it has failed to act effectively to correct these problems. In other ways, for example, with an ill-planned class size reduction program and the poorly articulated implementation of Proposition 227, the state has worsened the learning conditions for these students.

We will examine here the inequitable conditions of learning for English learners, the failure of the state to monitor, prevent and correct substandard EL learning conditions, and suggest some possible ways for the state to equalize the opportunities for this significant sub-population of students. We will examine evidence in four areas in which these students receive

a substantially inequitable education vis-à-vis their English-speaking peers, even when those peers are similarly economically disadvantaged. These include:

- (1) Inequitable access to appropriately trained teachers;
- (2) Inadequate professional development opportunities to help teachers meet the instructional needs of English learners.
- (3) Inequitable access to instructional materials and curricular opportunities to foster learning;
- (4) Inequitable access to facilities;

### **California Standards for the Education of English Learners**

The State has content standards for grade promotion and it has instituted a High School Exit Exam (HSEE) that all students must pass in order to receive a high school diploma. The HSEE establishes a set of de facto standards inasmuch as it must be passed in order to receive the diploma. In order for teachers to teach to these standards, and students to learn at the level of the standards, teachers must be trained and have supervised classroom experience. Through its teacher credentialing process, the State has established what it considers to be the minimum competency standards for all teachers to carry out these functions. And, a large body of research (see Darling-Hammond, 2002) has demonstrated definitively that these competencies are related to student achievement outcomes. To teach students who do not speak or understand English, however, requires additional competencies beyond those of the basic teaching credential. These include (1) teaching English Language Development (ELD), including “academic English” (*i.e.*, the language of texts and tests not normally acquired outside of academic contexts), (2) providing academic content to native speakers (through SDAIE or primary language instruction; either in a sequential “catch up” program or simultaneously), and (3) being able to assess if their

EL students are making adequate educational progress, and if not, knowing how to adapt the curriculum such that learning does occur. Specialized credentials and authorizations for English Learners articulate what the State has determined teachers need to know and be able to do to carry out these additional complex tasks. Although we are not convinced that all current and proposed authorizations are adequate to these tasks, they do establish a minimum standard below which no classroom teacher should fall.

In order for English learners to gain grade promotion and to pass the High School Exit Exam, they must also learn the State's content standards. Two sets of standards are relevant to English learners. The State has adopted English Language Development Standards in addition to the statewide curriculum content standards. The State has determined that progress on English Language Development standards is prerequisite to gaining mastery of the curriculum standards for all students. All teachers who have EL students in their classrooms must know and be trained in how to teach to these standards if they are to prepare their EL students to join the academic mainstream. This requires preparation above and beyond the standard single or multiple subject credential. To date, much of this training has occurred through professional development opportunities, but we will show that many teachers of English learners have not received such training.

To master the State's curriculum standards requires not only a competent, well-trained teacher, but also exposure to the mandated curriculum through appropriate textbooks and materials. There is also an extensive body of research that demonstrates the relationship between access to textbooks and other instructional materials and students' learning outcomes (see Oakes and Saunders, 2002). To state the obvious, research confirms that students are less likely to learn

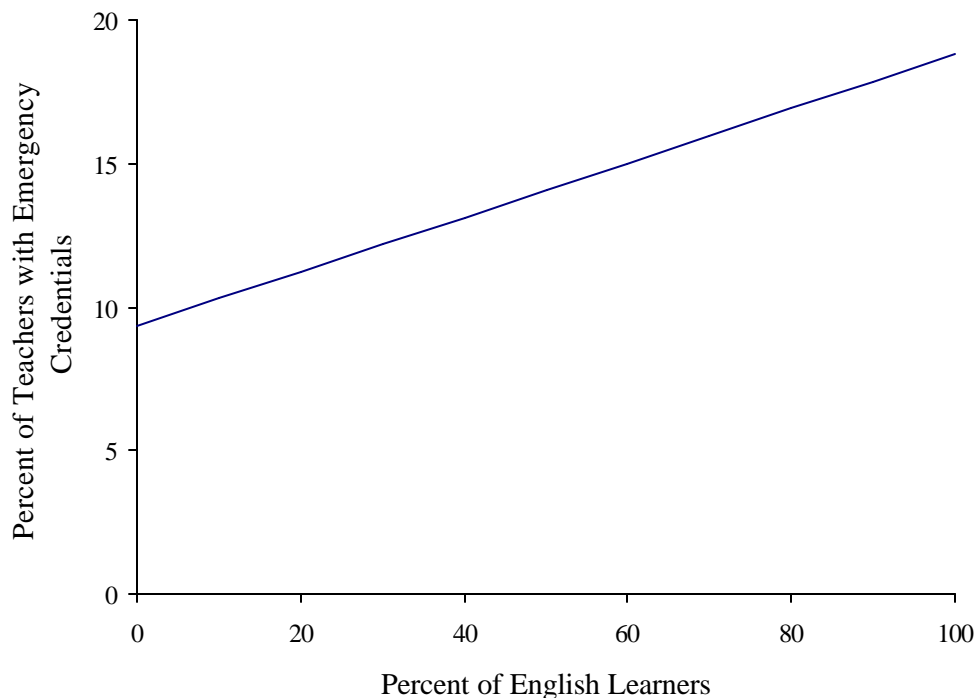
when they do not have adequate instructional materials, and English learners are less likely than other students to have the textbooks and instructional materials they need to meet the standards.

### Conditions of Inequity for English Learners

#### (1) Inequitable access to appropriately trained teachers

English learners are more likely than any other children to be taught by teachers with an emergency credential. Figure 1 shows that as the concentration of ELs in a California school increases, so too does the percentage of teachers holding emergency credentials.

Figure 1  
The Relationship between the Percent of English Learners and the Percent of Teachers with Emergency Credentials, Holding Constant the Percent of Students on Free or Reduced Lunch, California Schools, 1999-2000



Note: Relationship estimated from the regression equation:  $3.553 + .119 * \text{LUNCH} + .095 * \text{ELL}$  (N=6039), with LUNCH = 48.6 (sample mean).

Source: 1999-2000 API Growth Data File. Retrieved October 4, 2000 from WWW:

<http://api.cde.ca.gov/datafiles.html> .

Inasmuch as Figure 1 holds poverty constant, we would expect to see a flat line if the discrepancy in credentialed teachers were purely a function of poverty. These data show that English learners are significantly less likely to have a fully credentialed teacher than other low-income non-EL students. We will demonstrate that this is largely a problem of uneven distribution of qualified teachers among California's schools and classrooms.

#### Authorizations to Teach English learners

The current state of the art of teaching EL students employs three central methodologies for English learner instruction. Specially designed academic instruction in English (SDAIE) is defined as “a set of systematic instructional strategies designed to make grade-level and advanced academic curriculum comprehensible to English learners with intermediate English language proficiency” (California Commission on Teacher Credentialing, 2001, p. 2). Another means of teaching EL students is through their primary language. This involves a continuum of strategies, from using the student’s primary language solely for clarification of concepts presented in English to actually providing academic instruction in the primary language. The principal goal of each of these strategies is to provide English learners access to the curriculum.

A third strategy is English language development (ELD). It is “systematic” instruction of English language that is designed to (1) promote the acquisition of English-listening, speaking and reading and writing skills—by students whose primary language is other than English, and (2) provide English language skills at a level that will enable equitable access to the core curriculum for English learners once they are presented with academic content. (CTC, 2001, p. 3) The California Commission on Teacher Credentialing (CTC) issues basically two EL credentials meant to ensure that teachers have skills in some or all of the above instructional strategies: the Bilingual, culture, language and development credential (BCLAD) and the

Culture, language and development credential (CLAD). Many California teachers of English learners hold earlier versions of these specialized credentials that are generally considered equivalent and authorize them to teach English learners. These include the bilingual certificate of competence (BCC or the Bilingual Crosscultural Specialist Credential, equivalent to the BCLAD) and the Language development specialist certificate (LDS, equivalent to the CLAD).

In addition to these credentials is a certificate of completion of staff development, originally issued by local providers of the training but now issued by the CTC. This effort originated with 1994 legislation (SB 1969) designed to provide existing teachers with basic knowledge about how to teach the growing numbers of EL students in California's classrooms. An additional major goal of the legislation was to “certify” teachers with EL experience in the face of ongoing difficulties in complying with state requirements that districts hire appropriately authorized teachers for EL students. Any teacher who held a teaching credential and who was a permanent employee of a district by January 1995 could earn SB 1969 certification for teaching SDAIE by taking the equivalent of one college level preparation course (45 clock hours) in either ELD, SDAIE, or a combination of the two. More experienced teachers could teach both SDAIE and ELD with this certificate. However, those who had less experience were required to take an additional 45 hours of staff development or its equivalent in order to be certified to teach both SDAIE and ELD. In 1996 the legislature passed SB 395, extending the preparation deadlines encompassed in SB 1969 and stipulating that staff development programs would have to be approved by the CTC.

#### Skills, knowledge, and instructional settings approved for each authorization

The most rigorous of the credentials, the bilingual, culture, language, and development (BCLAD) certification, requires that teachers have expertise in the areas of: 1) language

structure, 2) methodology for first and second language development, and 3) cross-cultural competency. BCLAD teachers must also demonstrate competency in three additional spheres: 4) methodology for primary language instruction, 5 & 6) knowledge of a particular culture and language of emphasis. Many BCLAD teachers earn their expertise through a Master's Degree program or through a credential program with an emphasis on teaching English learners infused throughout the program's coursework and field placements.

BCLAD authorization requires extra expertise because it authorizes teaching in all settings with English learners. These teachers are authorized in the various methods of EL instruction for conveying academic content and promoting English language proficiency including primary language methods, "specially designed academic instruction in English" (SDAIE), and English language development. (ELD) Thus, these teachers have skills in a variety of strategies and concepts necessary to address a range of EL students' educational needs.

The next most comprehensive authorization, the CLAD certificate or credential includes the first three skill areas required of the BCLAD teacher: 1) language structure, 2) methodology for first and second language development, and 3) cross-cultural competency. Expertise in these areas is gained through a set of four college courses—or by passing exams on this content. CLAD teachers must have some experience of learning a second language but are not required to have the high level of expertise in a second language and culture that is required for BCLAD certification. CLAD holders are authorized to teach subject matter to EL students using SDAIE and other English language methods, and to teach English language development.

Staffing EL classrooms with BCLAD or CLAD teachers allows English learners to remain in self-contained classrooms. Classrooms without CLAD or BCLAD teachers may require that EL students be removed for ELD (or academic support), so called pull-out



instruction (Brisk, 1998). Despite being ubiquitous in English learner education, pull out instruction has been found to be among the least successful of instructional strategies for EL students (Lucas, 1997; Ovando & Collier, 1998). Although BCLAD certification is the most comprehensive, it is also the rarest. Only 8% of California teachers have a BCLAD authorization.

The 1969/395 certificate of staff development represents the State's minimal level of EL teacher preparation. For teachers with experience teaching English learners, earning an SB 1969 and 395 certificate of completion of staff development entails only one course in either ELD, SDAIE, or a combination of the two. Those with less experience must take two such courses in order to teach both ELD and SDAIE. Furthermore, these do not have to be college courses. In fact, most often teachers fulfill these training requirements through staff development workshops. Until recently these staff development efforts were not approved or monitored by the CTC. Thus, the range in quality of these programs has been significant.

#### "Teacher in training" Status

According to the California Commission on Teacher Credentialing, the most widely used option to teach English learners is the "teachers in training" status, which does not require any certification. Rather, teachers in training are permitted by the CDE to teach ELD and SDAIE based upon a mere agreement to obtain the requisite training for either CLAD or SB 1969/395 certification within 2 years or BCLAD certification within three years. Teachers in EL classrooms who sign agreements that they are participating in or will obtain the requisite training are conditionally allowed to continue in their positions by the CDE. Consequently, the most widely used option for teaching English learners is one that requires no training at all.

Unlike the various certifications discussed above, the teachers in training status is not monitored by the Commission on Teacher Credentialing. Rather, this status was developed by the California Department of Education as a “plan to remedy” the shortage of certified English language teachers in school districts that were found by the CCR to be non-compliant with matters concerning English learners. However, instead of remedying the shortage of certified English language teachers, the CDE’s re-labeling of untrained teachers has largely reinforced the status quo. Currently, some 37,000 teachers are instructing in EL classrooms without the specialized training required to do so. Thus far, CDE monitoring and enforcement of these agreements has not resulted in any substantial reduction of the numbers of “teachers in training”.

#### Changing regulations

New regulations (Ducheny, AB 1059) will soon require that all credential programs address issues of culture and second language learning within their regular curricula. This training will be significantly less rigorous, however, than the current CLAD. For example, the current CLAD credential (when acquired through coursework as opposed to examination) requires some coursework in the structure of English linguistics, 6 semester units of a second language, and specific content in instruction in the role of culture in learning. The proposed requirements eliminate all these competencies, and retain only the classroom methods for teaching English Learners and programmatic and legal foundations in English Learner methodology. As the new credential requirements are implemented, the status of the current CLAD and BCLAD authorizations is not certain. The way that the Commission on Teacher Credentialing has chosen to interpret and implement AB 1059 sends the message to the field that few additional competencies are needed to effectively teach English Learners when the research suggests just the opposite. Lilly Wong Fillmore (UC Berkeley) and Catherine Snow (Harvard

University), perhaps the two most renowned experts in language acquisition were recently requested by the U.S. Department of Education to summarize what teachers need to know about language to provide effective instruction for English learners. In their report, Wong Fillmore and Snow (2000) conclude that all teachers need a minimum of seven college level courses on specified aspects of language<sup>1</sup> to ensure a competency sufficient to teach children “academic English” –that form of the language that is used in academic texts and assessment. This is clearly a far higher standard than that established by the California Commission on Teacher Credentialing either in its proposed or existing multiple or single subject teaching credentials.

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<sup>1</sup> These areas of competency include: Language and linguistics; Language and cultural diversity; sociolinguistics for educators in a linguistically diverse society; Language development; Second language learning and teaching; Language of academic discourse; and Text analysis and language understanding in educational settings.

Table 1  
 Authorizations for teaching English learners 2001<sup>2</sup>

<b>Authorization</b>	<b>Can teach</b>	<b>Number teaching in 2001</b>
CTC issued Bilingual specialist credential (BS)	L1, SDAIE, ELD	Unknown
BCLAD: CTC issued certificate bilingual cross-cultural and language development: added to regular credential	L1, SDAIE, ELD	8,450 teaching in L1
CLAD: CTC issued certificate cross-cultural and language development: added to regular credential	SDAIE or ELD	Unknown (48, 982 combined CLAD & BCLAD teaching ELD &/or SDAIE).
SB 1969 certificate of completion of staff development, issued by employer school district or county office of education	SDAIE and/or ELD	18,000 (includes 1969 & 395)
SB 395 certificate of completion of staff development, issued by the CTC	See SB 1969	See above
Teacher in training status authorized by <b>CDE</b>	SDAIE and/or ELD	33,514 (training for SB1969 or CLAD; 3,571 in training for (BCLAD)
SB 1059: all multiple and single subject credentials to infuse some knowledge or culture and second language learning	ELD and SDAIE	N/A (incrementally phased into all credential programs beginning in summer, 2002)

<sup>2</sup> Data from California Department of Education Demographics Unit. Data files available online at [www.cde.ca.gov/demographics/files/lcstaff.htm](http://www.cde.ca.gov/demographics/files/lcstaff.htm)

Table 2  
Skills and Preparation Required for EL Teaching Authorizations

Authorization and Skills	Preparation
<p style="text-align: center;"><b><i>Bilingual Specialist</i></b></p> <p>Language structure; Methodology for L1 &amp; L2 language development; Cross-cultural competency; Methodology for L1 instruction; Knowledge of a particular culture; Proficiency in a particular language.</p>	University or college post baccalaureate program of instruction often in conjunction with a Master's Degree Program.
<p><b><i>Bilingual culture language and development (BCLAD).</i></b> Same as bilingual specialist skills.</p>	By exam <sup>3</sup> , college coursework, or a combination of the two. Teachers may earn by successfully completing: <ul style="list-style-type: none"> <li>• Six exams (see Bilingual specialist skills) <b>OR</b></li> <li>• CLAD certification and exams 4-6 <b>OR</b></li> <li>• CTC approved credential program with a BCLAD emphasis <b>OR</b></li> <li>• CLAD college courses (12 semester units) &amp; exams 4-6 <b>OR</b></li> <li>• CLAD coursework, a single subject teaching credential (not emergency) in the BCLAD language, &amp; exam 5.</li> </ul>
<p><b><i>Culture language and development (CLAD).</i></b> Language structure; Methodology for first and second language development; Cross-cultural competency.</p>	By exam, college coursework, or a combination of the two (see footnote 1). Teachers must successfully complete: <ul style="list-style-type: none"> <li>• 3 exams <b>OR</b></li> <li>• CTC approved credential program with a CLAD emphasis <b>OR</b></li> <li>• 12 college upper div. or grad sem. units (18 qtr)<sup>4</sup> <b>OR</b></li> <li>• A combination of college units &amp; SB1969/395 training</li> </ul>
<p><i>SB 1969 certificate of completion of staff development</i></p> <p>Rudimentary knowledge of either ELD, SDAIE or both</p> <p>SB 1969 certificates are being phased out and will no longer be issued after 1/1/03 (when they will be replaced entirely by SB 395 certificates)</p>	<p>Teacher w basic credential and documented EL experience must take 45 hrs (equivalent to one semester course) of staff development in either (1) SDAIE, (2) ELD, or (3) SDAIE and ELD combined according to guidelines established by the CTC</p> <p>Teachers with less EL experience must take 90 hours or two courses in order to teach both ELD and SDAIE.</p>
<p><i>SB 395 certificate of completion of staff development</i></p> <p>See SB 1969</p>	Same as SB 1969 however CTC actually approves staff development programs and issues the SB 395 certificates
<p><i>Teacher in training status</i></p> <p>Agreement to gain above skills.</p>	Teachers agree to complete 1969 or CLAD training (2 years) or BCLAD (3 years.)

<sup>3</sup> Preparation for the exams offered by 12 bilingual teacher-training programs statewide.

### Supply of EL Authorized Teachers in California

To determine whether there are sufficient numbers of teachers qualified to teach English learners, we analyzed figures from the California Basic Educational Data System (CBEDS) for the year 1999-2000. CBEDS conducts an annual survey of every professional educator working in the public school system. Teachers are asked to indicate the type of California teaching credential they hold, including whether it is a "full" credential or an "emergency" credential. Teachers are also asked to indicate all the areas that their credential authorizes them to teach. We identified all teachers who indicated that they were authorized to teach in bilingual, English language development, or specially designed academic instruction in English (SDAIE) classes. We then compared the number of teachers with such special authorization to teach ELs with the number of EL students, both in the state as a whole and in each school that enrolled English learners. We also compared these figures with data on students who were not English learners and teachers without authorization to teach English learners.

The state does not collect data at the classroom level, and thus we cannot match specific EL students with specific teachers. This is unfortunate because classroom level data would allow the state to be more accountable for its English learners. The overall state figures for teachers with specialized preparation for teaching EL students are shown in Table 3.

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<sup>4</sup> If lower-division units are included, a total of 25 semester or 36 quarter units are required.

Table 3  
California Students and Teachers by Language Background, 1999-2000

	English Learner	Other	Total
Students	1,480,406	4,471,206	5,951,612
Teachers, <i>including</i> emergency permits/waivers	79,215 <sup>a</sup>	212,840	292,055
Students per teacher	18.7	21.0	20.4
Teachers per 100 students	5.4	4.8	4.9
Teachers <i>excluding</i> emergency permits/waivers	75,687 <sup>a</sup>	175,781	251,468
Students per teacher	19.6	25.4	23.7
Teachers per 100 students	5.1	3.9	4.2
Fully credentialed bilingual/ELD teachers	69,305 <sup>b</sup>		
Student per teacher	21.4		
Teachers per 100 students	4.7		
Fully credentialed bilingual teachers	26,539 <sup>c</sup>		
Students per teacher	55.8		
Teachers per 100 students	1.8		

<sup>a</sup> Teachers authorized in any way to teach bilingual education, English Language Development, or specially designed academic instruction in English (SDAIE), including those with SB1969 authorizations.

<sup>b</sup> Teachers authorized to teach bilingual education or English Language Development.

<sup>c</sup> Teachers authorized to teach bilingual education.

SOURCE: 1999 CBEDS and 2000 Language Census.

The figures in Table 3 show that in the state as a whole, there were almost 6 million students and almost 300,000 teachers, which represents 20 students per teacher or 5 teachers per 100 students. There were also about 1.5 million English learners and about 79,000 "EL" teachers, that is, those with some kind of special authorization (BCLAD, CLAD, 1969/395) to teach them through the primary language and/or ELD, and/or SDAIE. Ignoring for the moment whether such authorizations are adequate to the task of teaching English learners, this represents about 19 students per EL teacher or more than five EL teachers per 100 EL students. These figures suggest that there are slightly more teachers with some specialized preparation per EL

student in the state than the statewide student/teacher ratio. The same conclusion can be drawn if a similar analysis is done with only teachers who are fully authorized to teach English learners: there are actually more fully authorized EL teachers in the state per EL student than there are fully credentialed (non-EL) teachers per non-EL student. These conclusions hold even if we consider only teachers who are authorized to teach bilingual education or English language development (ELD), which would exclude teachers who were only authorized to teach SDAIE through SB1969/395.<sup>5</sup>

Comparing the numbers of teachers with the most rigorous training to teach English learners, those with BCLAD, bilingual specialist, or BCC credentials, the picture changes dramatically. Based on the same procedure as above, there are only 1.9 fully credentialed BCLAD equivalent teachers (*i.e.*, those with the most comprehensive credential) for every 100 EL students versus 3.8 fully credentialed teachers per 100 non-EL students, or half as many. Under this scenario, the state would need another 26,000 teachers with the most comprehensive credentials to reach the same proportion as for non-EL students taught by teachers with the most comprehensive training. The passage of Proposition 227 resulted in a reduction by more than half of the bilingual classrooms in the state, many of which were taught by teachers with full BCLAD certification. Because the state collects language census data on schools according to type of instructional services provided, rather than the credential held by the teacher teaching the class, we do not always know to which classrooms the BCLAD teachers who formerly taught in bilingual classrooms were reassigned.

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<sup>5</sup> Although the CBEDS data asks teachers to identify the type of credentials that they hold as well as what their credentials authorize them to teach, teachers are not asked whether they obtained their authorizations through the provisions of SB1969 and SB395.



### Distribution of EL Teachers in California

While this statewide picture suggests that there are sufficient numbers of EL teachers with at least some authorization to teach English learners, it does not indicate how those teachers are distributed among schools. To investigate this issue, we classified schools based on the number of fully credentialed EL teachers they had for every 100 EL students. We divided schools into four groups: (1) schools with no EL teachers, (2) schools with a ratio of fewer than 2.5 fully credentialed EL teachers per 100 EL students-half the state average, (3) schools with a ratio between 2.5 and 7.5, and (4) schools with a ratio of more than 7.5-50 percent above the state average. We then computed how many schools were in each category and how many EL students attended those schools (Tables 4 and 5).

Table 4  
Number of Schools by EL Teacher/Student Categories and Level, 1999-2000

Fully Authorized EL <sup>6</sup> teachers per 100 EL students	Elementary		Middle		High	
	Number	Percent	Number	Percent	Number	Percent
No EL teachers	373	7.4	83	7.4	56	6.7
Fewer than 2.5	544	10.9	230	20.5	147	17.6
2.5 to 7.5	1910	38.1	459	40.9	348	41.7
Greater than 7.5	2185	43.6	351	31.3	283	33.9
Total	5012	100.0	1123	100.0	834	100.0

Source: 1999 CBEDS and 2000 Language Census.

<sup>6</sup> EL teachers are defined here as those who have any of the following certifications that authorize them to teach in the accompanying situations: BCLAD (primary language, ELD and SDAIE), CLAD (ELD and SDAIE), SB 1969/395 (ELD and/or SDAIE, depending on the hours of professional development). This does not include teachers who hold only emergency permits.

Table 5  
Number of English Learners by EL Teacher/Student Categories and Level, 1999-2000

Fully Authorized EL teachers per 100 EL students <sup>7</sup>	Elementary		Middle		High	
	Number	Percent	Number	Percent	Number	Percent
No EL teachers	18689	1.9	5703	2.4	1675	0.7
Fewer than 2.5	193205	19.7	81954	35.3	74119	31.3
2.5 to 7.5	610629	62.3	120153	51.7	132402	55.8
Greater than 7.5	157331	16.1	24671	10.6	28933	12.2
Total	979854	100.0	232481	100.0	237129	100.0

Source: 1999 CBEDS and 2000 Language Census

As the figures show, there are a large number of schools in California with no teachers authorized to teach English learners, although they enroll only a small fraction of all ELs. However, many more schools in the state have fewer than 2.5 EL teachers per 100 EL students--equivalent to a 40:1 student-teacher ratio. At the elementary level, more than 200,000 English learners--20 percent of the total-- attend schools with 2.5 or fewer EL teachers per 100 English language learners. At the middle school level, more than 85,000 ELs attend such schools--almost 38 percent of the total. At the high school level, more than 75,000 attend schools with such low numbers of qualified EL teachers --almost one-third of all high-school EL students. Counting English learners who attend other types of schools (e.g., alternative, continuation, etc.), more than 390,000 English learners in California-- one out of every four-- attends a school with fewer than half the state average of teachers with specialized authorizations to teach them.

Another indication of the shortage of teachers with the appropriate training to teach English learners is revealed from an analysis of the 2000 Class Size Reduction (CSR) teacher

<sup>7</sup> See above.

survey (Stecher & Bohrnstedt, 2002). According to those data, 37 percent of all teachers who taught grades 1-4 in 2000 held a CLAD credential, 10 percent held a BCLAD credential, and 45 percent held either a CLAD or BCLAD (see Table 6). In general, the higher the concentration of English learners in the classroom, the higher the proportion of teachers who held at least some authorization to teach them. Yet among classrooms where a majority of students are English learners, only about half of the teachers held an appropriate EL credential. Using data on the proportion of English learners in each type of classroom, we estimate that only 53 percent of all English learners enrolled in grades 1-4 in California in the 1999-2000 school year were taught by a teacher with any specialized training to teach them<sup>8</sup>. If we assume that teachers with BCLAD credentials have the most appropriate training, only 22 percent of all English learners enrolled in grades 1-4 had such a teacher in 2000.

Table 6  
Percent of Teachers in Grades 1-4 with CLAD and BCLAD Credentials  
By Classroom Concentration of English Learners, 2000

Percent English Learners in the classroom	Percent of all English Learners	CLAD	BCLAD	CLAD or BCLAD
0	0	25	2	27
>0% & <=25%	17	47	3	47
>25% & <=50%	20	46	11	54
>50%	63	29	30	54
Total	100	37	10	45

NOTE: Results are weighted.

Source: 2000 Class Size Reduction Teacher Survey (N=774).

More recent data suggest a somewhat better picture. The data come from a statewide cross-sectional survey of 1071 teachers conducted by Louis Harris in January 2002 (Harris, 2002). A total of 829 respondents indicated that they had at least some English learners in the

<sup>8</sup> The survey did not identify teachers who had authorizations acquired through SB1969 or SB395.

classes. According to these data, about 59 percent of all EL students statewide were taught by a teacher with a CLAD or BCLAD credential, and another 14 percent were taught by teachers who had authorizations provided under SB1969 or SB395 (Table 7). These data suggest some improvement from the CSR survey that was conducted in the spring of 2000, although the CSR survey only covered teachers in grades 1-4, while the Harris survey covered teachers at all grade levels. Moreover, the Harris survey suffered from an under-representation of non-credentialed teachers<sup>9</sup>. Nonetheless, even the Harris survey indicates that more than one quarter of all teachers who have English learners in the classrooms have no specialized training to teach them.

Table 7  
 Credentials of teachers with EL students in the classes  
 by EL concentration, January 2002  
 (percent distribution)

	30% or less EL	Over 30% EL	Total
CLAD (or equivalent)	45	56	49
BCLAD (or equivalent)	4	22	10
SB-1969/395 Certificate	15	11	14
None	35	11	28
Total	100	100	100

NOTE: Results exclude respondents who did not answer question or answered "not sure." Results are weighted. All column differences are statistically significant at .05 level or better. Numbers may not add to 100 because of rounding.

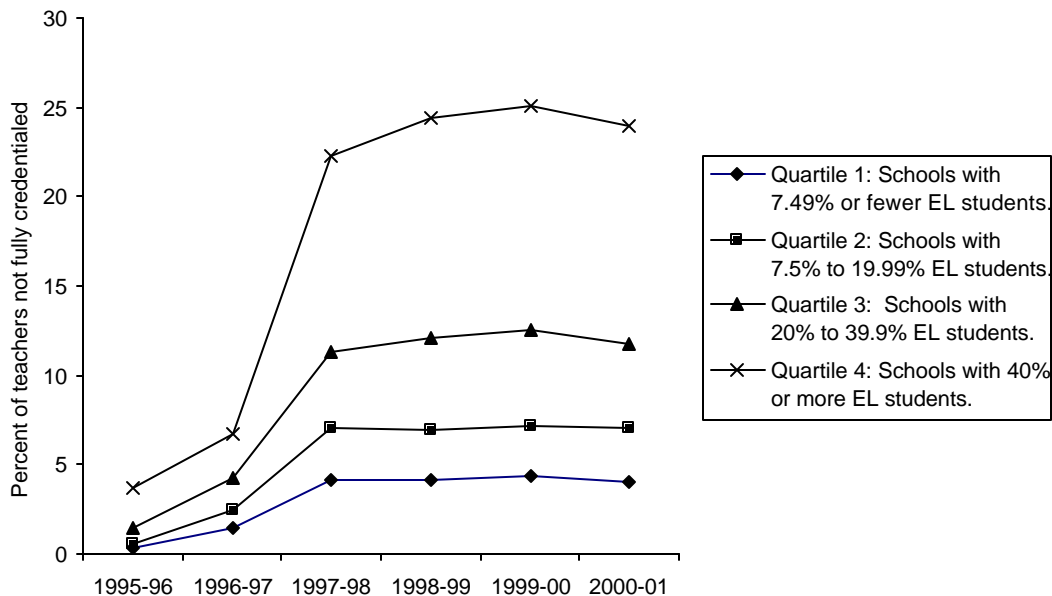
SOURCE: Harris Survey of a Cross-Section of California School Teachers, January 2002 (N=829).

Class size reduction had some largely unanticipated consequences for EL students because of the relative concentration of English learners in the state's poorest schools. The migration of credentialed teachers away from these schools to those in more affluent areas with

<sup>9</sup> Because of the problem of under-representation of uncredentialed teachers in the sample, the sample was weighted accordingly. This addresses the problem, but does not entirely solve it.

better working conditions was a significant feature of the class size reduction initiative in California (Stecher & Bohrnstedt, 2002). For example, the percentage of teachers not fully credentialed in schools with the smallest proportion of English learners (less than 8 percent) only increased from .3 percent in 1995-96 to 4.0 percent in 2000-01 (see Figure 2). However, the percentage in schools with the greatest proportion of English learners (40 percent or more) increased from 3.7 percent in 1995-96 to 23.9 percent over the same five-year period. As a result, schools with the most English learners benefited the least from class-size reduction, at least in terms of access to fully credentialed teachers.

Figure 2  
Percentage of Public K-3 Teachers Not Fully Credentialed  
by School Quartiles of English Learners: 1995-96 to 2000-01



SOURCE: George W. Bohrnstedt and Brian M. Stecher (Eds.), *Class Size Reduction in California: The 1998-99 Evaluation Findings* (Palo Alto: American Institutes for Research, 2002), Table B.17.

Teachers who have received appropriate preparation for working with English learners can call on a significant body of empirical and practical knowledge to benefit their students, yet

the state is relying more and more on teachers with the least preparation for teaching EL students. Currently more than 37,000 teachers lack any certification to teach English learners and their employment is conditioned upon a mere agreement to obtain the requisite training required for certification. Additionally, more than 18,000 teachers with SB 1969 certification (about one quarter of those teaching ELS) staff the state's English learner classrooms. Thus, well over half, 55,000 out of 96,000, of the teachers in classrooms with EL students have either no or the most limited preparation for meeting these students' particular education needs

#### The Relationship between Teacher Competency and Student Outcomes

There is reason for the concern about the low number of teachers who have the greatest preparation for teaching English learners. An increasingly large body of research has established that teachers with good professional preparation make a difference in students' learning (Darling-Hammond, 2002; Haycock, 1998; Sanders & Horn, 1995; Sanders & Rivers, 1996). Moreover, a recent study conducted in Los Angeles City Unified School District (LAUSD) investigated the relationship between student achievement gains and the credential held by the teachers who taught them in 29 schools and 177 classrooms with large numbers of EL students. Hayes and Salazar (2001) found that "state/district authorization of teachers does have an impact on student outcome. For example, [Model B<sup>10</sup>] students of teachers holding no state or district authorization achieved largely negative or very small positive. . . . adjusted gains in reading and language" (pp. 37-38). (See Table 8). A follow up study of grades 1 – 3 classrooms in the same schools during the subsequent school year (2001) found again that "students of credentialed teachers outperformed students of emergency permitted teachers" (Hayes, Salazar & Vukovic, 2002, p. 90).

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<sup>10</sup> LAUSD divides its Structured English Immersion classes into two types: Model A, which is English only and Model B, which allows some primary language support. Data are more difficult to interpret for Model A because cell sizes are smaller and the authors report a lack of confidence in these small numbers.

Table 8  
Actual and Adjusted Gains by Teacher Authorization  
Grade 2, Selected Schools, LAUSD

	Reading		Language	
	Actual Gains	Adjusted Gains	Actual Gains	Adjusted Gains
BCLAD	<b>1.8</b> (n=142)	<b>1.6</b> (n=142)	<b>4.1</b> (n=148)	<b>2.4</b> (n=148)
CLAD/LDS	<b>2.0</b> (n=32)	<b>2.7</b> (n=32)	<b>1.0</b> (n=34)	<b>0.4</b> (n=34)
SB1969	*	*	*	*
A Level@	<b>1.8</b> (n=155)	<b>1.6</b> (n=155)	<b>0.3</b> (n=155)	<b>-1.5</b> (n=155)
No Authorization	<b>-2.4</b> (n=74)	<b>-2.9</b> (n=74)	<b>0.5</b> (n=93)	<b>-1.8</b> (n=93)

\*Actual and adjusted gains were not reported here due to the small sample size.

@ LAUSD certifies language competencies of its teachers if they do not already hold a BCLAD; A Level indicates fluent bilingual.

Source: Hayes & Salazar (2001), page 36

At the same time that EL students are less likely than others to have a qualified teacher, the challenges associated with teaching them are even greater than for the typical student. The large number of English learners who are immigrants frequently come from circumstances in which their early lives and education have been disrupted by war, loss or estrangement of family members, poverty, and residential mobility (Ruiz de Velasco & Fix, 2000; Olsen, 1998). As such, teachers must know how to intervene educationally with students whose personal and educational backgrounds are significantly different from the mainstream English speaking student. Moreover, the age and grade placements of these students often do not match their skill levels.

#### Necessary Competencies of EL Teachers

The earlier mentioned paper by Wong Fillmore and Snow (2000), entitled *What Teachers Need to Know about Language*, outlines the critical knowledge base that teachers must have for

language learning in order to effectively teach children who do not speak standard English. They note that teachers need to know the units of language and how they operate differently across languages and dialects. For example, knowing how tense and plurality are formed in the child's native language can help the teacher to uncover difficulties in English and facilitate learning for ELs. Wong Fillmore and Snow also argue that by knowing the fundamental characteristics of words in the primary language of the student, the teacher can facilitate more rapid acquisition of English vocabulary and word construction. They point out, for example, that if a teacher can explain that the suffix *idad* in Spanish has the same consistent meaning as *ity* in English, the student's vocabulary and word usage can be expanded significantly. These authors also assert that teachers must understand the norms for language usage in the primary culture of the student in order to know how to encourage English learners in their acquisition of English. Another critical competency that Wong Fillmore and Snow argue teachers must have is a clear understanding of what constitutes *academic English* and how to support the acquisition of this particular form of the language for English learners. Academic English is the language of texts and often of tests, and it is not normally acquired in the course of conversation outside of academic contexts. For students who are not likely to "absorb" this form of English discourse in their homes or communities, it must be explicitly taught.

Of course, one of the most controversial of all topics in education is the best method for teaching reading. Most experts argue that there is no single best method. Rather there are a number of strategies that are more or less effective with different students at different points in the process of learning (Snow, Burns & Griffin, 1998), and it requires the expertise of a well-trained teacher to know which strategy to use when, and with which children. There is even less agreement, however, on how best to teach English learners to read in a language they do not



understand–English. The National Research Council (Snow, Burns & Griffin, 1998) concluded that if reading instruction is not done initially in the primary language of the child, then educators should consider delaying it until English is acquired. This runs counter to the “catch up” philosophy of many Structured English Immersion programs and points out the degree to which the field continues to depend upon the skills of highly qualified teachers to make judgments about how best to teach reading to English learners. There simply are no “tried and true” strategies for teaching children to learn to read in a language they do not understand, and it is a vexing problem even to the experts in the field. It strains the imagination to believe that teachers with no experience teaching reading at all, and no specialized experience with English learners, could do this well.

Finally, there are significant issues associated with the cultural backgrounds of immigrant and non-English speaking students that bear on how they learn. Wong Fillmore and Snow (2000) argue that a critical role for all teachers is to socialize students to the demands of schooling. Certainly, this is made more difficult if the teacher does not understand both the cultural and linguistic norms of the students he or she is teaching. They point out that in correcting some students, or encouraging others to participate in linguistically-based activities in the classroom, teachers may inadvertently squelch the motivation of English learners to participate at all. Without understanding the cultural and linguistic expectations of these students’ communities, teachers can undermine their students’ learning by failing to acknowledge culturally appropriate behavior. For example, many teachers reward students for questioning behaviors and active participation in discussion, but some immigrant students are socialized to believe that such behavior is inappropriate in the classroom.

Teachers themselves have cited their need for greater expertise in working with EL students. In a survey of all 1999-2000 graduates of teacher credential programs in the California State University system (total of 10,512) one fourth responded that they felt they were only "somewhat prepared" or "not at all prepared" to teach English learners (Office of the Chancellor, 2002). We note that these are the "cream of the crop" of teachers of English learners -those who have completed a full credential and in most cases have training at least at the level of the CLAD (Culture, Language and Development preparation (CLAD) credential<sup>11</sup>.

Many teachers of English learners also report difficulty in communicating with the parents of their students. In the Harris survey<sup>12</sup>, 23 percent of teachers of English learners reported that they had a hard time communicating with their English learners' parents about their children's educational progress and needs (Table 9). Not surprisingly, teachers with no special preparation to teach English learners were more likely to report difficulty, while most teachers with BCLAD credentials reported that they were able to communicate with their students' parents.

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<sup>11</sup> The Chancellor's Office of the California State University reports that 70% of its credential graduates completed either a CLAD or BCLAD credential.

<sup>12</sup> This survey, conducted in 2002 by the Lou Harris Polling group, included 1,071 California teachers, both randomly and representatively sampled to approximate a profile of all the state's teachers; 27% were male; 84% were White.

Table 9  
Percent of teachers with EL students in their classes who reported difficulty in communicating with parents by teacher credential, January 2002

CLAD (or equivalent)	25
BCLAD (or equivalent)	7
SB-1969/395 Certificate	10
None	30
Total	23

NOTE: Results exclude respondents who did not answer question or answered "not sure." Results are weighted. Overall differences are statistically significant at .05 level or better.

SOURCE: Harris Survey of a Cross-Section of California School Teachers, January 2002 (N=820).

While it is difficult to explain why teachers with an SB1969/395 certificate would encounter less difficulty communicating with parents than their colleagues who hold a CLAD credential, the very low percentage of BCLAD teachers who report such difficulty is consistent with their likely expertise in the language and culture of the students' homes. It is notable that in the Hayes et al. (2002) study of the LAUSD implementation of Proposition 227, the largest concern noted by non-English speaking parents was lack of communication with teachers.

A common critique of teacher preparation programs, both in California and elsewhere, is that the extant knowledge of how to teach English learners is not often incorporated into teacher preparation efforts (Wong-Fillmore & Snow, 2000; Reagan, 1997; Tomas Rivera Center, 1994; Milk, 1990). In effect, we know considerably more about how to prepare teachers than we act on in schools of education. This is generally viewed as a problem in translating research into practice. The reasons for this have been debated at great length in the education literature (cf. Cochran-Smith & Fries, 2001), but the only firm conclusion that can be drawn is that there is a

clear disjunction between research and practice in teacher education. It is nowhere more painfully evident than in the preparation of teachers for English learners where it is commonly argued that the field lacks research-based methods, when in fact this is not the case (cf. August & Hakuta, 1997). Inasmuch as a significant body of knowledge does exist for the preparation of teachers of English learners, we will also argue that the credentialing requirements in the State of California are, in many cases, too low to assure that a teacher has the expertise to accomplish this challenging task.

#### Working Conditions for EL Teachers

Given the opportunity, teachers vote with their feet for where they want to work, and school conditions appear to influence this vote. In fact, recent research suggests that working conditions influence teachers' decisions about where to teacher more than salaries (Hanushek, Kain, & Rivkin, 2001; Loeb & Page, 2000). Data for California demonstrate this clearly. Table 10 shows the differences in school environments in schools with 25% or fewer ELs compared to those with more than 25% EL students. These data are from the U.S. Department of Education-sponsored Early Childhood Longitudinal Study that included information on 2,826 California students who began kindergarten in 1998.

Table 10  
 Characteristics of the Environment of California Elementary Schools  
 by EL Concentration, Spring 1999

	25% or less	Over 25%	Total
Problems in neighborhood where school is located:			
Selling or using drugs or excessive drinking in public	16	50	29
Gangs	32	77	50
Crime	24	77	45
School climate:			
Parents not active in programs	4	40	18
Problem with overcrowding	25	50	34

NOTE: Results are weighted (S2SAQW0). All column differences are statistically significant at .05 level or better.  
 SOURCE: ECLS base year data for California public elementary schools (N=69).

Table 10 demonstrates that the differences between conditions in schools with high and low numbers of EL students are dramatic, even with respect to characteristics that would not intuitively seem to be related to the concentration of English learners. However, it is evident that when working and learning conditions are poor, they affect the attitudes of staff, and no doubt the ability of the school to attract competent and amiable people to work there.

Using the Harris database, we find that teachers in schools with high percentages of EL students report poorer working environments (Table 11). With respect to overall working conditions, almost one third of teachers in schools with over 25% English learners reported only fair or poor working conditions, compared to 18 percent of teachers in schools with fewer English learners. Twice as many teachers in schools with high percentages of English learners also report that their schools did a fair or poor job of involving parents. Teacher turnover and

filling teaching positions was also more problematic in schools with high concentrations of English learners.

Table 11  
 Characteristics of California Schools  
 by Percentage of English Learners in Teachers' School, January 2002  
 (percent of teachers reporting condition)

	25% or less	Over 25%	Total
Working conditions for teachers ONLY FAIR OR POOR	18	31	23
The way school involves parents ONLY FAIR OR POOR	13	32	20
Turnover of rate of teachers is very or somewhat serious	13	38	22
Had teaching positions that couldn't be filled for long periods of time or could only be filled by substitutes	17	32	22
A lot of trouble getting substitutes	11	17	13

NOTE: Results exclude respondents who did not answer question or answered "not sure." Results are weighted. All column differences are statistically significant at .05 level or better.

SOURCE: Harris Survey of a Cross-Section of California School Teachers, January 2002 (N=1071).

Given the difficult working conditions and the added demands placed on teachers of English learners, it would be expected that the State would provide both training and guidance on how to address these challenges. The data, however, show otherwise. Teachers of English learners are largely left to fend for themselves with inadequate guidance, resources, and training. Moreover, the State has no systematic program to train mainstream teachers, many who teach some English learners in their classrooms, to address these students' needs.

(2) **Inadequate professional development opportunities to help teachers address the instructional needs of English learners.**

The instructional demands placed on teachers of English learners are intense. They must provide instruction in English language development while simultaneously or sequentially attempting to ensure access to the core curriculum. Yet, they have been provided very little support for these activities. Data collected for the state Department of Education's Class Size Reduction Study (Stecher & Bohrnstedt, 2000) show that even where teachers are teaching a majority of English learners, the professional development they receive that is dedicated to helping them instruct these students is minimal. The percent of professional development time that teachers reported focusing on the instruction of English learners in 1999-2000 ranged from 3 to 10 percent with a mean of only 7 percent (Table 12).

Table 12  
Professional Development of Teachers in Grades 1-4  
by Classroom Concentration of English Learners, 1999-2000

Percent English Learners in the classroom	Mean number of days	Mean number of hours <sup>a</sup>	Percent of hours on teaching English Learners
0	3.5	28	3
>0% & <=25%	3.6	30	8
>25% & <=50%	3.3	32	9
>50%	3.8	35	10
Total	3.6	31	7

<sup>a</sup>Number of hours estimated by recoding responses (8 hours or less = 4 hours; more than 8 = 12 hours).

NOTE: Results are weighted.

SOURCE: 2000 Class Size Reduction Teacher Survey (N=774).

Teachers responding to the Harris survey also reported disparities in the amount of professional development provided to them. Teachers in schools with high percentages of English learners were more likely than teachers in schools with low percentages of English

learners to report that the quality of professional development at their schools was only fair or poor (Table 13).

Table 13  
Condition of Professional Development in California Schools  
by Percentage of English Learners in Teachers' Schools, January 2002  
(percent of teachers reporting condition)

	25% or less	Over 25%	Total
The quality of professional development ONLY FAIR OR POOR	22	29	25

NOTE: Results exclude respondents who did not answer question or answered "not sure." Results are weighted. All column differences are statistically significant at .05 level or better.

SOURCE: Harris Survey of a Cross-Section of California School Teachers, January 2002 (N=1071).

These data are corroborated by several other recent studies. Hayes and Salazar (2001), in their study of 177 classrooms in the LAUSD, noted that teachers discussed "the problematic lack of resources and training to assist them to provide quality services to ELLs (p23)." A report on the results of a California Department of Education (CDE, 1999) survey of every California school district during the first year of Proposition 227 implementation showed that professional development to help teachers with English learner instruction was one of the most significant unmet needs in the aftermath of the passage of the proposition. The later, more ambitious, CDE-sponsored study of the implementation of Proposition 227 being conducted by American Institutes for Research (Parrish, et al., 2001, 2002) likewise reports a similar theme emerging from their investigation. The study documents a significant lack of guidance from the state about the nature of the instruction that should occur in the Structured English Immersion classrooms, and as a result, "teachers were not provided appropriate materials or guidance on how to use materials appropriately" (Parrish, et al., 2001, page 36). Again, in the most recent report of this five-year study, researchers concluded that "Barriers to the implementation of te Proposition



include insufficient guidance for implementing regulations in the law; confusion over what the law requires and allows; and lack of clear operational definition for the various instructional approaches for EL students. In particular, educators lack clarity on what constitutes best practice within structured English immersion instruction” (Parrish, et al., 2002, p. ix).

The State has funded the University of California to provide professional development for the state’s teachers through Professional Development Institutes (CPDIs). This is not the only professional development activity in the state, in fact, many districts sponsor extensive professional development programs, but it is the largest state-wide effort, with more than 45,000 teachers participating in these workshops in 2000-01. In that same year, a total of \$50,866,000 was provided for this purpose. Of this amount, only \$8,358,104 was earmarked for professional development in the area of English Language Development (Office of the President, University of California, 2002). This constituted about 16% of the professional development budget, although English learners constitute fully 25% of the students in the state, and as we have argued, are the most educationally deprived by their schools of all students. The AIR study of the implementation of Proposition 227 in California found that only 18% of the teachers in their sample had even heard of the ELD CPDIs, and only 8% had attended one or more (AIR, 2002, p. IV-40), suggesting that relatively little is being done to disseminate information about resources that may be available to teachers of English learners.

### **(3) Inequitable access to instructional materials and curriculum**

All students need appropriate instructional materials to meet the State’s curriculum standards. But English learners need additional materials in two areas. First, all English learners need developmentally appropriate materials to learn English and to master the state’s English Language Development standards. Second, English learners receiving primary language

instruction need appropriate materials in their native language. However, the evidence suggests that many are not gaining access to such materials. In the second year report of the AIR study, researchers report that 75.4% of the teachers surveyed said they “use the same textbooks for my English learner and English only students” and fewer than half (46.5%) reported using any supplementary materials for EL students (AIR, 2002, IV-34). This raises the question of how much EL students can be expected to learn without materials adapted to their linguistic needs. It is not particularly surprising then that only 40.9% of teachers report they are “able to cover as much material with EL students as with EO students” (AIR, 2002, IV-35). There is ample evidence in the research literature that when students cover less material than their peers, their skills decline relative to other students and they are prone to be placed in low academic groupings or tracks where educational opportunities are limited (Barr & Dreeben, 1983; Oakes, 1985; Goodlad, 1984).

The quality of instructional materials appears to differ by concentration of English learners in the school as well. Data from the Harris survey show that teachers with high percentages of English learners are less likely than teachers with low percentages of English learners to have access to textbooks and instructional materials, in general, and materials needed by English learners in particular. Almost half of teachers with high percentages of English learners report that the textbooks and instructional materials at their schools were only fair or poor compared to 29 percent of teachers with low percentages of English learners (Table 14). Teachers with high percentages of English learners were also almost twice as likely as teachers with low percentages of English learners to report that the availability of computers and other technology was only fair or poor. Moreover, almost two-thirds of teachers with high percentages of ELs in their classes reported not enough or no reading materials in the home language of their

children and more than one quarter reported that their did not have any or enough reading materials at students reading levels in English.

Table 14  
Condition of Instructional Materials in California Schools  
by Percentage of English Learners in Teachers' Schools or Classrooms, January 2002  
(percent of teachers reporting condition)

	School EL		Total
	25% or less	Over 25%	
Reported by all teachers (N=1071)			
Textbooks and instructional materials are ONLY FAIR OR POOR	14	22	17
Availability of computers and other technology is ONLY FAIR OR POOR	26	40	31
	Classroom EL		
	30% or less	Over 30%	
Reported by teachers who have EL students in their classes (N=829)			
Not enough or no reading materials in home language of children	44	68	51
Not enough or no reading materials at students reading levels in English	19	29	22

NOTE: Results exclude respondents who did not answer question or answered "not sure." Results are weighted. All column differences are statistically significant at .05 level or better.

SOURCE: Harris Survey of a Cross-Section of California School Teachers, January 2002.

### Weak Curriculum

There is a common perception that English learners are clustered in the early years of school, and so most attention is applied to students in this age group. However, about one-third of English learners in California are found in grades 7 – 12. And, these students are often shortchanged by their schools because of lack of appropriate coursework offerings or materials

to support courses for English learners. In secondary schools, English learners are often assigned to multiple periods of ESL or ELD classes while other students are taking a full complement of academic courses. Commonly, when not enough courses are available in either SDAIE or other formats, students are given shortened day schedules, resulting in significantly less time devoted to academic instruction (Olsen, 1998). We selected a random sample of transcripts of secondary English learners from two different northern California districts. In district #1, we compared a random sample of English learners with a random sample of English speaking students. For English only students (20), with GPAs from 1.6 to 4.1, 58% of their courses were college preparatory. For the English learners (8), with GPAs from 1.3 to 3.3, 21% of their courses were college preparatory. The following are samples of English learner programs for the sophomore and senior years:

#### District #1

Saul (2 years in U.S., attended 9<sup>th</sup> grade in Mexico where he was in a college preparatory curriculum and took advanced mathematics courses) Sophomore year (2001):

Period 1: No class  
 Period 2: Language Development 1  
 Period 3: Language Development 2  
 Period 4: Native Spanish1  
 Period 5: U.S. History (in Spanish)  
 Period 6: Math A (general, low level)  
 Period 7: Weightlifting

(two courses meet college preparatory requirements: Spanish and U.S. History. No science is provided.)

Jose Luis (1 year in the U.S. Uneven academic history prior to immigration) Sophomore (2001):

Period 1: No class  
 Period 2: Language Development 1  
 Period 3: Language Development 1  
 Period 4: General Math (in English)  
 Period 5: Native Spanish 1

Period 6: Drawing 1  
Period 7: No class

(One class prepares student for college requirements: Spanish. No science or social science offered. Student failed English only math because he could not understand the teacher.)

District #2

Marcos (Long term EL student, enrolled in California schools prior to entering high school). Sophomore (2000):

Period 1: English 10 SDAIE  
Period 2: World History SDAIE  
Period 3: Pre Algebra A SDAIE  
Period 4: Court Sports  
Period 5: Integrated Science 2 SDAIE  
Period 6: ELD 5

(Only two courses could be used to meet college preparatory requirements: World History and Integrated Science as an elective, not as a science course. Student never took a college preparatory science, math or English course through the junior year of high school.)

Marisela (Long term EL student, enrolled in California schools prior to entering high school) Senior year (2002):

Period 1: Power English  
Period 2: Weight training  
Period 3: ELD 5C  
Period 4: Business Math  
Period 5: Consumer Foods  
Period 6: Floral Design

(None of the student's courses meets college preparatory criteria. Student took no laboratory science or math beyond algebra. 1 which she failed and received no credit.)

These are students who have been attending California schools with caring administrators and school personnel, but the schools did not have the resources –human or otherwise—to provide an appropriate program of study for these students. They were selected randomly from

among a pool of students like them for illustrative purposes, but they represent typical scenarios in many of California's high schools.

Because the state does not effectively monitor the quality of instruction that English learners receive, or the amount of time they spend in Structured English Immersion settings, we do not know to what extent the educational services provided for these students meet high standards of quality. We can guess at this figure, given the large numbers of unprepared teachers who teach them. It is worth noting, however, that more than 82,000 English learners in California receive *no special instruction whatsoever*. For some of these students this is based on parental request, but even this requires greater scrutiny. The AIR study of the implementation of Proposition 227 (Parrish, et al, 2002) noted that there remained a great deal of confusion among parents about what options existed for them, and that "in some cases, teachers are discouraged from discussing educational alternatives for students" (p. IV-41). In this environment, some parents are certainly making uninformed decisions about their children's educational program. The state has not monitored the extent to which schools and districts provide full disclosure to parents about the programs they may and do offer.

#### Over-placement in Special Education resulting in weak curriculum

The persistent and pervasive inequities in access to well-prepared teachers, school resources and facilities, appropriate assessment and time to accomplish learning goals result in large and growing gaps in achievement for English learners vis-à-vis their English speaking peers, and ultimately to misplacement into some special education classes. In the consent decree resulting from the *Diana v California State Board of Education* (U. S. D. C., ND, Cal.) (1970), a class action suit on behalf of English learners inappropriately placed in special education, the state agreed to the following:

- To test Mexican American children in their own language and in English
- To test them on the non-verbal sections of intelligence tests
- To re-test all Mexican American who are in Educable Mentally Retarded (EMR) classes using non-verbal sections of intelligence tests
- Develop and norm a test of IQ that reflects Mexican American culture
- Require school districts throughout the state who show a significant disparity between their overall district racial-ethnic representation and the racial-ethnic representation in their EMR classes to submit an explanation for the overrepresentation.

Thirty years hence the State of California has still not acted to implement the consent decree with respect to the development of appropriate assessment for English learners that could stem the over diagnosis and placement of these students in special education. Nor does California keep reliable data on the numbers of EL students in special education. About to be published is a study based on data from eleven school districts and over 700,000 students in the Los Angeles area for the 1998-99 school year. The researchers, Artiles and Rueda (in press) report that “ELs are over-represented in special education, particularly in specific learning disabilities (SLD) and language and speech impairment classes (SLI), especially at the secondary grade level where language support is minimal” (pg.2). Even more distressing is that, “highly vulnerable ELs (those who have low proficiency in both English and their primary language) are 1.5 times more likely to be diagnosed as Speech Impaired and Learning Disabled than their English speaking peers during the elementary school years. During the high school years, “highly vulnerable ELs” are twice as likely to be diagnosed as Mentally Retarded, Speech Impaired, and Learning Disabled. The state of being highly vulnerable –or having low proficiency in two languages—is often a product of inadequate instruction, just as proficiency in

at least one language is the usual outcome of schooling and this is true for all children, regardless of their ability level. We know, for example, that many mentally disabled children acquire a reasonable proficiency in their primary language (Rueda, R. & Smith, 1983; Whitaker, Rueda, & Prieto, 1985). Table 15 shows that English learners and highly vulnerable English learners are significantly over-represented in special education programs in the sampled districts.

Table 15  
Percent Students in Special Education, Elementary (K-5) & Secondary (6-12) Compared to Percent of Total School Population by language status and White (non EL),  
11 Los Angeles Area School Districts

	White	Typical EL	Highly Vulnerable EL
Elementary	(9%)*	(28%)*	(22%)*
SLI	14%	17%	<u>48%**</u>
SLD	13%	29%	<u>48%**</u>
Secondary	(12%)*	(12%)*	(13%)*
MMR	14%	9%	<u>26%**</u>
SLI	11%	10%	<u>27%**</u>
SLD	9%	<u>17%**</u>	<u>23%**</u>

Source: Artiles & Rueda, in press

\*p<.05

\*\*p<.01

As was the case with the 1982 report by the National Academy of Sciences (Heller, Holtzman & Messick, 1982), an important finding is underscored by Artiles and Rueda: where there are few if any primary language support services offered, special education misdiagnosis and misplacement tends to occur. This is almost certainly related as well to the inequitable distribution of psychologists in the schools who can meet the assessment needs of English learners. The National Association of School Psychologists reports that only 160 out of all school psychologists in California report having bilingual competency. There are currently 1,949 school psychologists employed in California schools. If all of the bilingual psychologists



were employed in the schools (which they almost certainly are not) then only 8% of psychologists would be bilingual and capable of conducting an assessment in a student's primary language. And, if all of these psychologists were assigned only to English learners, then 8% of the psychologists would be assessing 25% of the students.

Placement in special education, especially when it is not warranted, can have devastating effects on students' access to opportunities later in life. Evidence has existed for years documenting the massive rates of high school non-completion, underemployment, poverty, and adult marginalization of special education students after they leave high school (Guy, Hasazi, & Johnson, 1999). Placed in a special education track, it is unlikely for students to rejoin the mainstream. Robert Peckham, the presiding judge for the *Diana* case, summarized the evidence on the effectiveness of California's special education program, calling it a "dead-end educational program" (Crawford v. Honig, 1988).

**(4) Inequitable access to adequate facilities**

Teachers of English learners are more apt than teachers of English speakers to respond that they do not have facilities that are conducive to teaching and learning. In the Harris survey close to half of teachers in schools with higher percentages of English learners reported the physical facilities at their schools were only fair or poor, compared to 26 percent of teachers in schools with low percentages of English learners (Table 16). Teachers in schools with high percentages of English learners were 50 percent more likely to report bathrooms that were not clean and open throughout the day and having seen evidence of cockroaches, rats, or mice.

Table 16  
Condition of Facilities of California Schools  
by Percentage of English Learners in Teachers' Schools, January 2002  
(percent of teachers reporting condition)

	25% or less	Over 25%	Total
The adequacy of the physical facilities is ONLY FAIR OR POOR	26	43	32
Bathrooms ARE NOT clean and open for throughout day.	13	23	17
HAVE seen evidence of cockroaches, rates, or mice in past year.	24	34	28

NOTE: Results exclude respondents who did not answer question or answered "not sure." Results are weighted. All column differences are statistically significant at .05 level or better.

SOURCE: Harris Survey of a Cross-Section of California School Teachers, January 2002 (N=1071).

ECLS data show the same picture with regard to facilities. More than a third of principals in schools with higher concentrations of English learners reported that their classrooms were never or often not adequate, compared to 8 percent of principals with low concentration of EL students.<sup>13</sup>

Table 17  
Characteristics of California Elementary School Facilities by EL Concentration, Spring 1999

	25% or less	More than 25%	Total
Principal questionnaire responses:			
Classrooms never or often not adequate <sup>14</sup>	8	35	19

Note: Results are weighted (S2SAQW0).

SOURCE: ECLS base year data for California public elementary schools (N=69).

Serious overcrowding is another feature of schools that serve large numbers of English learners. Because of this, EL students are more likely than other students to be in multi-track

<sup>13</sup> It is interesting to note that 19 percent of all principals in California reported that their classrooms were never or often not adequate, compared to 9 percent of principals in the rest of the United States.

<sup>14</sup> This question did not require the respondent to specify in what way the classroom was inadequate

year round schools designed to accommodate more students on a campus. The year round plan that accommodates the most students is Concept 6 – a schedule in which students attend school for only 163 days per year, instead of the 180 mandated by state law<sup>15</sup>. As Table 18 shows, English learners comprise fully half of the students assigned to Concept 6 schools. Students on the Concept 6 calendar attend school for 4 months twice a year, with two month breaks in between. This provides English learners less time to assimilate critical academic material and to be exposed to English language models. Just as important, however, is the loss of learning that occurs with two months breaks in school every 4 months. A significant body of research has now established that low income children (and English learners) are more disadvantaged by these lengthy breaks from school than middle income children. There is a demonstrably negative effect on their achievement (Cooper et al., 1996).

Table 18  
Distribution Characteristics of California Schools, 2001  
Percent English Language Learner Enrollment by School Calendar

Measure	Statistic	Calendar		
		Traditional/ Single-Track	Multi-Track Not Concept 6	Multi-Track Concept 6
Percent English Learners	Mean	21.06	36.48	50.97
	Median	15	35	53
	Number of Schools	5913	735	221

Source: California Department of Education, Policy and Evaluation Division (<http://cdata.com.hosting.pacbell.net/api2001base/dbapi01b.zip>) and School Facilities Planning Division (<http://www.cde.ca.gov/facilities/yearround/direct00.htm>)

In sum, the very students who need the most exposure to schooling, to English language models, and to opportunities to “catch up” to their English speaking peers, are more likely to be

<sup>15</sup> School districts manage to stay within the law by adding a few minutes at the end of each day to total the same number of hours as students who are on 180 day schedules. The research, however, suggests that extra minutes do not

assigned to school calendars that provide them with fewer school days than other students and less exposure to English in a school setting. After being subjected to this inferior education, English learners are required to pass an exit examination in high school designed to test whether they have learned the requisite curriculum. If they fail to pass this examination, they can be denied a diploma, even if they have excelled in the courses that have been provided to them.

### **California High School Exit Exam**

The High School Exit Exam (HSEE) is one element of California's education accountability system. All students in the class of 2004 and beyond must pass the exam in order to receive a high school diploma. The exam is a standards based criterion referenced test that is designed to ensure that all California high school graduates have a similar set of fundamental skills in English language arts and mathematics (California Education Code section 60850-60859). The need for improving the education provided by California's high schools is undeniable. Although accountability measures may be necessary to this effort, there is early evidence that the HSEE presents exceptionally high stakes for EL students.

Students with exceptional needs as defined in Title 20 of federal law may take the exams with accommodations to meet their special needs. However, English learners do not have exceptional needs according to this definition and do not therefore qualify for accommodations. The law does allow for districts to defer the requirement that students pass the exam until the pupil has completed six months of instruction in reading, writing, and comprehension in the English language. Nonetheless, no student, including those who are still classified as English learners, will receive a high school diploma without passing the exit examination in English.

An important feature of the law authorizing the HSEE is a requirement that the exam have curricular and instructional validity:

(2) "Curricular validity" means that the examination tests for content found in the instructional textbooks. For the purposes of this section, any textbook or other instructional material adopted pursuant to this code and consistent with the state's adopted curriculum frameworks shall be deemed to satisfy this definition.

(3) "Instructional validity" means that the examination is consistent with what is expected to be taught. For the purposes of this section, instruction that is consistent with the state's adopted curriculum frameworks for the subjects tested shall be deemed to satisfy this definition (Education Code Section 60850, f, 2 & 3).

The evidence that EL high school students do not receive the same instruction or have access to the same range of courses as their English-speaking peers puts in serious question the curricular validity of these tests for English learners (see section 5). Moreover, evaluation of the early administrations of the test found that passing rates on the math exam are significantly correlated with completion of Algebra I (Wise, et al., 2002). Yet, EL students are often on a high school trajectory of ELD and basic classes which does not include algebra. Furthermore, the condition of these students as English learners-- students who by definition do not have the same level of understanding of all-English instruction as fluent English proficient students-- raises questions about the instructional validity of the High School Exit Exam for English learners. This is particularly true for EL students in classrooms with teachers who do not have special certification or preparation in English learner teaching strategies. Unfortunately, the dearth of such prepared teachers (discussed in Section 2) is even greater at the secondary than the elementary school level.

The ultimate consequences for English learners of the HSEE are yet to be determined because students in the class of 2004 will be the first to be denied a high school diploma if they fail to pass the exams. Nonetheless, periodic independent evaluations of the first test administrations provide initial evidence that EL students are unequally affected by the HSEE requirements. One of these effects is in the area of student confidence in their ability to achieve

high school graduation. At the end of the exams, students completed a questionnaire on their reactions to the test. English learners and to a lesser extent economically disadvantaged students indicated that graduation would be harder for them to achieve because of the test (Wise, et al., 2002). Passing rates for these students also showed a marked difference from their English fluent peers. Evaluators found that students who were still classified as English learners passed the exam at much lower rates in comparison to their peers who had been reclassified as English proficient. While 73% of English only students passed the exam, only 28% of English learners were able to pass. [Of course the fact that any of these students were able to demonstrate mastery of the curriculum without understanding English raises some important questions about both the test and the accuracy of the students' language designation.] Perhaps more important, only 58% of R-FEP students passed, and these students have been determined to be fluent in English. This suggests that these formerly EL students have had difficulty "catching up" to their English only peers as they have been acquiring both English and curriculum content at the same time.

This evidence makes it clear that the California High School Exit Exam has potentially high stakes for the state's English learners, and that English learners are more vulnerable to these high stakes than other students. Among the strongest recommendations of the test evaluators was that the legislature specify in more detail how students with special circumstances such as English learners be treated by the CAHSEE requirements. Evaluators suggested greater accommodations, longer time allowed to meet the requirements, alternate degrees, and deferment of the implementation of the graduation requirement for these students.

**The overall achievement of English learners is significantly below that of all other groups**

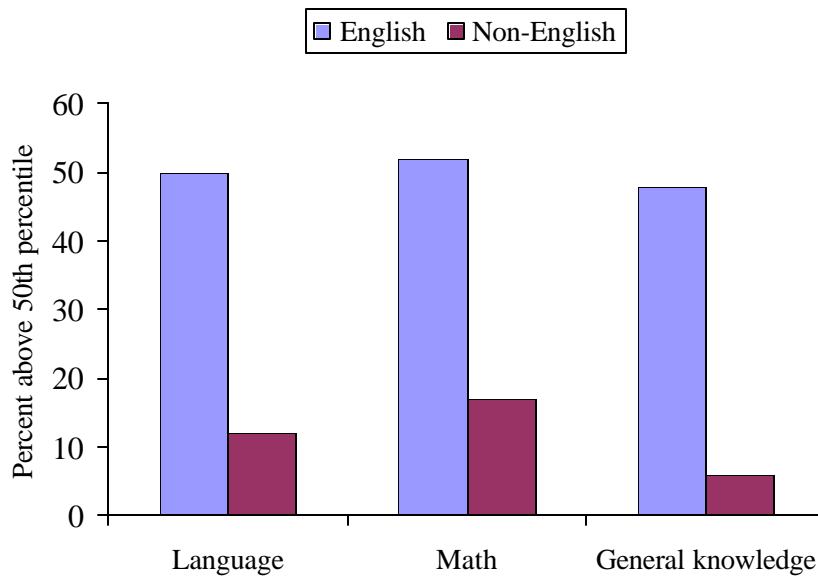
The State has chosen to use the SAT-9/STAR test –an English only instrument—as the metric by which to track the academic performance of all of its students, including English learners, who *by definition*, do not understand the test well enough to make it a valid form of assessment. Given that the state has committed itself to the view that the SAT-9/STAR should be used across language groups, it ought to be concerned with cross-language group achievement comparisons. Therefore, in spite of the fact that we disagree with the State’s judgment in this use of the test, we provide an analysis of the achievement of English learners vis-à-vis their English-speaking peers.

English learners begin school significantly behind their English-speaking peers. Data from the Early Childhood Longitudinal Study (ECLS) show that about half of California kindergartners from English speaking backgrounds scored above the 50<sup>th</sup> percentile in fall assessments of language, mathematics, and general knowledge. However, no more than 17 percent of kindergartners from non-English speaking backgrounds scored above the 50<sup>th</sup> percentile (see Figure 3). One reason for this disparity is that many English learners begin school without a sufficient understanding of oral English that English background students acquire naturally in their home environment. According to the ECLS data, more than 60 percent of English learners who entered California kindergartens in the fall of 1998 did not understand English well enough to be assessed in English. And even after one year of school, 38 percent of the students were still not proficient enough in English to be assessed.<sup>16</sup>

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<sup>16</sup> Based on analysis of Early Childhood Longitudinal Study (ECLS) Kindergarten Cohort, California sub-sample (N=2826).

Figure 3  
Cognitive Skills of California Beginning Kindergartners  
by Language Background, Fall 1998



Note: Results are weighted (C1CW0).

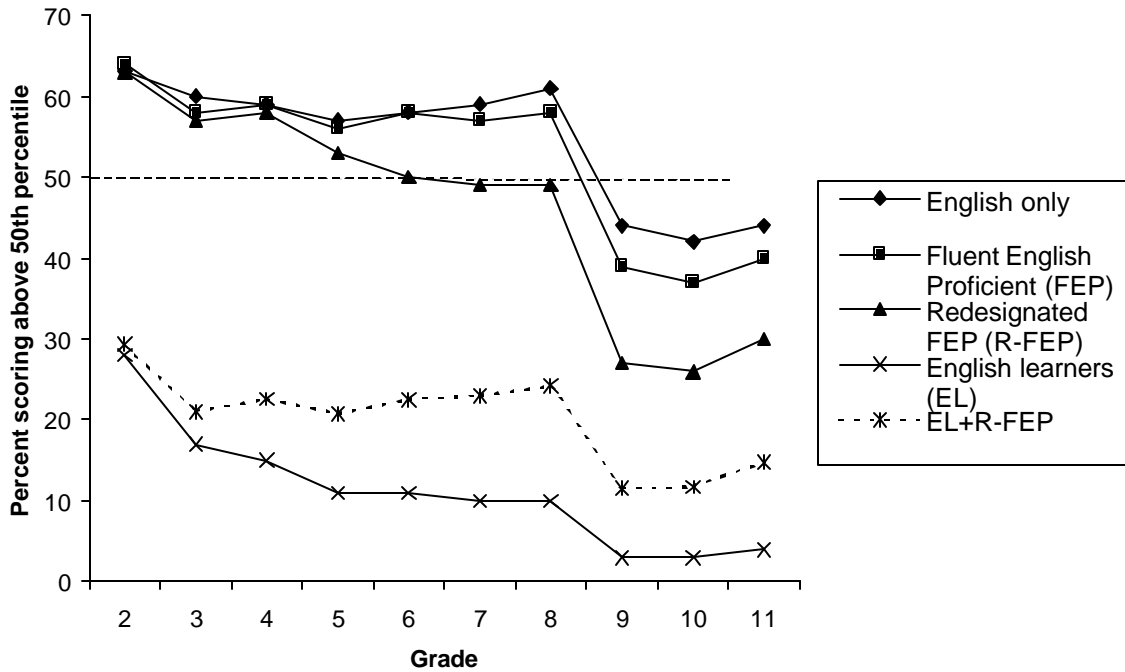
SOURCE: ECLS base year data for California public school kindergartners (N=2826).

A persistent gap in test scores is a major factor in the school experience of English learners. As a group they continue to perform more poorly than English-speaking students throughout their entire school career. This is clearly illustrated by the SAT 9 English reading scores across grade levels (see Figure 4). As expected, English learners who, by definition, are not yet proficient in English, have low reading scores across all grade levels. Language minority students who enter school already proficient in English (Fluent English Proficient or FEP) start out comparable to native English speakers, but by third grade they fall behind and never catch up. Students who enter the schools as English learners and who are subsequently reclassified as proficient (R-FEP), also start out comparable, but by 5<sup>th</sup> grade they fall below native English speakers, and by 7<sup>th</sup> grade they fall even further behind these students. Such results challenge the belief that if all English learners demonstrated “proficiency” –as defined by early scores on the



SAT 9 test-- in English in elementary school, then their achievement would be at least comparable to that of other students in secondary school.

Figure 4  
2001 California SAT 9 Reading Test Scores by Grade Level and Language Background



SOUCRE: California State Department of Education, *California Standardized Testing and Reporting (STAR Program)* (Sacramento, California: author). Retrieved February 7, 2002 from the World Wide Web: <http://star.cde.ca.gov/star2001/default.htm>

Even though the previous analysis shows a sizeable and growing achievement gap between English origin and non-English origin students across grade levels, there are some suggestions in the data that the gap has narrowed slightly. To investigate this issue, we examined SAT9 reading test scores between the years 1998 and 2001 compiled by Parrish et al. (2002) as part of their year 2 evaluation of proposition 227. The evaluation team had access to individual student test scores for all the students in California for the years 1998 through 2001 by

language classification.<sup>17</sup> The evaluation team examined changes in test scores between 1998 and 2001 for each grade level and for three synthetic cohorts of students:<sup>18</sup> (1) a cohort of students who were enrolled in grade 2 in 1998, grade 3 in 1999, grade 4 in 2000, and grade 5 in 2001; (2) a cohort of students who were enrolled in grade 4 in 1998, grade 5 in 1999, and grade 6 in 2000, and grade 7 in 2001; and (3) a cohort of students who were enrolled in grade 8 in 1998, grade 9 in 1999, grade 10 in 2000, and grade 11 in 2001. In order to compare non-overlapping cohorts, we replaced the second cohort with one that began when students were enrolled in grade 5 in 1998. One of the innovations of Parrish and his colleagues is that they compared English only students with a weighted average of current English learners and former English learners who were reclassified as Fluent English Proficient (R-FEP) in order to better assess the combined progress of all students who first entered California schools as English learners. Because an increasing number of EL students become proficient in English as they progress through school and are reclassified as fluent English speakers, the number of EL students tends to decrease among older grade cohorts while the number of R-FEP students tends to increase.

The results, shown in Figure 5, again show a sizeable achievement gap between English only students and current/former English learners. Both groups show more achievement growth in the early years than in the later years, which reflects the increasing difficulty of learning higher levels of more academic English (Scarcella & Rumberger, 2000). The data show a slight narrowing of the achievement gap across all three cohorts, as Parrish, et al. note in their evaluation study (Parrish, et al., 2002, page III-15). For example, between the achievement level

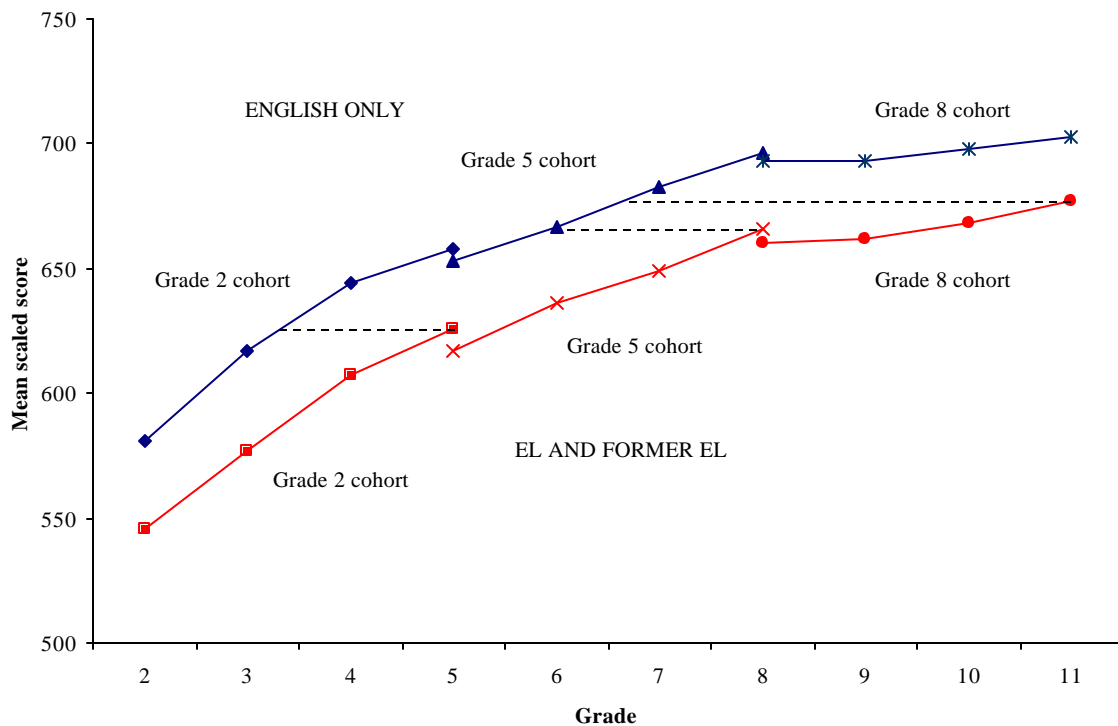
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<sup>17</sup> The State Department of Education provides aggregate test scores on its website for each year, but the data are only disaggregated by language groups for the years 1999 through 2001.

<sup>18</sup> Because of migration and mobility, the cohorts are not necessarily composed of the same students each year, which illustrates the need for a longitudinal study of students (see Kaufman, 2002).

of English only students improved from 581 points in grade 2 to 658 points in grade 5, an increase of 77 points, while the achievement level of English learners and former English learners improved 80 points. As a result, the achievement gap narrowed by 3 points. Among all three cohorts and three subjects (reading, language, and math), the 227 evaluation team found that the achievement gap narrowed by 1 to 8 points (Parrish, et al., 2002, Exhibits 10, 13, 16).

Figure 5  
SAT 9 Reading Scores by Grade Cohort and Language Classification, 1998-2001



SOUCRE: Parrish, et al. (2002), Exhibit 1.

It is interesting to note that the greatest achievement growth for the grade 2 cohort occurred in schools that offered bilingual instruction before Proposition 227 or continued to offer bilingual instruction after Proposition 227 (Parrish, et al., 2002, III-20). In addition, the slight

narrowing of the achievement gap between English only and EL and former EL students noted above was due to reductions in the achievement gap in those two types of schools, while in schools that never offered bilingual education, there was no reduction in the achievement gap.

Despite these improvements, the achievement gap remains large and increases at the higher grades. To illustrate, in grade 5, when many students have completed elementary school, the left-most horizontal line in Figure 5 shows that current and former English learners are reading at the same level as English only students between grades 3 and 4, a gap of about one and one half years. By grade 8, when most students have completed middle school, the next horizontal line shows that current and former English learners are reading at the same level as English only students in grade 6, a gap of about 2 years. By grade 11, the right-most horizontal line shows that current and former English learners are reading at the same level as English only students between grades 6 and 7, a gap of about 4 and one half years.

Teachers and schools make judgments about students' abilities based on the information available to them, including test scores. Schools make class placement decisions based, at least in part, on students' standardized test scores. Moreover, when the teacher does not speak the language of the child, cannot communicate with the child's family, and has little other information to rely on, test scores can take on even greater importance. Students who score low on tests are likely to be placed in remedial education, even though such a placement is unlikely to help students close the educational gap with their mainstream peers. (Gottlieb, Alter, Gottlieb, & Wishner, 1994; Skirtic, 1991). In Hobson v Hansen (269 F. Supp. 401, 490; DDC 1967), the Washington DC Superior Court noted in a major test case on the viability of curriculum tracking as an educational practice that "a sixth grade student nourished on a third-grade curriculum is apt to finish the year with a third-grade education. . ."

Clearly, the gap in skills must be addressed early in the English learner's schooling career. Without an enriched curriculum that extends across both home and school, these students are unlikely to ever catch up to their native English peers and they are at increased risk for placement into dead end special education classes.

### **The State's role in creating and perpetuating the existing inequities**

#### Teaching and Instruction

- The State has failed to ensure that English learners have a teacher who is appropriately credentialed to teach them. Although EL students are significantly more likely than all other students to have a teacher who lacks any credential, and more particularly, lacks a specialized credential to teach them, the state has failed to mount any significant system of incentives or recruitment to ensure EL student access to appropriate teachers. While substantial new emphasis has been placed on strengthening the skills of California's teachers through increased accountability and professional development, quite the opposite appears to be true for teachers of English learners. We have shown that these teachers have significantly fewer professional development opportunities provided for them that focus on the needs of English learners than for other students. Furthermore, standards for EL teacher certification have been lowered through legislative mandates (SB1969 and SB395) that provide authorizations for teachers to teach English learners with minimal preparation. Moreover, the State implemented the "teachers in training" program, which is the most widely used option to teach English learners, and which conditionally allows teachers to teach English learners based solely upon a promise that the requisite training will be obtained. However, the State has failed to devise a meaningful process by which these agreements can be enforced and/or

monitored. In effect, the State has lowered the standards for EL teachers to the extent that teachers are allowed to teach English learners without any appropriate training.

- . Preparation for one of the most common authorizations (SB1969/395 --a certificate issued by the California Department of Education rather than the Commission on Teacher Credentialing-- varies significantly among districts and counties in the depth and breadth of its scope, and for many teachers requires no more than 45 hours of instruction (equivalent to one college course) and may take place over as little as two week-ends. To make matters worse, the Commission does not even monitor these programs so that it is difficult to know exactly what kind of instruction they offer. It is also hard to determine the degree to which teachers assimilate that information in the short period of time (only 45 hours) allowed since there is no standard assessment of their knowledge at the end of the course
- Since the passage of Proposition 227, the State has failed to provide particular guidance about what kinds of teachers are needed in what kinds of classrooms to teach English learners. As the AIR report noted, there is a “lack of clear operational definitions for the various instructional approaches for EL students. In particular, educators lack clarity on what constitutes best practice. . .” (AIR, 2002, p.ix) Since EL authorizations qualify teachers to use only specific types of approaches (e.g., in some cases only SDAIE, but not ELD, in other cases primary language support), without clarity of approach, and without understanding what constitutes best practice, it is not possible to match the specific skills of the teacher with the specific needs of the students.
- The American Institutes for Research report on the implementation of Proposition 227 further notes the widespread finding in their case study districts that teachers were not provided adequate professional development on how to implement structured English

immersion. And, although these researchers noted improvement in the satisfaction of teachers with the professional development they received in the 2000-01 school year, still very few teachers (8%) actually attended the ELD institutes. Although the state knew that it had very high numbers of teachers with no preparation to teach their EL students, the state did not mandate this training.

- A large body of literature has demonstrated the importance of time on task for learning (cf., Wiley & Harnischfeger, 1974; Walberg, 1993). While English learners have more tasks to learn owing to the fact that they must acquire a new language in addition to gaining grade appropriate academic skills, the State has provided no additional time for EL students to accomplish this. By providing instruction initially in a language that the students cannot understand, the State has pursued a strategy of “catch up” in which English learners are expected to acquire the same academic skills as their English speaking peers once they have developed proficiency in English. However, no additional time has been provided for these students in which to effect the “catch up.” To the contrary, in many ways, the state has structured an educational system that provides ELs with less time on task than is available to other students. The State has effectively endorsed a system in which *it is virtually impossible for most English learners to ever close the achievement gap with their English speaking peers*, and the data we have presented clearly demonstrates this.
- The state has allowed English learners to be placed in the poorest facilities, with the worst conditions for learning. Moreover, the evidence suggests that the attitudes and competencies of the teaching, support, and administrative staff are of a poorer quality than in schools with few English learners and that this is probably related to the unattractive conditions in which these individuals must work. (We surmise this since schools with English learners tend to

have disproportionately high numbers of new, inexperienced, and uncredentialed staff, suggesting that many individuals with other options do not choose to work in these schools.) English learners are also disproportionately concentrated in Concept 6 schools where they are provided with fewer days of instruction than the average student in California. This is especially egregious given that these students need *more, not less*, exposure to English models in the school and *more, not less* time on task in order to close the large achievement gap between themselves and their English speaking peers.

- Both the Department of Education’s own 1999 survey of teachers and the American Institutes for Research Year One and Year Two reports (2001;2002) note a great deal of confusion about appropriate instructional materials to use with EL students in structured English immersion classes. The State has failed to provide guidance about what types of materials are appropriate and has failed to provide appropriate materials. Moreover, both the AIR study as well as the University of California consortium study of the implementation of Proposition 227 (Gándara, et al. 2000) found that primary language materials were forbidden from use and removed from many classrooms. Thus, teachers, students, and families had no further access to these comprehensible materials for any instructional purposes—whether at home or at school.

#### Data collection and Monitoring (Comité)

- The State has failed to adequately monitor the nature of the instruction that English learners are receiving. The Director of the Comité Compliance Unit of the CDE is quoted in deposition as stating that the State does not collect data at the classroom level on the qualifications of teachers of English learners, that no data are collected on the availability of materials for students in English immersion classrooms, that students are not talked to as a



part of the compliance reviews, and that reports are not sent to the State Board of Education or any other watchdog agencies of the education system. Moreover, when provided with requests for increasing staffing for the Comité and CCR compliance units, the Department of Education chose to make hires in other areas, leaving these units with insufficient personnel to adequately carry out their monitoring functions.

The compliance system which includes the CCR (see above) and the Comité Compliance Unit has been inadequate to ensure that ELs receive the instructional and curricular services that will provide them equal access to the mainstream educational program. The Comité compliance unit grew out of the 1985, *Comité de Padres de Familia et al. v The State Superintendent of Public Instruction*. In the consent decree resulting from the case, the California Department of Education (CDE) agreed to monitor every school district that enrolls English learners once every three years--changed to every four years in 1996 in exchange for agreeing to substantially increasing the number of consultants assigned to monitor EL programs (META, 1996). The purpose of this monitoring activity is to determine if the district has in place appropriate programs for these students pursuant to state and federal statutes. The CDE also agreed to more closely monitor a subset of districts as part of the Comité settlement. Although the State agrees that on-site review is necessary for true accountability of district actions, it conducts such thorough reviews of only 10 districts annually among those that have been found out of compliance with the provisions of law for EL education. This is out of the more than 1,000 California school districts of which a large percentage have been out of compliance with requirements of law for EL programs in years past (deposition of Norm Gold, January 22, 2001, p. 368, lines 10-22).

- The State does not collect data on the language competencies and distribution of its counselors. As such, it is not possible to address the issue of providing bilingual counselors for the state's schools in any systematic way. Neither is it possible to monitor the types of counseling services provided for English learners and their families. This is in spite of the findings of some well-publicized studies such as those conducted by the University of California Latino Eligibility Task Force. These studies have found that the single greatest impediment to participation in postsecondary education for Latino students (especially those from Spanish speaking homes) is lack of information for both students and parents about the requirements for college admission.
- The State does not collect adequate information about the placement of English learners into special education and other remedial tracks, nor does it monitor the progress of these EL students once placed in special education to ascertain if they receive any benefit, or harm, from such placements.
- The State has failed to monitor and remedy the disproportionate placement of English learners into certain categories of special education where there is no evidence that they make any real educational progress.

## **Remedies**

There are many things that the state could do to create a more equitable education for English learners. Among these are:

### Teaching and Learning

- **The state should provide every English learner with a qualified teacher with appropriate skills to teach him or her.**

In order to provide a more equitable education for English learners, the state of California must develop incentives to more equally distribute the qualified teachers that are now in the educational system so that English learners have the same chance as any other student of having a fully certified teacher. In addition, the state must commit resources to preparing more teachers with appropriate qualifications to teach English learners. Gándara and Maxwell-Jolly (2000) have spelled out a blueprint for increasing the numbers of qualified teachers for English learners, and this includes seeking, and supporting, more teacher candidates from the communities in which these students reside.

- **The state should provide appropriate professional development for teachers of English learners focusing on strategies for developing early literacy and closing the achievement gap with English speaking peers.**

Even experienced teachers who do not have training in teaching English learners need professional development to help them meet these students' needs. Teachers who lack experience and appropriate credentials must be provided such instruction before they enter the classroom.

- **The state should ensure that the CTC standards are sufficiently high to guarantee that EL teachers are qualified to teach these students.**

In recent years, the legislature and the Commission on Teacher Credentialing (CTC) have made the authorization procedure for teaching English learners less rigorous. SB1969 and SB395 have both set standards so low that they fail to adequately equip teachers with the skills they need to teach these students. The most widely employed State approval for teaching English learners, the "teacher in training" status, requires no additional training but merely an agreement to obtain the training required for certification. Moreover, the CTC has recently

proposed new credentialing standards that would incorporate a watered down version of the CLAD credential into the standard teacher certification, eliminating the more rigorous CLAD. Furthermore, there have been no efforts at the state level to significantly increase the numbers of the most comprehensively trained (BCLAD) teachers that are best prepared for the classroom. This credential is the most rigorous of all, and provides the best preparation for teachers of English learners, yet it is not certain what its fate will be under the new credentialing plan. Given the very basic nature of the current CLAD credential, no teacher in California should be authorized to teach English learners with less training than this credential provides.

- **The state should provide materials and instruction for students and their parents in English, and in the primary language, to the extent possible, to strengthen emergent literacy skills.**

The National Academy of Sciences concludes that “Children who are frequently read to will then “read” their favorite books by themselves by engaging in oral language-like and written language-like routines. Through a program at the *Para los Niños* preschool, David Yaden<sup>19</sup>, a professor of education at the University of Southern California, and his colleagues, have demonstrated that specific educational interventions targeted to emergent literacy can significantly enhance these skills. Families with children in this urban Los Angeles preschool are provided with a lending library of books that they can take home to read to their children. In addition to this at-home reading component, children are instructed in emergent literacy skills – concepts of print, use of books, letter identification, and word awareness. The *Para los Niños* students have shown significant growth in these concepts prior to school entry and have outperformed other comparison pre-school children who have not had the benefit of this enriched curriculum. In addition, this research confirmed the principle of language transfer. Children

participating in the study who received literacy instruction in the primary language (Spanish) demonstrated knowledge of the same concepts in English.

The native language of English learner parents and children is an important learning tool in the early literacy-learning context. The research confirms that literacy training transfers from a child's first language to the second (Durgunoglu, 1998). In addition, the known relationship between being read to and reading achievement among young children<sup>20</sup> should compel the schools to use their resources to help ensure that low income English learners have the opportunity to be read to in their homes. This likelihood is significantly increased if 1) children have books their parents can read to them, and 2) these books are in a language that the parent can understand and read. For the vast majority of English learners in California, such books do exist, and most schools serving large numbers of English learners have, or did have, such books on hand. However, the state has allowed schools and districts to remove such books, denying parents access to them.

- **The state should provide real opportunities for non-English speaking parents to become involved in their children's education.**

Just as the research has identified the importance of parental involvement for the academic achievement of all children, so too is parental involvement important for English learners. The State, however, has not provided reasonable opportunities for parents of English learners to support their children's education. Opportunities for non-English speaking parents to come into the classroom and read with the English learners have been precluded by the absence of materials that such parents can use. The research is clear that (1) modeling reading behavior in

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<sup>19</sup> Yaden, et al, (2000)

<sup>20</sup> Hess, & Holloway, (1984). In this review of the research Hess and Holloway demonstrate the relationship between several specific literacy practices, including reading to and with young children, and their likelihood of developing into competent readers.

any language, and (2) reading to children in any language is important for the development of reading in children. The failure to provide such opportunities for one class of students –English learners—constitutes discriminatory behavior on the part of the state, and places these students at special risk.

- **The state should provide preschool educational opportunities for English learners.**

There is now definitive research that shows that early intervention in the form of high quality instruction and basic medical support (e.g., regular checkups, vision and hearing screening, nutritional monitoring) that extends over a significant period of time can have a real and sustained impact on students' achievement (Ramey, et al, 1998; Schweinhart, et al 1993; Currie & Duncan, 1995). Ironically, however, for many children the gains made in preschool are only sustained if they are placed in adequate K-12 schools thereafter. But English learners tend to benefit especially from good preschool instruction, demonstrating increased achievement over time (Currie & Duncan, 1995).

- **The state should provide more time during the school year to learn English and close the educational gap with their English- speaking peers.**

The state's obligation does not end with preschool education. English learners will continue to need additional time for at least 4 – 7 years<sup>21</sup> as they attempt to master English and academic subjects. Students beginning school in the secondary years will not even have this amount of time, so efforts must be redoubled here.

It is not possible to close the education gap that now exists between English learners and English speakers without providing more high quality instructional and learning time for EL students. These students start school significantly behind their English speaking peers, and they

are expected to close that gap, learn new academic material at the same pace as English learners, while they learn a whole new language. They are expected to accomplish this in the same time that English speakers are given to accomplish only one of those tasks.

- **The state should eliminate Placements in Concept 6 schedules for English Learners**

It is not clear that *any student* should be assigned to a Concept 6 year round education plan, but English learners are in the greatest need of extra time on task and of consistent exposure to English language models. Therefore the practice of assigning EL students to such a program places them at even greater risk for school failure than the typical student.

#### Conditions of Schooling

- **The state should guarantee that teachers have appropriate materials for teaching English learners.**

Every study that has looked at classrooms of EL students in the last several years has found schools and classrooms with inadequate materials for teaching these students. Many teachers have not been provided with guidance on how to use English only texts nor have they been provided materials appropriate for instruction in the Structured English Immersion classes. The quality of instructional materials is found to be consistently lower in the classrooms of EL students. The state must develop appropriate materials for use in Structured English Immersion classrooms as currently few such materials exist. It must also provide transitional materials and guidance for teachers on how to use mainstream English-only materials for instruction of EL students. The state must provide primary language materials to the extent possible to help support student literacy and learning.

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<sup>21</sup> We remind the reader that the research on time to master English is consistent (Hakuta, et al, 2000; ) in finding that under the best of conditions, a minimum of 4 – 7 years is necessary for the average student to acquire full mastery of English.

- **The state should guarantee that every child has a safe, adequate (clean, functioning bathrooms, adequate classroom space, outdoor space to exercise, heating, cooling, lighting, electrical outlets, that work, and access to technology) facility in which to learn. English learners, too, deserve this.**

#### Monitoring and Accountability

- **The state needs to collect data at the classroom level so that it is possible to know which teachers are assigned to which children, and to know what type of materials and curriculum to which students are exposed. [checking]**

In order to monitor who is teaching English learners, it is necessary to have data that shows which children are assigned to which teachers. Currently our knowledge of who is serving these students comes from studies conducted outside of the Department of Education. This should be a routine function of the CDE in the course of monitoring the education that is provided for these EL students.

- **The state should provide more effective monitoring of special education placements of English learners.**

We have shown data that demonstrate that English learners continue to be disproportionately assigned to some types of special education classes –and labeled with disabilities that they likely do not have. The state of California entered into a consent decree to reverse this process and monitor these placements, but it has not done so. A primary reason is that EL students are more at risk for being placed in these classes.

#### Testing and Assessment

- **To the extent the State is using test-based accountability vis-à-vis English learners, it should incorporate them in a meaningful way**



The current testing regime in California was designed for English speaking students without any consideration to its effects or its validity for English learners. No other state with large numbers of English learners compels them to take the state-wide test in English with as little as one year in the country, and when they are classified as not understanding enough English to make the test meaningful. For good psychometric reasons, the American Psychological Association and the American Educational Research Association advise against such practice. Many experts consider this an unethical use of testing. English learners need to be part of the state's accountability system, but they need to be incorporated in a meaningful way such that real monitoring of their progress can occur. Furthermore, they should not be held to standards, such as a High School Exit Exam, that they have not been prepared to meet.

- **The state should monitor the administration of primary language tests where they are currently mandated, and mandate that this information be used to help design appropriate curriculum for these test-takers.**

The state currently mandates that Spanish speaking students who have been in the schools for less than 12 months be given the SABE/2. However the state does not provide sufficient economic incentive for schools to conduct this test administration, it does not monitor whether the tests are indeed given, and it does not analyze, or otherwise use the data for purposes of developing the curricula for these students or the API rating for schools.

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