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EQUALITY OF EDUCATIONAL OPPORTUNITY FOR LANGUAGE MINORITY
STUDENTS IN OREGON: A SURVEY OF ESL/BILINGUAL EDUCATION
POLICY IN LOCAL SCHOOL DISTRICTS

by

MARY EILEEN SMITH

A dissertation submitted in partial fulfillment of the
requirements for the degree of

DOCTOR OF EDUCATION
in
PUBLIC SCHOOL ADMINISTRATION AND SUPERVISION

Portland State University
University of Oregon

1987 ©

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AN ABSTRACT OF THE DISSERTATION OF Mary Eileen Smith for
the Doctor of Education in Public School Administration
and Supervision presented November 3, 1987.

Title: Equality of Educational Opportunity for Language
Minority Students in Oregon: A Survey of
ESL/Bilingual Education Policy in Local School
Districts.

APPROVED BY MEMBERS OF THE DISSERTATION COMMITTEE:

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Currently there is a national policy debate on the
issue of appropriate educational programs for language

minority students. This study addresses the issue at the state level, asking the fundamental question: Are ESL/-bilingual education policies and practices in Oregon school districts providing equal educational opportunity for language minority students?

The purpose of the study is to document ESL/-bilingual policies and practices in local school districts in Oregon, and to determine to what extent they contribute to equality of educational opportunity. The study examined the research relevant to effective education for language minority students, and reviewed the federal requirements and Oregon state laws enacted to provide equity for these students. This information forms the contextual basis for the analysis of district level ESL/bilingual education policies.

Policy analysis serves as the theoretical framework for the study because of its potential as a synthesizing paradigm for studies in educational administration (Boyan, 1981). The Policy Process Model, described by Heflin (1981), incorporates three stages: (a) policy formulation, (b) policy implementation, and (c) policy impact. The research questions correspond to these three stages.

Policy Formulation: What is the current status of ESL/bilingual education policy in Oregon school districts?

Policy Implementation: What are the structures and

procedures which guide ESL/bilingual education policy in the areas of (a) identification and assessment, (b) instructional programs, (c) primary language usage, (d) exiting and mainstreaming, (e) recognition of minority group cultures, (f) parental involvement, (g) personnel requirements, and (h) program evaluation?

Policy Impact: Are local school districts' ESL/-bilingual education policies in apparent compliance with the laws regarding equal educational opportunity for language minority students? Are local school districts' ESL/bilingual education policies in agreement with basic principles for effectively educating language minority students?

To obtain data in response to these research questions, surveys were mailed to personnel in charge of ESL/bilingual education programs in all Oregon school districts. Through follow-up phone calls and mailings, 93.8 percent of the districts responded, and conclusions were drawn from an analysis of the data.

The findings led to the following conclusions.

1. There is a large and growing population of limited-English proficient (LEP) students in Oregon schools. Although most districts provide some type of programs for LEPs, district policy is rarely mentioned as the reason for doing so.

2. Implementation varies widely from district to district, in the absence of clear state- wide standards or guidelines as to what constitutes effective education for language minority students.

3. Only nine percent of districts reporting LEP students implement ESL/bilingual policies that apparently are in complete compliance with federal and state laws. Only two percent implement policies that concur with basic principles for educating language minority students. A district's level of compliance with the laws and concurrence with basic principles do not correlate with district size, but they do correlate with numbers or percentages of LEP students in the district.

Failure to implement these policies is the result of administrative decisions which relegate ESL/bilingual education to a low priority among the many educational needs in the schools. The impact of these policy decisions has resulted in a majority of Oregon school districts failing to provide equal educational opportunity for language minority students.

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This dissertation is dedicated to

GERALD SMITH

my husband, my best friend, my inspiration,

the best coach in the world,

and the real scholar in the family.

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CHAPTER I

INTRODUCTION

Effectively educating all students is a critical policy issue in public education. Although the focus of this paper is on educational policies for language minority students, the commitment to equality of educational opportunity for all students is recognized as a prerequisite to effective education for every child who comes to school with unique and variable needs and strengths. Oregon law requires that schools provide equal educational opportunity for their students.

Each district school board shall adopt written policies, and the school district shall maintain plans and programs, which assure equality of opportunity for all students. (OAR 581-21-505)

Equity for language minority students is not merely the establishment of equal access to facilities or even to equal treatment. In fact, equality of educational opportunity is made available to linguistic minorities only when their instructional treatment is different than the regular instructional program, as enunciated in the Lau v. Nichols Supreme Court decision (1974).

Under these state imposed standards there is no equality of treatment merely by providing students with the same facilities, textbooks, teachers and curriculum. (p.566).

If school district policies, plans, and programs are going to assure equal educational opportunity to linguistic minorities through different treatment, that treatment needs to be defined. A large body of research has accumulated in the last decade identifying appropriate educational treatment for language minorities. In addition, extensive legislation and case law has addressed equal educational opportunity issues for these students.

It would seem that both research-based educational principles and legal mandates should form the basis for school district policies and programs for linguistic minorities. Yet intense controversy surrounds the issue of what is appropriate educational treatment, from bilingual education advocates to proponents of the submersion ("sink-or-swim") method of teaching limited-English proficient students.

An analysis of local school districts' policies should provide useful information as to whether these policies, plans, and programs do assure equal educational opportunity for all language minority students. It is the intention of this study to pursue that inquiry.

BACKGROUND

There is a commonly held belief that two highly valued goals in education, equality and quality, are in opposition to each other. The reasoning is that the limited resources available to public education make the pursuit of either or both of these goals a zero sum gain. Because of the major focus on equality of educational opportunity in the sixties and seventies, and the accompanying legislation and funding, public sentiment has perceived it to be the cause of the so-called decline in educational quality of the past two decades. The recent national call for excellence in our nation's schools would seem to project a narrow view of quality if it is aimed at only a portion of the students, disregarding the special needs of many. An assumption of this study is that only by providing quality education to each student do we achieve equality of educational opportunity for all students.

The equality/quality debate actually has little merit. It has proven to be a mental exercise at best and diversionary at worst. In practice, equality and quality are mutually supportive. Both focus on the educational process and provide substantive criteria for the provision of an appropriate education based on individual needs. In fact, discourse on equality has provided the terminology and established the perspective for the current dialog on excellence. (Salomone, 1986, p. 198)

Equality of educational opportunity is in principle a value that most educators, legislators, and private citizens would not oppose.

Equality as a social ideal has attracted almost universal attention from ancient times to present...In its purest form, equality enjoys popular appeal among a range of political persuasions. Few would deny that all humans are due equal consideration and respect. Few would deny that individuals should enjoy the opportunity to rise as far as their talents and abilities may carry them. (Salomone, 1986, p. 17)

But the various interpretations applied to this ideal, as it is translated from the theoretical to the real world, may cause conflict over what measures should be taken and what costs must be born in order to assure equal educational opportunity for all students. There are three paradigms that attempt to define the concept (Coleman, 1967; Wirt, 1982). The first sees "equal access" to educational facilities and services as fulfilling the equity obligation to students. A second view requires educational services to remediate deficits in certain children so they will benefit equally from the educational programs provided by the schools. This attempt to meet individual children's unique needs is called "equal educational treatment." The third, and most recent definition of equal educational opportunity, is based on "equality of educational outcomes." The measure of equity in this case is student outcomes, requiring that all students master at least the basic educational skills.

These three paradigms can be seen in the accumulated legislation aimed at providing equity in the schools.

Equality of educational opportunity is a value that is reflected in much of the federal and state legislation concerning education over the last thirty years. The constitutional basis for such legislation is the "equal protection" clause of the Fourteenth Amendment, which states: "No state shall...deny to any person within its jurisdiction the equal protection of the laws." (United States Constitution). Since all states are charged by their constitutions with providing for the education of their youth, the Fourteenth Amendment dictates that they must do so in an equitable manner.

Equality of educational opportunity for minority students has been dealt with most effectively through federal mandates which are passed on to the states and then applied to local districts with the force of law. The first major federal intervention designed to promote equal educational opportunity in the schools was Brown v. Board of Education (1954) which prohibited segregation of racial minorities in the public schools. This reform addressed equal access to educational facilities, but did not deal with equity as far as educational treatment was concerned.

The Elementary and Secondary Education Act (ESEA) of 1965 addressed the needs of those students, both minorities and non-minorities, who required additional services

in order to benefit from the regular school program, thus promoting equality of educational treatment.

Language minority students, those who come from homes where English is not the primary language, often require additional services before they can benefit from the regular school program. Language minority students are difficult to define as a group because their characteristics and needs vary greatly. They may be recent refugees who speak no English, and do not understand the cultural norms of the American public schools. They may be Hispanic children who speak Spanish at home and a mixture of Spanish and English in the neighborhood. Or, they may be recent immigrants who have attended school in their home country and are highly literate in their native language. There are many permutations of language minority students, who linguistically run the gamut from non-English speaking (NES) to limited-English proficient (LEP), to coordinate bilinguals, i.e., proficient in both their primary language and English. English is not their mother tongue; rather it is their second (or third or fourth) language, whether it was learned at home or in school through ESL (English as a Second Language) or bilingual instruction.

Legal Involvement at the Federal Level

The federal government's first initiative to promote equality of educational opportunity for language minority students was Title VI of the Civil Rights Act of 1964. Title VI was clarified in the May 25 Memorandum of 1970, entitled "Identification of Discrimination and Denial of Services on the Basis of National Origin," published in the Federal Register (U.S. Department of Health, Education, & Welfare, 1970). This document informed school districts of their obligations toward children of national origin minority groups.

Where the inability to speak and understand the English language excludes national origin minority group children from effective participation in the educational program offered by a school district, the district must take affirmative steps to rectify the language deficiencies in order to open its instructional program to these students. (U.S. Department of Health, Education, & Welfare, 1970, p. 11595)

The Memorandum interpreted Title VI so that students might not be treated identically when the results would be different. This mandate reflects the equal outcomes paradigm in regards to equal educational opportunity.

In 1968, Title VII of the ESEA, known as the Bilingual Education Act, was passed. This legislation provided funding to develop programs to educate language minority students using both their native languages and English. It has been reauthorized with amendments in

1974, 1978, and 1984, and has recently been reauthorized for four more years.

In the 1974 landmark case, Lau v. Nichols, the Supreme Court first addressed the needs of language minority students. Citing the May 25 Memorandum in its decision, the Court stated:

Basic English skills are at the very core of what these public schools teach. Imposition of a requirement that, before a child can effectively participate in the educational program, he must have already have acquired those basic skills is to make a mockery of public education. We know that those who do not understand English are certain to find their classroom experiences wholly incomprehensible and in no way meaningful. (Lau v. Nichols, 1974, p. 566)

The court charged school districts with taking affirmative steps to educate language minority students appropriately and meaningfully. It did not prescribe bilingual education, but suggested it as one remedy.

The Lau Guidelines of 1975 were issued from the U.S. Office of Education and the Office for Civil Rights (O.C.R.), entitled "Task Force Findings Specifying Remedies Available for Eliminating Past Educational Practices Ruled Unlawful Under Lau v. Nichols" (1975). They outline the appropriate affirmative steps to be taken by school districts to open their instructional programs to limited-English proficient students. Although they do not have the power of law, the O.C.R. uses the guidelines as standards of remediation for districts found to be in

violation of Title VI. They represent clear minimum standards for affirmative development of programs for language minority students. The guidelines, which address the issues of identification of language minority students, program content, staffing, student assessment, and reclassification, have been upheld in some federal court decisions (Cintron v. Brentwood Union Free School District, 1978; Rios v. Reed, 1978), but not in others (Northwest Arctic School District v. Califano, 1978).

The 1974 Equal Educational Opportunities Act formally recognized the states' role in ensuring educational opportunity for linguistic minorities.

No state shall deny equal opportunity to an individual on account of his or her race, color, sex, or national origin by... (f) the failure by an education agency to take appropriate action to overcome language barriers that impede equal participation by its students in its instructional programs. (Sec. 1703)

The Fifth Circuit Court observed in Morales v. Shannon (1975) that, according to this act, it was now an unlawful educational practice to fail to take appropriate action to overcome language barriers. The interpretation of the term "appropriate action" by the courts and legislators may well define the legal future of bilingual education and the rights of language minority students.

Section 1703(f) was enacted almost as an after-thought quietly tacked on to controversial busing legislation. After a decade of slow judicial development, it may soon provide the primary vehicle for effecting educational reform as to the

rights of linguistic minorities. (Salomone, 1986, p. 104)

Because the courts emphasize the importance of discerning "appropriate action" in determining the rights of language minority students, the question of what constitutes appropriate educational treatment will be explored in Chapter II of this study.

Legal Involvement at the State Level

Oregon state law is neither comprehensive nor highly detailed regarding the educational treatment of language minority students, but there are several mandates in the Oregon Administrative Rules (OAR) and Oregon Revised Statutes (ORS) that deal directly or indirectly with the issue (see Appendix A). Districts must develop "Equal Opportunity Plans" which include components of multicultural education and recognition of cultural pluralism in society, according to OAR 581-21-046(9). The laws do not specify program types, but they do require that local school districts systematically identify limited-English proficient students and provide them with appropriate programs "until they are able to use the English language in a manner that allows effective and relevant participation in regular classroom instruction and other educational activities" (OAR 581-21-046). Specific instruction in speaking, reading, and writing the English language is required for those students unable to profit from

regular all-English classes (ORS 336.079). Bilingual education is permitted (not required) as a means to maintain academic skills while children are acquiring English language proficiency (ORS 336.074). When assessing LEP students for handicapping conditions, evaluation instruments must be culturally non-discriminatory, and given in the student's native language, unless it is not feasible to do so (OAR 581-15-072).

Oregon state laws also address the parents and teachers of LEP students. Communications with parents whose predominant language is not English should be in their home language, when information about testing their children is to be shared (OAR 581-21-030). Districts are responsible for the training of teachers assigned to work with limited-English proficient students (ORS 342.609).

Several laws which provide for all students have special application for LEP students. An appropriate basic skills curriculum that meets the needs of all students, including those who are achieving below grade level norms, is required (OAR 581-22-402). Students must be individually assessed regarding progress towards basic skills attainment and completion of graduation requirements, and districts must "provide instruction consistent with the desired achievement considering the needs and interests of each student" (OAR 581-22-602). When educating language minority students, the research shows that the curriculum

must take into account their cultural backgrounds in order to be effective.

All instructional programs in each school district must be regularly evaluated, and the results are to be used to establish priorities for program improvement (OAR 581-22-606). All districts are charged with adopting written policies and maintaining plans and programs which assure equality of educational opportunity for all students (OAR 581-22-505).

The sanctions used to enforce these state laws are monetary. Any violation of rules regarding discrimination in education may result in withholding all or part of state funding (ORS 659.155).

Whereas the federal mandates concerning the educational treatment of language minorities are frequently tied to numbers and concentrations of limited English proficient students, the state laws are not. The May 25 Memorandum (U.S. Department of Health, Education, & Welfare, 1970) was addressed to school districts with more than five percent national origin-minority group children. The Lau Guidelines apply only when the district has 20 or more students of the same language group identified as having a primary home language other than English. The Supreme Court qualified the Lau decision with the statement, "numbers are at the heart of this case" (Lau v. Nichols, 1974, p. 572). The Oregon State laws which apply

to districts with limited-English proficient students ignore the issue of numerosity, thus having the same strength whether a district has one or one hundred students. The wording of the laws allows districts a great deal of flexibility in meeting legal requirements, however.

It can be inferred from this brief summary of federal and state legal involvement in the education of language minority students that the purpose is to ensure equal educational opportunity so that they may succeed in school and society. The 1984 Bilingual Education Act (Title II of P.L. 98-511) states:

The Congress declares it to be the policy of the United States, in order to establish educational opportunity for all children and to promote educational excellence (A) to encourage the establishment and operation, where appropriate, of educational programs using bilingual educational practices, techniques and methods, (B) to encourage the establishment of special alternative instructional programs for students of limited English proficiency in school districts where the establishment of bilingual educational programs is not practicable. (p. 3221)

The Debate Over Bilingual Education

Federal legislation concerned with the education of language minority students came about as a response to the widespread low academic achievement of these students. Language minority students, when compared to the majority population, have consistently demonstrated high absenteeism, high drop-out rates, in-grade retention, over

representation in low ability groups and special education classes, and under representation in talented and gifted programs (Brown, Rosen, & Hill, 1980; Cervantes, 1984)

In addition to the recognition of the need for a more effective means of educating language minority students, research findings in the second half of this century have begun to indicate the importance of the children's primary language in their cognitive functioning and academic achievement. In 1953, UNESCO posited the "Native Language Hypothesis," which announced that the best medium for teaching was in child's mother tongue. The negative extension of this hypothesis attributes the poor performance of minority language children to a "linguistic mismatch" between home and school (Cummins, 1979b). The positive version predicts that children will learn to read better in a second language if they are first taught to read in their home language, and subject matter is introduced in that language. The Native Language Hypothesis has subsequently been rejected by recent researchers as being too simplistic (Cummins, 1984), but both positive and negative versions seem to have considerable explanatory power when applied to language minority students.

The pronouncement of the Native Language Hypothesis came as a direct contradiction to the commonly held belief that bilingualism was something of a handicapping condition to children, and that bilingual education would lead

to insecurity, language interference, and academic retardation (Jensen, 1962). More recent research has suggested that there are cognitive advantages to bilingualism (Cummins, 1978; Hakuta & Snow, 1986).

There are many legislators, educators, and private citizens who agree in principle with equality of educational opportunity for all, yet disagree strongly with the federal mandates and guidelines designed to provide equity for language minority students (i.e., bilingual education). The use of tax dollars to teach children, even temporarily, in a non-English language is strongly opposed by many. The traditional idea of the United States as a melting pot, in which all differences are reduced to one homogeneous language and culture, dies hard. To many, equality of educational opportunity for all groups does not entail the inclusion of their diverse cultures, much less their languages, in the educational process (Cordasco, 1983). In the opinion of U.S. Senator Walter Huddleston:

Bilingual education has gradually lost its role as a transitional way of teaching English, and has now taken on a strong bicultural dimension. The unfortunate result is that thousands of immigrant and nonimmigrant children are kept in a state of prolonged confusion, not fully understanding what is expected of them. They and their parents are given the false hope that their native language can be fully maintained in this country and that the mastery of English is not so important. (United States Senate, 1984, p. 16)

Many of those who oppose bilingual education programs, as provided for in the Bilingual Education Act, deny that it will provide equal educational opportunity for language minority students. On the contrary, they feel that bilingual programs will segregate language minorities and encourage them to depend on their non-English languages and their ethnic cultures, thus hampering their chances for educational success and upward mobility (Epstein, 1977; Ovando, 1983; Rodriguez, 1982).

Alan Pifer, the president of the Carnegie Corporation, noted the controversy surrounding bilingual education in his 1979 annual report. He suggested three factors that contribute to the passionate debate about bilingual education. First, public perceptions persist about the lack of accomplishment of these programs, and there is a lack of evaluative studies to provide convincing evidence as to their efficacy. Second, the public sees bilingual education as a departure from the long established apparent policy of English-only instruction in the schools. And third, bilingual education is closely associated in the minds of many with Hispanic Americans, and is seen as a strategy for realizing their social, political, and economic aspirations (Pifer, 1980).

It is true that evaluative studies of bilingual programs have produced contradictory evidence regarding their effectiveness in educating children. Baker and de

Kanter (1981) reviewed 28 studies and concluded that bilingual education is not an effective means of educating language minority students. This review received widespread media attention, and the conclusions of the report have been cited by critics of bilingual education programs. Education Secretary William Bennett called the federal policy of promoting bilingual education over all other methods of teaching LEP students "a failure" (Connell, 1986, p. A9). Baker and de Kanter's research has received severe criticism concerning the procedures and methodologies used in selecting the 28 studies for review (Yates, 1982).

A meta-analysis of the studies reviewed by Baker and de Kanter show that the inconsistent evaluation conclusions are a result of poor research designs rather than poor educational programs (Willig, 1985, p. 270). Some defects in the research studies cited were failure to control for student variables in the experimental and control groups, and failure to adequately describe the programs being compared. The term, bilingual education, has so many interpretations that it is misleading to group several programs together and assume the children are all receiving the same educational treatment.

There is no standard bilingual program, and...the treatment variable is rarely constant between program classrooms and even within classrooms. Bilingual education encompasses many different approaches, both quantitative and qualitative.

Approaches range from a class a day where a large portion of the instruction is not in English to a situation where children attend a regular English class which they leave for 40 minutes of second language instruction...The differences among programs or classes within a bilingual group are often as great as the differences between bi- and nonbilingual programs. Thus evaluators must carefully describe the parameters of the bilingual programs under consideration, taking precautions that all the children are, in fact, following such a program. (Cohen, 1979, p. 1, 2)

Willig concluded that there is a high correlation between strong research designs and positive effects found in bilingual education programs.

Pifer's (1980) second factor, the public perception of, and resistance to, any departure from the traditional English-only instruction in the schools, is gaining momentum in response to the opposing demand for recognition of many languages and cultures present in this pluralistic society. The emotional reaction to these demands encourage the English-only advocates to ignore the explicit goals of bilingual education programs.

The U.S. English organization and other bilingual education opponents do not recognize that the stated goal of all bilingual education programs in the United States is English language proficiency (Alatis, 1986; Bilingual Education Fact Sheets, 1982). The reason for educating children in their primary language as well as English is to accomplish the other two universal goals of bilingual education: the achievement of high levels of cognitive and

academic development, and adequate psychosocial and cultural adjustment (California State Department of Education, 1981). U.S. English, a nationwide organization founded by former Senator S. I. Hayakawa, has a membership exceeding 30,000, and represents a vocal and organized force opposing bilingual education (Salomone, 1986, p. 95). This group was instrumental in the recent passage of English-only legislation in California.

The "Hispanic threat" alluded to in Pifer's (1980) third factor, is part of a large scale change in ethnic attitudes, as described by Sagarin (1985).

The combination of forces that marked the period from...1960 to 1980 not only changed the numbers, but changed linguistic policy. People speaking foreign languages were no longer seeking to shed them, but began to demand recognition on a scale not far below that accorded English. With affirmative action, and the demands that blacks and women be hired without discrimination, this became extended to Hispanics, which for the most part meant recognition of Spanish speaking. There was a spill-over effect from several sources: the large Spanish-speaking population and their linguistic demand, the civil rights movement, the new ethnic pride, and the influx of other immigrant groups. New language policies were being formulated that called for printing of ballots in more than one language, adjudication of court cases in Spanish, public financing of schools having instruction other than in English, and hiring of people speaking two or more languages...These policies are not likely to decline, but if anything to increase in the years ahead. Starting with the Spanish, one heard similar demands with regard to the Chinese, Haitian, French, and others, throwing the formulation of language policy into a state of confusion and turmoil. (p. 40)

STATEMENT OF THE PROBLEM

In this current climate of conflict over language policies and ambivalence toward bilingual education programs, the education of language minority students has become a political issue.

The political polarization of the issue has resulted in each side clinging to conventional wisdoms and selectively screening out or dismissing any incompatible data. Although some advocates and opponents of bilingual education may realize that their assumptions are inadequate to account for all the data, they fear the political consequences of admitting this. The result is that, to policy-makers, the research data invoked to support opposing conventional wisdoms appears contradictory. (Cummins and Swain, 1986, p. xiv)

This apparent contradiction of findings has caused uncertainty over the future of bilingual education programs at the highest levels of government, as reported by the press.

The Department of Education made poor use of bilingual education research and statistics, thus reaching erroneous conclusions that played down the value of teaching in languages other than English, according to a new congressional report.

A General Accounting Office draft report obtained by the Los Angeles Times says that 10 experts in bilingual education examined a series of research papers that the department had cited in its criticism of bilingual education programs, and the majority concluded that the department misinterpreted the research.

The GAO report, requested by Rep. Augustus F. Hawkins, D-Calif., chairman of the Education and Labor Committee, is the latest exchange in the continuing battle over the future of bilingual programs, a battle that pits Education Secretary William J. Bennett against the bilingual education establishment and some members of Congress. (May, 1986, p. A9)

Local school districts are faced with the task of complying with state and federal laws and regulations regarding the education of language minorities. At the same time, they must deal with a combination of community attitudes ranging from hostile or ambivalent to receptive or even demanding of bilingual education programs in the schools. In the midst of this, school administrators are charged with implementing programs that will provide quality education for all students, including language minorities.

The formulation of policy that will meet these demands, in the face of the many constraints that weaken policy implementation, is a challenging task for most school districts. In states with large numbers of language minority students, such as California, Texas, New York, and Florida, such policy is set at the state level. In states such as Oregon, where the language minority population is sparse and unevenly distributed, educational policy to meet the needs of these students is left up to the local districts. Each local district must formulate policy in accordance with the law, with community attitudes about student needs, and with available resources. In Oregon, as in most states, the latter two factors vary widely from district to district. At the same time, the educational needs of language minority students

constitute a critical issue that all districts must address.

The problem addressed in this paper is: Are ESL/-bilingual education policies and practices in Oregon local school districts providing equal educational opportunity for language minority students throughout the state? Because of the great variety of school district characteristics across the state, including size, resources, community attitudes, and language minority populations, the school district policies dealing with the education of language minorities tend to vary widely. A comprehensive description of these policies has not been undertaken before this study.

PURPOSE OF THE STUDY

The purpose of this study is to document ESL/-bilingual policies and practices in local school districts in Oregon, and to analyze them in terms of their contribution to equal educational opportunity and quality education for language minority students.

THEORETICAL FRAMEWORK

This study adopts policy analysis as a frame of reference because of its potential as a synthesizing paradigm for studies in educational administration (Boyan, 1981). Boyd and Immegart (1979) advocate policy analysis

as a unifying approach for research in educational administration.

The educational policy approach seems peculiarly appropriate for an applied and interdisciplinary field such as educational administration. This is so because with its focus on the consequence of policies, on what makes a difference at the level of educational implementation, educational policy analysis helps bind together theory and practice and provides a unifying nexus for research from different disciplines and fields of study. (p. 277)

Policy research is a form of applied research that is decision-oriented, in that its intent is to "produce information that will aid in making more rational choices among competing courses of action" (Haller & Strike, 1979, p. 229). This type of research fits the dynamic nature of educational research and meets the need for applicability of research findings. Applied policy research does not reject conclusion-oriented, scientific research, but rather parallels it. Haller and Strike (1979) compare and contrast the three components of scientific research with those of applied research. What Haller and Strike call the "theoretical hard core," that is, the basic theoretical commitment of scientific research, correlates with the "normative-theoretical hard core" in applied research. This is a "systematically interconnected set of empirical theories about how the world operates, and normative or ideological beliefs regarding desired end states" (p. 231). The auxiliary hypotheses of scientific research,

i.e., those additional assumptions necessary to map the theory onto the world, are translated into policies in applied research, according to Haller and Strike. These policies are plans of action, which implement the values of the normative-theoretical hard core. The third component of scientific research is data, the facts or empirical regularities that the theory is intended to explain. This third component in applied research consists of policy outcomes, or policy impact.

In this study the "normative-theoretical hard core" includes the assumptions that equal educational opportunity consists of the provision of quality education for all students, and that quality education for all leads to a more equitable society. The policies, or "plans of action" examined in this study are the ESL/bilingual policies of local school districts. The outcome observed is equal educational opportunity for language minorities, expressed in terms of the apparent compliance of district policies with legal mandates, and their concurrence with research-based principles for effectively educating language minority students.

The ESL/bilingual policies of school districts are examined here in the framework of the Policy Process Model. Haller and Strike's (1979) description of the three components of applied policy research parallels the policy process model. Brewer (1983) visualizes this model in six

stages: initiation, estimation, selection, implementation, evaluation, and termination. Jones (1984) lists eleven stages: perception/definition, aggregation, organization, representation, agenda setting, formulation, legitimation, budgeting, implementation, evaluation, and adjustment/-termination.

Heflin (1978, 1981) groups these steps into three phases: policy formulation, policy implementation, and policy impact. Table I demonstrates how these three models parallel each other in the policy process.

TABLE I
THE POLICY PROCESS MODEL

Heflin	Brewer	Jones
Policy Formulation:	Initiation Estimation Selection	Perception/ Definition Aggregation Organization Representation Agenda Setting Formulation
Policy Implementation:	Implementation	Implementation
Policy Impact:	Evaluation Termination	Evaluation Adjustment/ Termination

The focus on policy as a process here is important, in that policies as they are actually carried out, are not static, but dynamic actions, affected by many factors.

Policies must be implemented not once but many times. That is they are converted into actions in many different locations, by different actors, and over a period of time. Since these locations, actors, and times differ from each other in numerous and important ways, the nature of these implementations will vary considerably. (Haller & Strike, 1979, p. 231)

Merely reviewing written policies does not give a clear picture of the nature of educational policies for language minority students. In the first place, very few

districts have specific written policies pertaining to language minority students. Secondly, there is typically a significant discrepancy between written policies and their implementations.

Policies are typically vague and require administrative interpretation at several levels, a variation in political constraints among different sites, variation in available resources, and differences in clients' perceived needs. These variations in implementation are usually so great as to render problematic whether or not an action carried out in the name of a given policy is an instance of that policy. In a real sense, administrators charged with implementing policy make that policy. (Haller & Strike, 1979, p.232, emphasis added)

It is essential to define the word, policy, for purposes of this study, as it is a term that means many things to many people. The wide variation of interpretations of this concept can cause miscommunication between the researcher and reader. Guba (1984) describes eight different ways policy is defined in the literature in order to make this point.

The particular definition assumed by the policy analyst determines the kinds of policy questions that are asked, the kinds of policy-relevant data that are collected, the sources of data that are tapped, the methodology that is used, and finally, the policy products that emerge. Unfortunately, if the reader and the analyst operate from different definitions, the reader will find the policy products irrelevant at best and pernicious at worst. (Guba, 1984, p. 64)

In this study, policies are determined in terms of school district practices as described by those in charge of the administration of ESL/bilingual programs. The

formal definition of policy for this study is that used by Jones (1984): A standing decision characterized by behavioral consistency and repetitiveness on the part of those who make it and those who abide by it.

RESEARCH QUESTIONS

The research questions used to guide this study are tied to Heflin's Policy Process model (see Table I).

Policy Formulation Phase.

1. What is the current status of the ESL/bilingual education policy in Oregon school districts?

Policy Implementation Phase.

2. What are the structures and procedures which guide ESL/bilingual policy in the areas of
(a) identification and assessment, (b) instructional programs, (c) primary language usage, (d) exiting and mainstreaming, (e) recognition of minority group cultures, (f) parental involvement, (g) personnel requirements, and (h) program evaluation?

Policy Impact Phase.

3. Are local school districts' ESL/bilingual education policies in apparent compliance with the laws regarding equal educational opportunity for language minority students?
4. Are local school districts' ESL/bilingual

education policies in concurrence with basic principles for effectively educating language minority students?

The policy formulation phase question includes the perception and definition of the problem, as outlined by Jones (1984). This is also described by Brewer and de Leon (1983) in their parallel initiation phase.

This phase emphasizes efforts to define (or redefine) the problem, to get a sense of it in terms of its possible importance and whether it merits further time, attention, and resources. (Brewer & de Leon, p. 18)

The application of the recognition process to this particular study is to determine how many ESL students are in Oregon, where they are and in what concentrations, and what languages they speak. Relevant information to this phase also includes the location of established ESL/-bilingual programs currently serving LEP students. The answers to the first question help to determine if the education of language minority students in Oregon is a substantial issue worth pursuing.

The policy formulation question also includes the identification of ESL/bilingual policies in school districts. These policies may be formal board resolutions, or standing decisions as reflected in the operating procedures of the district. The foundational necessary and sufficient conditions as defined by federal and state laws establish default standards for ESL/bilingual policy for

all school districts in the state. School districts' written policy statements must concur with these underlying standards, and may elaborate and extend them. In addition to, or in the absence of, a local statement, standard practice implies de facto policy.

The second question relates to the implementation phase as a complex process. The study looks at not only what policies are being implemented, but also what factors influence implementation, and what constraints inhibit it. The eight policy areas are based on the Lau Guidelines (U.S. Department of Health, Education & Welfare, 1975). The Office for Civil Rights uses the guidelines to assist school districts in planning programs in compliance with Title VI regulations.

The third and fourth questions look at the impact of policy implementation in two areas: legal and educational. The criteria used here to evaluate ESL/bilingual policies are federal and state legal mandates and research-based principles for effectively educating language minorities. The process of evaluation here is a correlation of district policies with legal requirements and basic educational principles. Student outcomes are not measured in this study.

Haller and Strike's (1979) description of policies as plans of action is appropriate here. If the objectives of the plans of action are to implement the values of the

normative-theoretical hard core, i.e., equal educational opportunity, then they should correlate with what the law requires for the education of language minorities and with what research says about effective education for these students.

IMPORTANCE OF THE STUDY

The education of language minority students is a growing challenge in schools across the nation. Demographics indicate that the number of limited English proficient children entering public schools is increasing and will continue to do so for the rest of this century (Hodgkinson, 1985).

Oregon, though not a state with extremely high numbers of minorities, nevertheless has experienced significant growth among linguistic minorities in the last 15 years (see Table II) through an influx of Asian refugees and an increase in the number of Spanish-speaking migrant workers (U.S. Department of Commerce, 1983; Oxford-Carpenter, 1984). The median age of minorities in our society is below that of the general population, with the implication that the minority birthrate will continue to exceed that of the non-minority population (Hodgkinson, 1985). Because of this, a more culturally and linguistically diverse population of children can be expected to enter Oregon schools in future decades.

TABLE II
RECORD OF OREGON PUBLIC SCHOOL RACIAL-ETHNIC
ENROLLMENT, 1970-71 TO PRESENT

Ethnic Group	School Year				
	70-71	75-76	80-81	85-86	86-87
Anglo/White	442,950	445,333	425,810	403,629	404,011
Black	8,003	9,091	9,389	10,190	10,603
Hispanic	6,682	8,342	11,022	13,424	14,161
Indo- Chinese	*	*	*	6,391	6,524
Other Asian	3,266	5,586	9,901	5,486	5,557
American Indian	3,627	5,081	7,584	7,484	7,469
Russian	518	575	893	941	982
Total	465,046	474,008	464,599	447,527	449,307
% Minority	4.75%	6.05%	8.35%	9.81%	10.08%

* Department did not differentiate between Indo-Chinese and Other Asian these years.

Source: Oregon Department of Education, Annual Fall Reports, 1970-1986.

This study provides a large scale description of the policies and practices that affect language minority students in Oregon. Until now, this information has not been compiled and organized into a meaningful and usable information source. It provides baseline data on numbers of students being served, ESL/bilingual program characteristics, and constraints that districts face in trying to provide equal educational opportunity to language minority students.

An analysis of district policies in this study provides information relevant to the level of equal educational opportunity available to language minority students in this state. This can be used to facilitate planning to assure equity for the more diverse groups of students expected in the future.

The results from this research may alert those whose goal it is to provide equal educational opportunity to all students in the state. It points out where the inadequacies in policy implementation are likely to affect the education of language minority students by (a) reporting the discrepancies between district policies and state and federal laws, and (b) citing the disparities between district policies and research-based principles for effectively educating language minorities. The findings of this study also recognize district policies and practices

that contribute to equal educational opportunity for language minority students. The information from this study can be used to identify needs at both the state and local level that require attention in order to provide quality education to these students.

DEFINITION OF TERMS

Functional Definitions

Language Minority Students. In that language minority students are the focus of this study, it is necessary here to define who they are. The term "language minority" refers to persons in the United States whose first language is not English and who belong to an identifiable minority group. (U.S. Commission on Civil Rights, 1975, p.1).

ESL Students. By definition then, language minority students are also ESL (English as a Second Language) students. Although English may be their third or fourth language, rather than their second, students whose first language is not English are generally referred to as ESL students, as they are in this paper. By the above definitions it is possible to be an ESL student and not be a language minority (an exchange student from Sweden, for example).

NES Students and LEP Students. Language minority students are often further classified by their English

language proficiency. Non-English speaking students, NES, are readily identifiable by observing their inability to communicate in English. Limited-English proficient students, LEPs, vary widely in their ability to communicate in English and to achieve academically from English instruction. Crucial issues in the education of LEP students include (a) how to identify their condition of limited English proficiency, (b) how to increase their oral language proficiency and their cognitive academic language proficiency, and (c) how to know when their English language proficiency has reached a level sufficient to achieve in the mainstream classroom.

Bilingual Students. Bilingual students are those individuals who speak and understand two languages. The relative proficiency in those two languages may vary significantly among people referred to as bilingual. A coordinate bilingual individual has developed high levels of communicative and academic proficiency in both languages, while a less balanced bilingual may have very rudimentary language skills in one language, and have highly developed communications and literacy skills in the other. A problem that may occur with language minority students is the failure to achieve high levels of proficiency in either language. Cummins (1981) speaks of this condition in his Threshold Hypothesis (see Chapter II), and theorizes that it may be associated with low

achievement and negative cognitive effects. In this paper the term bilingual students will refer to language minority students, unless otherwise specified.

ESL/Bilingual Programs. All educational programs designed to give special instruction to language minority students are referred to as ESL/bilingual programs. This broad term may be broken down to describe the two major instructional approaches to educating language minority students, ESL programs and bilingual education programs.

ESL Programs. ESL (English as a Second Language) programs provide intensive English language instruction in which "the primary goal of instruction is the achievement of a high level of communicative competence in English" (Alatis, 1986, p. 17).

Bilingual Education Programs. Bilingual education programs in the United States consist of instruction through two languages: English and the primary language of the learners. There is a wide variation in bilingual education programs, including (a) the relative amount of time allotted to English language instruction and primary language instruction, (b) whether the program is pull-out or self-contained classroom, (c) the quality of the curriculum, materials and personnel, and (d) the academic expectations for students.

Effective Education for Language Minority Students.

This term is defined here as educational practices that are consistent with current research findings regarding the achievement of ESL students. The term, "appropriate educational treatment" and "quality education" will be used interchangeably with "effective education" in this study.

Equal Educational Opportunity. The circumstance created by school policy in which the educational treatment of every child enables each one to achieve to his or her capacity, in spite of past deficiencies (Coleman, 1968).

Equality. The definition of equality for this study is the societal goal of an equitable distribution of opportunities for prosperity and fair treatment, and to a certain extent of basic resources (Salomone, 1986).

ESL/Bilingual Education Policy. All educational policies pertaining to language minority students.

Local School Districts. The basic administrative units in the organization of schools, most of which are units of government, created and empowered by state law to administer public education (Garms, 1978). They are sometimes referred to as local education agencies (LEAs).

Policy. The definition of policy for this study is a standing decision characterized by behavioral consistency

and repetitiveness on the part of those who make it and those who abide by it (Jones, 1984).

Specialized Terminology

As in any specialized area, the field of ESL/bilingual education utilizes a unique set of terms that most efficiently describe the concepts under consideration. The following definitions are provided to facilitate the communication of these concepts.

Additive Bilingualism. Proficiency is developed in a second language subsequent to, or simultaneous with, development of the primary language.

Affective Filter. The general term for variables such as personality, motivation, self-esteem, and social class, which affect the individual's receptivity to language acquisition.

Basic Interpersonal Communication Skills (BICS). The ability to use language for social communication within context embedded situations.

Cognitive Academic Language Proficiency (CALP). Language proficiency related to literacy, cognitive development, and academic achievement. The ability to manipulate the language in an abstract, rather than a concrete, environment.

Comprehensible Input. Meaningful language and instruction directed at the language minority students under optimal learning conditions.

L1. The first language (native language, primary language, mother tongue) an individual acquires.

L2. The second language an individual learns or acquires.

Language Dominance. The language in which the individual is most proficient and which is used most frequently.

Language proficiency. Specific language skills possessed by an individual, such as control of syntax, phonology, and vocabulary.

Subtractive bilingualism. Students lose their primary language in the process of learning a second language, and have difficulty developing high levels of proficiency in either language.

ASSUMPTIONS AND LIMITATIONS OF THE STUDY

The assumptions of this research project are:

1. It is assumed that quality education for each student is a prerequisite to equal educational opportunity for all students.

2. It is assumed that state and federal laws concerning equity for linguistic minorities promote educational opportunity for language minority students.

3. It is assumed that the current research findings on the education of language minority students can be implemented, and result in appropriate educational treatment, i.e., effective education.

The limitations of this study are:

1. This study is limited to an examination of the ESL/bilingual policies and practices in local Oregon school districts. Student outcomes are not measured.

2. The findings of this study are limited to Oregon school districts, and are not necessarily generalizable to other states.

3. The accuracy of the data collected by questionnaire is limited by (a) the perceptions, attitudes, and knowledge of the administrators, coordinators, and other personnel in charge of the ESL/Bilingual programs for their respective districts; and (b) by the clarity, reliability and validity of the questionnaire.

ORGANIZATION OF THE STUDY

The study is organized in five chapters, a reference list, and appendices. Chapter I contains: (a) Introduction, (b) Background, (c) Statement of the Problem, (d) Purpose of the Study, (e) Theoretical Framework, (f) Research Questions, (g) Importance of the Study, (h) Definition of Terms, (i) Assumptions and Limitations of the Study, and (j) Organization of the Study.

Chapter II contains a review of related literature and research. Chapter III explains the research methodology and design for the collection and processing of data. Chapter IV contains the presentation and analysis of data. Chapter V contains the summary, conclusions, and recommendations.

CHAPTER II

REVIEW OF LITERATURE

OVERVIEW

An extensive review of the literature revealed very few policy studies at the state level in the area of bilingual education. Those which had been done were evaluative studies attempting to determine the effectiveness of bilingual education programs. A computer search of the ERIC database disclosed: (a) two policy studies at the national level, the A.I.R. Evaluation (Danoff, 1978) and the Baker and de Kanter Report (1981); and (b) three at the state level, the California Research Project (Jones, Robles, & Berkowitz, 1980), the Michigan Study (1981), and the Colorado Study (Egan & Goldsmith, 1981). All of these studies were evaluative and will be discussed in the section on evaluative research later in this chapter.

Two dissertations which were policy studies related to bilingual education were discovered through a computer search of Dissertation Abstracts: (a) A Case Study of

Implementing Alaska's Bilingual Education Policy

(Suetopka-Duerre, 1986) and (b) Local Implementation and Interpretation of Arizona Bilingual Education Statutes and Policies (Shell, 1986). Both of these examined the effects of state policies at local sites. Neither of the above paralleled this study in its broad, state-wide focus.

In the absence of policy studies closely associated with this study, the literature reviewed in this chapter is concerned with the research that attempts to define appropriate, effective education for language minority students. This research is at the forefront of the national policy debate over ESL/bilingual education. There is an increasing awareness of the importance of research in sound educational policy formulation (Edmonds, 1982; Hakuta & Snow, 1986; Murphy, Weil, Hallinger & Mitman, 1982). The debate over bilingual education at the national level calls upon the results of linguistic research (U.S. Senate, 1984). Court cases involving the educational treatment of language minority students rely on the input of research regarding language proficiency and academic achievement (Castaneda v. Pickard, 1981; Lau v. Nichols, 1974; Rios v. Reed, 1978).

Equal educational opportunity for language minority students presupposes two requirements. First, students must be given physical and linguistic access to educa-

tional programs; i.e., they must receive instruction in a language they can understand. The second requirement is that the educational programs must be meaningful and effective in promoting academic success for these students (Tikunoff, 1985; U.S. Department of Health, Education & Welfare, 1975).

Research into the most effective means for educating language minority students falls into two categories. The first, evaluation research, seeks to compare the various types of educational programs used to instruct limited English proficient students, in order to find the most effective methods. The findings of evaluative studies have been inconsistent due to a number of methodological difficulties described by Willig (1985) in her meta-analysis of selected studies on the effectiveness of bilingual education.

Inadequacies of the research studies in general were reflected in research design, in the failure to document or describe the educational programs under scrutiny, in the statistical treatments of the data, and in the failure to equate experimental and comparison groups on such characteristics as language proficiency and socioeconomic status. (p. 270)

Issues in research methodology will be discussed later in this chapter in the section entitled "Evaluation Research."

The other broad research area that contributes to knowledge regarding the most effective means for educating

language minority students has been termed "basic research" (Hakuta & Snow, 1986).

Basic research focuses on the linguistic and psychological processes in the development of bilingual children. This research attempts to understand how children learn a second language, how their two languages interact, how language is related to thinking, and how children learn at different rates and develop different styles in their language and cognitive abilities. Basic researchers include psychologists, linguists, anthropologists, and sociologists. In general, they are not directly tied to the practice of bilingual education, although their research has often been conducted in the context of bilingual education. (Hakuta & Snow, 1986, p. 29)

BASIC RESEARCH

Basic research has been characterized by sound research design and methodology, and has contributed much to the theoretical framework for effectively educating language minority students (California State Department of Education, 1982). The importance of basic empirical research of this type is its contribution to an overarching theory of effective education for language minority students. This theory, according to Cummins and Swain (1986), contributes to an understanding of why bilingual programs and policies are effective in certain contexts, but not in others.

Data or "facts" from bilingual programmes become interpretable only in the context of a coherent theory from which predictions about programme outcomes under different conditions can be generated. Policy makers and educators have not realized that

although research findings cannot be directly applied across contexts (e.g. French immersion findings cannot be applied directly to the minority language situations in the United States), theories are almost by definition applicable across contexts in that the validity of any theoretical principle is assessed precisely by how well it can account for research findings in a variety of contexts. If a theory cannot account for a particular set of research findings, then it is an inadequate or incomplete theory. (Cummins & Swain, 1986, p. xv)

Two inadequate or incomplete theoretical principles constitute the basis for much of the bilingual policy now in effect in the United States. The first is the "linguistic mismatch" hypothesis, which emanated from UNESCO's (1953) Native Language Hypothesis, and asserts that children will suffer academic retardation when instructed initially through a second language. The widespread failure among language minority children has been explained by this theory, and formed a substantial part of the rationale for the Bilingual Education Act of 1968. However, numerous research findings from the Canadian French immersion programs have refuted the universality of this hypothesis by demonstrating that children can succeed academically when instructed through a second language, under certain conditions (California State Department of Education, 1984).

The second inadequate theory, the "maximum exposure" hypothesis, states that the amount of time language minority students are exposed to English correlates with

their success in developing English proficiency (Cummins & Swain, 1986). The intuitive appeal of this hypothesis has led many to use it as a basis for policies requiring early exit from bilingual education programs. This hypothesis has been refuted, however, in several contexts. The "submersion" method of instructing language minority students (banned by the Supreme Court in the 1974 Lau v. Nichols decision) exposed them to all-English schooling, yet the outcome of this system was widespread academic failure, as described by Wright in 1975: "The most conspicuous failure group in the American educational system is composed of children whose home language is not English" (p. 335). Research findings from the Canadian immersion programs have demonstrated that students instructed through a minority language a substantial portion of each school day will perform as well on achievement tests given in English as their counterparts who receive all their instruction through English (California State Department of Education, 1984). Willig (1985) found in a meta-analysis of 23 studies of bilingual education programs that most students instructed through both the minority language and English perform as well or better than their counterparts receiving all-English instruction.

In searching for an explanatory theory of bilingual education, Cummins and Swain (1986) identify two types of hypotheses, "interactive predictor hypotheses" and "universal predictor hypotheses" (p. xvi). The first type is unlikely to achieve desired policy objectives because the effects in any particular context are dependent upon how they interact with other variables. They label the linguistic mismatch hypothesis an interactive predictor hypothesis, and maintain that this is why "bilingual education policy in the United States, which is based on the linguistic mismatch hypothesis, has had such mixed results" (p. xvi). Universal predictor hypotheses, on the other hand, show consistent effects across a wide variety of contexts.

Educational policy can be reliably based on these explanatory principles since their effects are not significantly mediated or reduced through interaction with other variables. (p. xvi)

The Five Basic Principles for educating language minority students are based on universal predictor hypotheses, according to Cummins and Swain (1986).

The Contextual Interaction Theory

The purpose of basic research in bilingual education is to build a theoretical framework of "universal predictor hypotheses." The Contextual Interaction Theory, described below, takes into account the interaction of

several variables with instructional treatments, and their effects on student outcomes. The variables accounted for in this theory are community background factors, student input factors, educational input factors, instructional treatments, and student outcomes.

In this model, community background factors, such as language use patterns in the home and community attitudes toward a student's home language (L1) and second language (L2) contribute to student input factors which the child brings to the educational setting. These student input factors, such as L1 and L2 proficiency, self-esteem, levels of academic achievement, and motivation to acquire L2 and maintain L1, are in constant interaction with instructional treatments, resulting in various cognitive and affective student outcomes. The instructional treatments are primarily determined by such educational input factors as fiscal resources available to the school; staff knowledge, skills, experience, expectations and attitudes; and underlying educational assumptions or theories. (California State Department of Education, 1982, p.4)

The Contextual Interaction Theory explains why some language minority students succeed in school in spite of educational treatments that are ineffective for others. Certain student input factors (e.g., strong family values favoring education) may compensate for an otherwise less than ideal educational program. On the other hand, negative community factors (low self esteem and social status of the language minority group in a specific community) may work against student success in a strong instructional program for language minority students.

The Contextual Interaction Theory is based on five research-based principles which describe how student input factors interact with instructional treatments to contribute to the three major goals of educational programs for language minority students: English language proficiency, academic achievement, and psychosocial adjustment (California State Department of Education, 1982). The Five Basic Principles are the basis of the Program Quality Review Instrument (PQRI), used by the Office of Bilingual Education, California Department of Education, to evaluate bilingual programs in local school districts throughout that state (California State Department of Education, 1981).

First Basic Principle. The First Basic Principle, formally stated, is: "For bilingual students, the degree to which proficiencies in both L1 and L2 are developed is positively associated with academic achievement" (California State Department of Education, 1982, p.7). That is, high levels of proficiency in both languages of the bilingual child correlate with high achievement.

Research on bilingualism and its effects on cognitive functioning has produced conflicting results. During the first half of this century, studies involving recent immigrants and their children concluded that bilingualism was negatively associated with intelligence

and academic achievement (Hakuta, Ferdman & Diaz, 1986; Jensen, 1962). The "truth" of these findings was obvious to most educators, who observed the high rate of academic failure among language minority children, especially recent immigrants. It was assumed that the knowledge of two languages produced confusion, language interference, and even emotional problems.

Many observers and investigators conclude that childhood bilingualism, forced or voluntary, results in many disadvantages. Numerous handicaps may accrue to the individual in his speech development, overall language development, intellectual and educational progress, and emotional stability. In addition, society may suffer many disadvantages. (Jensen, 1962; p.133)

However, more recent research has discovered positive correlations between bilingualism and cognitive functioning. Peal and Lambert (1962) questioned the methodology of previous studies, and the definition of "bilingualism" as it applied to the sample populations used in those studies. Whereas earlier studies merely compared groups of monolinguals to groups of bilinguals of varying degrees, Peal and Lambert controlled for socioeconomic status, parent education, years of schooling, and other relevant variables. They also coined the term, "balanced bilinguals", and defined them as those children who can function, age appropriately, in two languages. The results of this study (and subsequent studies that utilized this paradigm) showed positive correlations

between bilingualism and intelligence, metalinguistic awareness, and the ability to apply linguistic processes to problem solving (Ben-Zeev, 1977; Ianco-Worrall, 1972).

Cummins explains the discrepancies in findings between early research and more recent studies by means of the "Threshold Hypothesis" (Cummins, 1981, p. 37). This theory asserts that if neither of the bilingual child's two languages are well developed, or if the second language is being developed at the expense of losing the first language, then negative cognitive effects are more likely to occur. That is, below a certain threshold of language proficiency in both languages, bilingualism is associated with low levels of academic proficiency. This condition has been termed "subtractive bilingualism" by Lambert (1975), and may be seen among minority language children who are expected to function academically in English before their primary language is well developed. In that no attempt is made to develop the child's primary language, it stagnates, or is lost, i.e., "subtracted" from the child's repertoire of linguistic skills, at least in the academic setting.

Conversely, "additive bilingualism" develops when a second language is acquired at no expense to the first. Literacy and other academic skills are developed in both languages so that the child reaches a higher level, the

second threshold in Cummins' hypothesis. At this level, positive cognitive effects can be observed. The area between the two thresholds, termed "partial bilingualism," shows no evidence of either positive or negative effects, according to Cummins (1981), as long as the child has achieved native-like proficiency in one of the two languages.

Hakuta, Ferdman and Diaz (1986) contrast three perspectives in the research regarding bilingualism and cognitive development: the cognitive level, the social-psychological level, and the societal level. They assert that erroneous conclusions were reached in early research that used the perspective of societal bilingualism to draw conclusions about bilingualism at the cognitive level. Hakuta and Diaz (1985) used a multiple regression approach to analyze the data from research on bilingualism and cognitive development. From these analyses, Hakuta, Ferdman and Diaz (1986) concluded that "if bilingualism and intelligence are causally related, bilingualism is most likely the causal factor" (p. 20). Their hypothesis regarding bilingualism and cognitive development is "the systematic exposure to two languages found in bilingual additive situations will give children a unique advantage in the objectification of language" (p. 25). The objectification of language refers to the child's awareness of

linguistic processes, and the consequent ability to think symbolically and abstractly.

The empirical research reviewed here supports the assertion of the First Basic Principle that high levels of bilingual proficiency are associated with high academic achievement. The application of this principle to educational policy would indicate that the instruction of children in two languages will not necessarily confuse them nor harm them cognitively. In fact, it may lead toward higher academic achievement.

Second Basic Principle. While the first principle states the positive effects of high levels of language proficiency, the second principle defines language proficiency: "Language proficiency is the ability to use language for both academic purposes and basic communication tasks" (California State Department of Education, 1982, p. 9).

Cummins (1981) proposes a theoretical model of language proficiency that is supported by empirical research. It presents language proficiency along two continuums (see Figure 1).

Figure 1. Range of contextual support and degree of cognitive involvement in communicative activities.

Source: California State Department of Education, 1982.

The amount of contextual support available for a given communication task is described along the horizontal continuum, from "context-embedded" to "context-reduced."

In general, context-embedded communication derives from interpersonal involvement in a shared reality that reduces the need for explicit linguistic elaboration of the message. Context-reduced communication, on the other hand, derives from the fact that this shared reality cannot be assumed and thus linguistic messages must be elaborated precisely and explicitly so that the risk of misinterpretation is minimized. It is important to emphasize that this is a continuum and not a dichotomy. Thus, examples of communicative behaviors going from left to right along the continuum might be: engaging in a discussion, writing a letter to a close friend, and writing (or reading) an academic article. (Cummins, 1981, p.11,12)

The relative difficulty of cognitive demands of communicative tasks are represented along the vertical continuum of the model, with the most demanding situations at the bottom.

Thus, the upper parts of the vertical continuum consist of communicative tasks and activities in which the linguistic tools have become largely automatized (mastered) and thus require little active cognitive involvement for appropriate performance. At the lower end of the continuum are tasks and activities in which the communicative tools have not become automatized and thus require active cognitive involvement. Persuading other individuals that your point of view rather than theirs is correct, or writing an essay on a complex theme, are examples of such activities. (Cummins, 1981, p. 13)

An individual in the early stages of language development in either L1 or L2 may be able to function only in highly context-embedded, low cognitively demanding situations (quadrant A of Figure 1). In a classroom this

might include learning about animals with the use of pictures, films, and a field trip to the zoo. As language and communicative skills develop, the individual begins to function in more cognitively demanding situations, yet still within the support system of a familiar context (quadrant B). Beginning reading activities, using many context clues, are an example of this stage of development. As the individual's language proficiency increases, s/he is able to give and receive relatively simple or familiar communications in an increasingly decontextualized environment. The ability to participate in a phone conversation with a friend discussing familiar topics fits into quadrant C. It is only when language development is quite advanced that an individual can derive meaningful communication from a history book, a senator's speech, or a legislative document. In quadrant D, communication and learning takes place through the completely decontextualized manipulation of language.

It is through the above model that Cummins (1979a) explains the separation of language proficiency into two dimensions. The first he terms Basic Interpersonal Communications Skills (BICS), which includes observable language skills used in face to face, relatively context-embedded communication. Cummins asserts that virtually everyone (except severely retarded or autistic indi-

viduals) achieves the BICS level of proficiency in L1. Most children are able to achieve BICS in L2 within two years of immigration to a linguistically different location.

The second dimension, Cognitive Academic Language Proficiency (CALP), is strongly related to overall cognitive and academic skills. Whereas BICS proficiency includes observable linguistic phenomena, such as pronunciation, vocabulary, and grammar, CALP involves abilities that are less easily measured, i.e., linguistic synthesis and evaluation, understanding of semantic meanings, and functions of language. CALP is represented by quadrant D in Figure 1., and may be indirectly (and imperfectly) measured by standardized achievement tests. It takes a much longer time for a child to develop CALP in L2 than BICS; Cummins estimates on the average, five to seven years (1984, p. 133). Several studies support this assertion by measuring the length of time it has taken for children to achieve grade level norms in academic skills in L2 (Rosier & Holm, 1980; Swain, 1984).

On the standardized tests of French achievement, the results from Ontario show that, after six or seven years in a primary immersion program (that is, by the fifth or sixth grade), students perform on the average at about the 50th percentile. It took these children of middle class background, of parents supportive of the program, and with positive attitudes toward learning French, until the fifth or sixth grade to attain an average level of performance. It is appropriate to ask, given these

data, whether it is somewhat unrealistic to expect children in bilingual education programs from minority language backgrounds in the United States to reach grade norms after a year or two in the program. (Swain, 1984, p. 97)

The importance of recognizing this distinction between the two dimensions of language proficiency is crucial in educational policy decisions concerning exiting students from ESL and bilingual programs, and what measures of proficiency are to be used. Language minority students with high levels of BICS may seem prepared to handle the mainstream all-English curriculum, yet may experience academic failure if they have not reached age-appropriate levels of CALP.

A Canadian study (Cummins, 1981) in which 400 teacher referrals of language minority students for psychological testing were examined, revealed that because students' communicative skills were well-developed, their ESL status was rarely considered as a cause for their academic difficulties. Rather it was assumed in most cases that the children had "learning disabilities." After describing the study, Cummins concludes:

It is commonly observed that students classified as "English proficient" after a relatively short stay in a bilingual program and then exited to an all-English program often fall progressively further behind grade norms in the development of English academic skills. Because these students appear to be fluent in English, their poor academic performance can no longer be explained by their English language deficiency. Policymakers and educators are also reluctant to blame the

school for minority students' poor performance because the school has accommodated the students by providing a bilingual program. Once again, the academic deficiency will be attributed to factors within the child. (Cummins, 1981, p. 6)

The Second Basic Principle, which deals with the concept of language proficiency, may thus be applied to educational policies that determine the length of time students should remain in bilingual and ESL programs, and the type of exit criteria used to determine the students' ability to succeed in the mainstream all-English instruction. This principle also suggests that there is a period of transition during which ESL students may need some kind of academic support while their CALP in L2 is still developing.

Third Basic Principle. There is another aspect of the CALP dimension that is dealt with more specifically in the third basic principle; that is, a substantial amount of CALP is transferable from L1 to L2. The principle is: "For language minority students, the development of the primary language skills necessary to complete academic tasks forms the basis for similar proficiency in English" (California State Department of Education, 1982, p. 11).

Several studies of children in the process of acquiring a second language have found that many conceptual and linguistic skills transfer from L1 to L2. That is, once a child learns a concept in one language, it does

not have to be retaught in the child's second language (Goldman, 1985). This evidence has led Cummins to formulate the Interdependence Hypothesis: "To the extent that instruction in Lx is effective in promoting proficiency in Lx, transfer of this proficiency to Ly will occur provided there is adequate exposure to Ly (either in school or environment) and adequate motivation to learn Ly" (Cummins, 1981, p. 29).

It can be inferred from the hypothesis that a child who has developed high levels of CALP in L1 will acquire the cognitively demanding aspects of L2 proficiency more readily than a younger child whose L1 CALP is not yet well-developed. Several research studies confirm this supposition. Nakajima (1983) found that Japanese children who arrived in Toronto after their L1 was developed (at age 7 to 10) achieved greater English language proficiency than those children who arrived as preschoolers. In addition, the older children maintained their primary language at higher levels than did the younger children.

Similar conclusions were reached by Skutnabb-Kangas and Toukama, who monitored the first and second language development of immigrant Finnish students in Sweden (Cummins, 1981; Paulston, 1977).

The extent to which L1 had been developed prior to contact with Swedish was strongly related to how well Swedish was learned. Children who migrated at age 10-12 maintained a level of Finnish close to

Finnish students in Finland and achieved Swedish language skills comparable to those of Swedes. By contrast, children who migrated at younger age levels or who were born in Sweden tended to reach a developmental plateau at a low level in both Finnish and Swedish academic proficiency. (Cummins, 1981, p. 31)

Another inference that might be made from the Interdependence Hypothesis is that academic instruction in L1 will transfer to L2. This is essentially a restatement of the third basic principle, and forms the rationale for bilingual education programs in the United States. A major goal of bilingual education is to support academic learning and cognitive development in limited English proficient students while they are acquiring English language skills (Bilingual Education Act, 1984; California State Department of Education, 1982; Parker, 1978). The assumption of this goal is that they will be able to learn in their primary language, and later transfer it conceptually to English once they have acquired adequate proficiency. Many evaluation studies of bilingual programs have concluded that students who received part of their schooling through L1 over time achieve as well or better in English as those who were instructed in English only. In the Rock Point Navajo Study, English reading instruction was delayed until Navajo reading skills were well established. By the end of sixth grade the bilingual program students scored slightly above national norms in

English reading (Rosier & Holm, 1980). In the Colorado Bilingual Programs evaluation, Egan and Goldsmith (1981) found that in over ninety percent of the programs for which data was available (NCE scores were used), LEP students taught bilingually showed a rate of academic progress at least as good as that expected for all students.

The Interdependence Hypothesis is validated by the findings from research on students in French Canadian immersion programs. When immersion students are given standardized tests of English achievement in the fourth grade (within a year of the introduction of English language arts into the curriculum) they perform as well as do fourth grade students in the English-only program (Swain, 1984, p. 93).

The significance of the Third Basic Principle for school policy is that time spent learning in a student's primary language is not wasted. Many important skills and concepts can be taught while the student is still learning English. Once English language proficiency is sufficiently developed, new labels can be taught without the necessity of re-teaching familiar concepts.

The child who already understands why 'tres por ocho es igual a cuatro por seis' will not need to be taught such number equivalences again in English. Similarly, the child who knows how to write a topic sentence or look up a word in the dictionary in Portuguese or Chinese will have

these skills available for use in the English classroom. (Hakuta & Snow, 1986, p. 33)

Fourth Basic Principle. The Fourth Basic Principle outlines the circumstances under which second language acquisition will most readily occur: "Acquisition of basic communicative competency in a second language is a function of comprehensible second language input and a supportive affective environment (California State Department of Education, 1982, p. 13).

In order to understand the implications of the Fourth Basic Principle, the distinction between language acquisition and language learning must be stressed (Krashen, 1981). The language learning process consists of systematic exposure to the grammatical and phonetic rules and structures of a language. It is presumed that with the knowledge of these rules and related drill and practice, the language will be learned in its correct form. Whereas learning is a conscious attempt to know the rules of a language, language acquisition is a more subconscious process, with the goal being the ability to communicate. Language acquisition is the process universally used to acquire L1. Individuals may not be able to articulate the grammatical rules of their primary language, even though their communications are fluent. Current research suggests that second language acquisition leads to higher levels of

fluency and communication skills in L2 than does language learning (Krashen, 1981).

Two hypotheses related to second language acquisition support the Fourth Basic Principle. The Input Hypothesis (Krashen, 1981) postulates that language is acquired by exposure to language that is understandable, yet contains new grammatical structures just beyond the learner's current level. Krashen calls this level of language "comprehensible input," and claims that "comprehensible input is the only causative variable in second language acquisition. All other factors thought to encourage or cause second language acquisition only work when they are related to comprehensible input" (Krashen, 1981, p. 62).

The Input Hypothesis is summarized as follows:

- 1) We acquire (not learn) language by understanding input that contains structures that are just beyond our current level of competence ($i + 1$).
- 2) Speech is not taught directly, but "emerges" on its own. Early speech is typically not grammatically accurate.
- 3) If input is understood, and there is enough of it, $i + 1$ is automatically provided. We do not have to deliberately program structure into the input. (Krashen, 1981, p. 61).

The second hypothesis underpinning the Fourth Basic Principle is the Affective Filter Hypothesis. In order to efficiently process comprehensible input, certain affective conditions must be met. Affective variables include

the learner's anxiety level, self-esteem, motivation, and personality; and the levels of these variables can influence the language acquisition process positively or negatively. When they influence negatively, e.g., a configuration of low self-esteem and high anxiety, this hypothesis postulates the presence of an "affective filter" (Dulay & Burt, 1977). "According to the Affective Filter Hypothesis, acquirers in a less than optimal affective state will have a filter, or mental block, preventing them from utilizing input fully for further language acquisition" (Krashen, 1981, p. 62).

These two hypotheses are consistent with recent research on second language acquisition. In a study intended to discover whether English language interactions with teachers or with peers correlated more strongly with growth of English language proficiency among LEP students, researchers concluded that in classrooms where English-speaking children predominated, greater language proficiency was found to be more consistently related to the use of English with peers than with teachers. In classrooms where Spanish-speaking students were in the majority, on the other hand, interactions with teachers in English were more consistently related to greater English language proficiency (Chesterfield, Hayes-Latimer, Barrows-Chesterfield, & Chavez, 1983). The Input

Hypothesis helps to explain the findings of the study, in that children who were involved in more English language interactions (i.e., were receiving more comprehensible input), whether with teachers or with peers, increased their English proficiency to a greater extent.

Gardner and Lambert's (1972) studies of English-speaking Canadians learning French demonstrate the correspondence between attitudes and motivation and second language acquisition. Heyde (1979) found that high levels of self-esteem correlated positively with oral language production in L2. Several other affective characteristics have been studied in relation to second language acquisition, including inhibition, empathy, motivation and extroversion, and the findings have supported the Affective Filter Hypothesis (Brown, 1980).

Affective considerations also play a significant role in the Fifth Basic Principle, to be discussed in the next section.

The Fourth Basic Principle has considerable usefulness in policy decisions concerning educational programs for limited English proficient students. A major program goal is to develop English language proficiency, thus consideration of the Fourth Basic Principle is essential.

Fifth Basic Principle. The Fifth Basic Principle emphasizes the importance of the context in which language acquisition and academic learning take place. It is specifically concerned with status, or perceived status, of language minorities in schools, communities, and society, and the effects of these perceptions and self-perceptions on student achievement. The principle is "The perceived status of students affects the interactions between teachers and students and among students themselves. In turn, student outcomes are affected" (California State Department of Education, 1982, p. 18).

Teacher attitudes and expectations toward students may vary according to their ethnic or socio-economic group status. That teacher attitudes and expectations have a directed bearing on student achievement is self-evident to most educators, and is supported by research (Good, 1981). In his examination of Tikunoff's (1983) research into Significant Bilingual Instructional Features, Good describes the association between teacher behaviors toward limited English proficient students, the students' self-perceptions, and student academic achievement (Good, 1983).

The status of the language minority group in the community is a relevant factor in the educational treatment of minority students. When certain ethnic groups are

seen (or see themselves) as inferior to the majority culture, children from these groups will interact within the classroom in ways that inhibit their own academic development. In a study by Cohen (1975, p. 293), groups of black students and white students were matched for socioeconomic status, attitude toward school, intelligence, and other related characteristics. When the white students interacted with black students in decision-making tasks, the black students deferred to the white students, allowing them to take charge, to make more contributions, and to influence outcomes. Cohen concluded that the students' expectations of each other replicated the status ranking process of society outside the school.

In that schools are products of society, it is not unusual that society's values, social priorities, and status rankings are transmitted through the schools.

Ethnocentricity is embedded in the socialization process of society and is transmitted by the school, an agent of that socialization. It is not necessary for language minority children to be taught explicitly that their group is less valued. The same idea is often conveyed when instruction does not include reference to things or experiences familiar to them or to their cultural group. Furthermore, many school textbooks carry historical inaccuracies which discredit minority groups. Such treatment contributes to reduced feelings of self-worth among minority group children (U.S. Commission on Civil Rights, 1975, p. 36)

Ogbu and Matute-Bianchi (1986) contend that low academic performance by minorities in school is linked to low

minority status in society at large, as evidenced in two areas: (a) The low value placed on minority cultures by society, and the consequent neglect of students' cultural differences in schools; and (b) the job ceiling placed on minority groups, which makes it difficult for minority children or their parents to see the connection between academic achievement and economic success.

Caste-like minorities tend to believe more or less that they cannot advance into the 'mainstream' of society through individual efforts in school and society or by adopting the cultural practices of the dominant group. The belief that they cannot 'make it' by following the rules of behavior and practices for achievement that 'work' for the Anglos often lead caste-like minorities to adopt 'survival strategies' to cope with their economic, social, and political subordination and exploitation...These survival strategies eventually become institutionalized cultural practices and beliefs, requiring their own norms, values and attitudes as well as competencies or skills that may or may not be congruent with striving for school academic success. (Ogbu & Matute-Bianchi, 1986, p. 93)

The applications of the Fifth Basic Principle to school district policies and practices are very far-reaching in scope. There are many ways that schools make overt statements about the status of various ethnic groups represented in their student bodies. The following questions may help to focus on the concept of relative status among ethnic and majority culture groups within the school. What is the racial and ethnic composition of the staff, including administrators, teachers, clerical

workers, cooks, and custodians? What cultures and languages are taught in the school? Which racial and ethnic group parents attend open house and parents' club meetings; which are appointed to advisory committees; which attend parent conferences, or volunteer to work in the schools? In what languages are home-school communications written? Always in English? Even to parents who are known to have difficulty with English? What is the racial and ethnic composition of honor roll students, students-of-the-month, and talented and gifted classes?

School policies and practices can do much toward equalizing perceptions of group status within the school program. The involvement of minority language parents in the educational process has been shown to be effective (Lujan, Sanz & Torres, 1983). The employment of staff who share the same ethnic backgrounds as the minority students increases self-esteem and feelings of group status (San Juan Cafferty, 1981). The importance of ethnic cultures and languages is enhanced when they are taught as part of the curriculum (Cummins, 1986). Instructional methods that give minority students a chance to excel in school, such as cooperative learning (Kagan, 1986) strengthen their status.

The Contextual Interaction Theory, supported by the Five Basic Principles outlined above, presents a theore-

tical framework for effectively educating language minority students. The empirical research to sustain this theory is profuse, only a small portion of which has been cited in the above discussion. Evaluation research of bilingual education and other methods used to instruct language minority students has produced less conclusive findings. However, it is possible to apply empirical research findings to the program evaluations that follow, thereby attempting to resolve some inconsistencies.

EVALUATION RESEARCH

The findings of both basic empirical research and evaluation research studies are included in this paper because they are important factors to be considered in policy decisions regarding educational programs for language minority students.

Most program evaluation studies in the field have been comparisons of bilingual education programs with other forms of instruction. In order to understand the findings of these studies, a brief description of the various types of programs used to educate language minority students in this country follows.

1. Bilingual education. Simply stated, bilingual education is a form of instruction using two languages,

the students' primary language and the dominant societal language (in this country, English).

The term "bilingual education" encompasses a wide range of school programs and teaching approaches that provide instruction using two languages. Some programs aim at producing fully bilingual students while others seek only to develop students' English proficiency; the amount of native language used in instruction varies accordingly. (Cohen, 1985, p. 25)

2. Transitional bilingual education (TBE). Students receive subject matter instruction through their primary language while learning English through intensive second language (ESL) instruction. When their English language proficiency reaches a level which enables them to achieve in an all-English classroom, they are exited from the bilingual program. Most bilingual programs in this country are transitional.

3. Maintenance bilingual education. Students are instructed in and through both their primary language and English, with the goal of developing both languages to high levels of proficiency. Instruction in and through both languages continues throughout secondary school.

4. ESL (English as a second language). Limited English proficient and non-English speaking students are given intensive instruction in English speaking, listening comprehension, reading and writing skills, with the primary goal being "a high level of communicative competence in English" (Alatis, 1986; p. 17). According to

the national T.E.S.O.L. (Teachers of English to Speakers of Other Languages) organization, the recommended implementation of ESL instruction includes: (a) Incorporation of the cultural aspects of the students' backgrounds into meaningful language learning experiences; (b) Teaching vocabulary and structure relevant to students' learning experiences; (c) Application of ESL technologies to content areas taught through the second language (T.E.S.O.L., 1976).

5. Immersion. Immersion programs follow the Canadian model, and are a form of bilingual education (Genesee, 1984). There are several variations of immersion programs, the variables being total or partial immersion in the second language, and whether immersion occurs in the early or later grades. In early immersion, the most common type, children are taught all subjects through a second language for their first three years of school. In second or third grade, instruction in their primary language is introduced, and continues to be used as a medium of instruction as well as the second language throughout the grade school years. What is not understood by many proponents of immersion education in the U.S. is that immersion education is a form of bilingual education, and that its success has been with English speaking students learning a second language, not a replacement language.

According to Genesee (1984), the major goals of immersion programs are: a) to provide the participating students with functional competence in the second language; b) to promote and maintain normal levels of first language development; c) to ensure achievement in academic subjects commensurate with the students' academic ability and grade level; d) to instill in the students an understanding and appreciation for the target language group and their language and culture without detracting in any way from the students' identity with and appreciation for the home language and culture.

6. Submersion. This refers to the type of program in which both native English speakers and language minority students are taught together through the dominant language, English. Little or no extra help is provided to the language minority students to compensate for their disadvantageous position inherent in this structure. This is sometimes referred to as "sink or swim." This type of program was found to be in violation of language minority students' civil rights in the Lau v. Nichols Supreme Court decision in 1974.

7. Sheltered English. Limited English proficient students receive subject matter instruction in simplified, or "sheltered" English, with the goal of increasing students' English proficiency as well as teaching them the

content areas. Teachers modify their speech and use many contextual clues in order to make the language and subject matter comprehensible. This type of instruction is often used in the transition phase after students are exited from bilingual programs.

8. High intensity language training (HILT). Intensive ESL instruction to non-English speaking and limited English proficient students, usually at the secondary level, so that students may reach levels of English proficiency that will enable them to succeed in the mainstream all-English classrooms.

The evaluation of bilingual educational programs has been a weak and inconsistent process since the establishment of the first bilingual programs under Title VII. The continuing controversy surrounding bilingual education programs in this country is tied to the lack of compelling hard data to support their effectiveness (Cordasco, 1983; Hakuta & Snow, 1986).

The first national evaluation of bilingual programs was released in 1978 and presented a very negative picture of bilingual education to the public (Danoff, 1978). The goal of the study, conducted by the American Institutes for Research (AIR), was to evaluate the impact of the Title VII program overall, and was not intended to be an evaluation of individual projects. The sample consisted of

Spanish-English bilingual projects in their fourth or fifth year of funding. The academic achievement of Title VII students was contrasted with comparable students who were not in Title VII programs. The four areas evaluated were English language arts, mathematics, Spanish language arts, and student attitudes toward school.

Results indicated that Title VII students were performing below their non-Title VII counterparts in English language arts. Both groups performed at about the same level in mathematics. Title VII students did not demonstrate a more positive attitude toward school than the control group. Furthermore the AIR study concluded that approximately three-fourths of the students in grades three through six were judged by their teachers to be either English monolingual or English dominant bilingual, and that generally less than a third of all students in the study were in Title VII classrooms because of their need to learn English. Thus although the Title VII students scored higher in Spanish language arts in most cases, Spanish instruction sometimes took the form of Spanish as a second language (Danoff, 1978).

The publication of the AIR study provoked considerable controversy on both sides of the bilingual education debate. Several researchers and research groups immediately attacked the AIR study, asserting that it used

faulty methodology and procedures (Center for Applied Linguistics, 1978; Gray, 1977; Intercultural Development Research Association, 1977;). The Intercultural Development Research Association's critical analysis of the study outlined 16 major discrepancies. Gray's rebuttal, which came out before the publication of the study, cited seven criticisms, and stated:

In general, the type of analyses performed in the AIR study conceals the effects of important influences on educational outcomes in bilingual education. The fact that this study found little or no relationship between educational outputs and achievement is highly misleading. It is evident that the combination of data and statistical techniques used are unlikely to reveal such relationships even when they exist. The aggregate grouping of students who have received a variety of educational treatments which are funded by Title VII and are considered to be bilingual education and whose language ability varies across the board will not provide information of value to policy makers. (p. 4)

The errors in procedure frequently cited by critics were inconsistencies within the experimental group, including language ability of children, length of time in the program, and types of educational treatment. The consistency of teacher training and language abilities of the Title VII teachers were questioned; for example, the ability of a monolingual English teacher to assess the language dominance of a bilingual child. The pre-post test design with a five month interval was criticized, as well as the use of tests normed on dominant culture all-English

speaking students. The appropriateness of the control groups selected was doubted:

About 1/3 of the non-Title VII teachers and aides were involved in a bilingual program. This raises the possibility that comparison groups had 'bilingual treatment' thus invalidating them as comparison. (Intercultural Development Research Associates, 1977, p. ii)

The report was released during a reauthorization year for Title VII, and had some influence on the proceedings. The 1978 amended version of the Bilingual Education Act placed a 40 percent ceiling on the number of English speaking children who could be in the programs, increased the emphasis on parental involvement, and changed the definition of eligible children from limited English speaking to limited English proficient, thereby incorporating limited reading and writing abilities into the definition. The amendments also included a requirement that teachers be proficient in both languages. Although most of these changes strengthened bilingual programs, the overall impression that the AIR study left in the public consciousness was that Title VII did not appear to be having consistent, significant impact in meeting its goals as set forth in legislation.

The publication of the Santa Fe, New Mexico Study (California State University, 1978) provided a counterpoint to the AIR findings. AIR had identified the Santa Fe program as one of the seven exemplary Title VII programs,

yet had not used data from this project in the report (Reyna, 1984, p. 6). The Santa Fe Study was a six year longitudinal study, begun in 1970 with first graders. The study included approximately 25 students in the experimental group each year, and the same number in the comparison group, which received English only instruction. The Title VII students received bilingual instruction, with Spanish being used from 30 to 50 percent of the school day. The Metropolitan Achievement Tests in reading and math were given annually throughout the study. The findings indicated that Title VII students over time showed increased capability in English language skills, especially in reading. They outperformed the non-Title VII students over time in reading and math. In addition, they surpassed or matched national norms in reading and math by the fifth grade (Reyna, 1984).

The goal of the California Research Project (Jones, Robles, & Berkowitz, 1980), was to evaluate the effectiveness of bilingual education in meeting the academic needs of the state's language minority students. The study was conducted at 74 sites located in 15 school districts with 10,121 pupils. Achievement test scores from 1978, 1979 and 1980 were used to measure achievement in bilingual education programs. Results showed that those

students receiving reading instruction in two languages did as well or better than the control group.

The students in bilingual programs and in these arrangements through which a primary language class was taught, when implementation was appropriately carried out, scored as well or better on the English achievement tests than did those that were in non-bilingual English education. And the students' learning of two languages had the added advantage of improving their skills in the other languages. (Jones, Robles, & Berkowitz, 1980, p. 26)

Findings from the study suggested that bilinguals and trilinguals had a general learning advantage over nonbilinguals (p. 36). However the study did not show transferability of reading skills from one language to the other.

The Rock Point Navajo Study (Rosier & Holm, 1980) compared the effectiveness of bilingual education to the all-English instructional program that preceded it. When the bilingual program was started in 1967, the students had been receiving intensive ESL instruction since 1963, yet were still two years behind U. S. norms in English reading by sixth grade. In the new bilingual program, kindergarten students received 70 percent of their instruction in Navajo, and first and second graders, 50 percent. Students in grades three through six were instructed 25 percent of the day in Navajo. When students were assessed at the end of sixth grade, they scored slightly above U.S. norms on English reading tests in

spite of considerably less exposure to English than the previous program offered.

The Michigan Department of Education Study (1980) and the Colorado Study (Egan & Goldsmith, 1981) added further data to support the effectiveness of bilingual education in raising achievement levels of limited English proficient children over time. The positive academic effects of bilingual education are more obvious in longitudinal studies than in short-term studies.

The Baker and de Kanter Study (1981) was done by the Office of Planning, Budget, and Evaluation in the U.S. Department of Education. The researchers analyzed 300 evaluation studies of bilingual education programs, and chose only 28 of them as being methodologically acceptable for analysis. The rest were rejected as being of poor quality, especially the Title VII reports.

The study compared evaluation studies of transitional bilingual education programs, English as a second language programs, immersion programs, and submersion (no program) in terms of second language acquisition. The findings are displayed on Table III.

TABLE III
FINDINGS FROM THE 1981 BAKER AND DE KANTER STUDY

Studies Comparing the Effectiveness of TBE to Submersion:

Positive Effects of TBE Demonstrated:	Negative Effects of TBE Demonstrated:	No Significant Difference:
10 incidences	5 incidences	15 incidences

Studies Comparing the Effectiveness of TBE to ESL:

Positive Effects of TBE Demonstrated:	Negative Effects of TBE Demonstrated:	No Significant Difference:
1 incidence	1 incidence	3 incidences

Studies Comparing the Effectiveness of TBE to Immersion:

Positive Effects of TBE Demonstrated:	Negative Effects of TBE Demonstrated:	No Significant Difference:
0 incidences	1 incidence	1 incidence

Study Comparing the Effectiveness of Immersion to ESL:

Positive Effects of
Immersion Demonstrated:

1 incidence

Note: TBE = Transitional Bilingual Education

From these findings Baker and de Kanter (1981) concluded:

The case for the effectiveness of transitional bilingual education is so weak that exclusive reliance on this instructional method is clearly not justified...There is no justification for assuming that it is necessary to teach non-language subjects in the child's native tongue in order for the language minority child to make satisfactory progress in school" (p. 1, Abstract).

The Baker and de Kanter report was subsequently challenged on various methodological procedures (Seidner, 1981; Willig, 1985; Yates, 1983). The weaknesses cited by Yates were (a) non-random assignment of subjects and other procedures that would result in non-equivalent groups, (b) high attrition of subjects, (c) discrepancy in size of n very small n, (d) inappropriate measurement instruments or procedures, (e) time frame of pre/post testing inappropriate, (f) inconsistent design implementation and inconsistent treatment, (g) lack of control of known critical learning variables, (h) different standards or qualifications of instructional personnel, and (i) lack of recency of studies cited. For example, 25 percent of the studies were 10 or more years old, and 40 percent were 5 or more years old.

Seidner's analysis (1981) criticizes the study's methodology and goes one step further in questioning the authors' intentions.

Baker and de Kanter failed to check the validity of their definitions with the realities of practices in programs which they selected, nor correct for any potential inconsistencies (p. 5)...An analysis of their secondary review, however, shows attempts by the authors to "bend" the data to fit their research questions (p. 9)...The authors: a) present incomplete and selective data and b) present a biased interpretation of studies which do appear (p. 13) ...Very powerful evidence suggests that Baker and de Kanter indeed provided a political agenda, apparently aimed at discrediting the bilingual education movement in the United States. (p. 20)

In spite of the criticisms and outright indictments of the Baker and de Kanter review, the report has had considerable political influence at the national level. The findings of the report have been widely disseminated through the media and portrayed as substantive evidence for the lack of efficacy of bilingual education, and its influence has been felt in the legal, philosophical and political domains (Yates, 1983). The report has been cited in the introduction of legislation to limit bilingual instruction (Yates, 1983).

It is no wonder that educational policy makers at the federal and state levels, as well as the general public, are indecisive about what is the best way to educate language minority students. The apparent contradiction of evaluation research findings gives them no guidance.

Willig (1985) offers an explanation for the differences in conclusions reached by the various researchers.

First, the level of quality of the research certainly affects the accuracy of the findings. Many criticisms of the quality of research have been mentioned above. Willig stresses the factors that must be accounted for when random assignment of subjects (the preferred method) cannot be part of the research design: language proficiency, language exposure, regression to the mean, group composition, and cultural and economic characteristics of both groups. Willig (1985) gives two striking illustrations from the Baker and de Kanter review which highlight the importance of comparable control groups:

Another, and rather surprising difference found between some experimental and comparison groups was that the comparison groups contained students who had been in bilingual programs prior to the onset of the research study. (p. 295)

Students who are no longer in bilingual education programs are usually those who have been exited because they are considered capable of succeeding in the all-English program. The inclusion of such students invalidates the findings and produces low or negative effect sizes for the bilingual program groups of students. Willig's second example:

Exit history, which reflects another experimental-comparison group difference, indicates that some students were exited from the experimental groups when they became proficient in English and were replaced with incoming students in need of the program. This means that the composition of the experimental groups changed in a way that ensured a mean indicating no gain. (p. 296)

These examples underscore the importance of either using random assignments of subjects or effectively controlling for such variables that may contaminate research findings.

Willig (1985) points out that research findings are stated in terms that reflect the different goals and foci of the researchers. Whether the researcher concludes that a particular program is effective or not depends on the types of questions asked in the study.

Some reviewers interpret bilingual education to be successful as long as it does not hinder the children in the learning of English while it promotes the learning of nonlanguage subjects. Dulay and Burt (1978) concluded that bilingual education was successful in the studies they reviewed because it either improved or did not impede achievement in school...Other reviewers, such as Baker and de Kanter (1981), consider bilingual education to be effective only if it accelerates children's learning of English over what it would have been without the program. (p. 271)

Willig's major findings in her meta-analysis of 23 of the 28 studies reviewed by Baker and de Kanter favored bilingual education as an effective educational treatment for language minority students. She found that (a) there were overall significant, positive effects for bilingual education programs when students were assessed in English and in Spanish; and (b) the quality of research studies was positively correlated to the effect size favoring bilingual education programs over other methods.

It is significant to note here that the five studies excluded by Willig all supported the effectiveness of bilingual education programs when community background factors, educational input factors, student input factors, and instructional treatments were appropriate. They were excluded for their incompatibility with her chosen research design, and not on the basis of their findings.

Most evaluative research studies look at the linguistic treatment of students in bilingual programs, and tend to overlook non-linguistic variables. Evidence is accumulating that affirms the importance of non-language factors that influence the academic achievement of language minority students. The Fifth Basic Principle (described above) for educating language minority students, which focuses on the status of language minority groups in society and the resultant in-school interactions, may have considerable impact on student outcomes. The mixed results from evaluative research studies may be due to ignoring variables related to this principle.

Cummins (1986) sees minority students being either "empowered" or "disabled" as a direct result of their interactions with schools. By Cummins' definition, an empowered student can develop the skills and abilities to achieve academically, while a disabled student will experience repeated failures, which may lead to dropping

out of school. Cummins identifies four institutional characteristics of schools which reflect the extent to which:

(1) minority students' language and culture are incorporated into the school program; (2) minority community participation is encouraged as an integral component of children's education; (3) the pedagogy promotes intrinsic motivation on the part of students to generate their own knowledge; and (4) professionals involved in assessment become advocates for minority students rather than legitimizing the location of the 'problem' in the students. (p. 211)

Each of these characteristics can be viewed along a continuum, with the degree of implementation resulting in either the empowerment or disabling of students. The inclusion of these specific variables into evaluation research may yield more definitive findings as to what constitutes effective educational programming for language minority students.

SUMMARY

This review of literature has examined what research says about the appropriate educational treatment for language minority students. Two major types of research applied to this field were described and reviewed: basic research and evaluative research. Basic research focuses on the psycho-linguistic and cognitive development of bilingual children, and is characterized by sound research design and consistent findings. The conclusions from basic

research have been synthesized and provide the foundation for the Contextual Interaction Theory, which points to certain principles that are effective in educating language minority children. Evaluative research compares the effectiveness of different program designs used to educate language minority students. The findings from evaluative research have been inconsistent, and have not provided policy makers with firm guidelines for planning and implementing effective programs. These disparate findings may be due to (a) weak research designs; (b) differing expectations on the parts of the researchers; and (c) inconsistent definitions of what constitutes bilingual education.

In looking at both fields of research, basic research and program evaluation, there is much information pertinent to educational policy makers and administrators. Basic research, while not directly related to bilingual program implementation, provides a psycholinguistic basis for educational programming decisions, and it is child-centered.

Basic research in which the unit of analysis is the individual child reminds policy makers that the intricacy and the beauty of the developing child should not be overlooked in favor of programmatic and political concerns. (Hakuta & Gould, 1987, p. 43)

While basic research supports the use of native language in the instruction of language minority children,

bilingual program evaluations have been less decisive. What an analysis of evaluation research makes clear is that there is great inconsistency among the many programs and program characteristics attributed to bilingual education. High quality research is needed on all elements of educational programming in order to discover what are the appropriate actions districts must take to provide an equal opportunity for educational success to language minority children.

CHAPTER III

METHODOLOGY AND PROCEDURES

INTRODUCTION

This is a descriptive study, with the purpose of documenting ESL/bilingual education policies and practices in local districts throughout the state of Oregon. This chapter delineates the methodology and procedures used, and demonstrates their linkage to the type of information sought. The research design is presented here, including the description of the population, the design of the survey instrument, data collection procedures, and data analysis.

RESEARCH DESIGN

Survey research was selected as an efficient method of gathering data from a widespread geographical area and a large number of subjects. The use of survey research in other dissertations was reviewed (Greene, 1984; Shell, 1986), and determined to be appropriate for the purpose of this study. Greene (1984) chose survey research for

reasons that are pertinent to this study, that is:

"because of its nature and ability to solicit extensive information from a population in various geographic locations at a relatively nominal cost" (p. 84). A major purpose of this study is to describe the current status of ESL and bilingual education policies as they exist in Oregon, and Shell (1986) suggests that "the use of questionnaires will facilitate the gathering of information on what exists" (p. 102). Miskel and Sandlin (1981) confirm the pertinence of survey research to the field of educational administration.

Population

In that the purpose of the study was to document ESL/bilingual policies and practices in local school districts throughout the state, the population surveyed consisted of all public school districts in Oregon. The idea of sampling was considered, but rejected on the basis that it would be very difficult to generalize the findings to the entire state. The sizes, resources, and circumstances of Oregon School districts are highly varied, and even if a stratified sample were used, the language minority populations are unevenly distributed throughout the state. This study discovered that only 30 percent of the local school districts in Oregon have limited English proficient students. Thus it would have been possible to randomly

sample a large number of districts and yet find very few, if any, ESL/bilingual programs.

The population which received the survey consisted of all 305 public school districts in Oregon. All but 19 districts responded to the survey, a 93 percent response rate. Seven of the non-responding districts had a total of 532 LEP students. Table IV shows that non-responding districts were distributed fairly evenly throughout the various district size and type categories. The highest number of non-responding districts in any category were the six small elementary districts, only one of which had LEP students. Two of the three large districts which did not respond had LEP students totaling 420. Their failure to respond had minimal impact on the study for two reasons. First, the numbers of students of non-responding districts were incorporated into the demographic information presented in Chapter IV; and secondly, the data regarding ESL/bilingual policies and practices was tabulated on a district basis, so conclusions were drawn from 92 percent of those districts with LEP students.

TABLE IV
DISTRIBUTION OF DISTRICTS PARTICIPATING IN THE STUDY

District Type	District Size					
	Small		Medium		Large	
	Con.	Resp.	Con.	Resp.	Con.	Resp.
Elementary	105	99	25	22	-	-
High School	12	10	11	10	-	-
Unified	78	76	58	56	16	13

Note: Con. = Contacted; Resp. = Responded to Survey.

The size classifications of districts are based on the Oregon Department of Education's definition of small school district (D. Arlington, Oregon Department of Education, personal communication, April, 1987): a unified district with fewer than 1,000 pupils; an elementary or secondary district with fewer than 350 pupils. The large districts are defined in this study as those 16 districts in the state with more than 6,000 students.

Design of the Survey Instrument

The survey instrument (see Appendix B) was planned to meet several criteria. First, it needed to cover policy areas pertinent to meeting the needs of limited-English proficient students. The Center for National Origin Equity

(CNOE) of the Northwest Regional Educational Laboratory, Portland, Oregon, provided technical assistance and expert input in the construction of the instrument. The policy areas covered in the questionnaire represent, in part, a union of the three survey instruments developed by CNOE to collect data relevant to educational equity: (a) Desegregation Profile (1980), (b) Meeting the Needs of Minority Students (1986), and (c) Self-Motivated Evaluation for National Origin Compliance (1987). In addition, the Lau Guidelines, used by the U.S. Office for Civil Rights, were examined to determine the various program areas pertinent to equal educational opportunity for language minority students.

After carefully considering the purpose of the study, the research relevant to ESL/bilingual education, the laws regulating the education of language minorities, and the above documents used by CNOE and the O.C.R., eight policy areas were identified as being closely associated with the provision of equal educational opportunity for language minorities. Part II of the questionnaire was designed to elicit information from these policy areas: (a) identification and assessment (questionnaire items 1, 2, 3), (b) instructional programs (items 4, 5, 6), (c) primary language usage (items, 7, 8), (d) exiting and mainstreaming (items 9, 10, 11, 12, 13), (e) recognition

of minority students' cultures (items 14, 15), (f) parent involvement (items 16, 17, 18), (g) instructional personnel (items 19, 20), and (h) program evaluation (items 21, 22).

The second requirement addressed in designing the questionnaire was to achieve a high response rate. To accomplish this, it was necessary to construct a questionnaire that was long enough to gather the required data, but not cumbersome to the point that the recipients would decline to fill it out. After trying out several formats, one was selected (see Appendix B) that seemed best to account for the many variables being considered in the study and yet allow for relatively quick and uncomplicated completion by checking boxes.

The survey instrument was constructed in two parts. Part I asked for demographic and background information regarding numbers of ESL students, language groups, and numbers of LEP students receiving special programs of instruction. If respondents indicated either that there were no ESL students, or no programs for limited English proficient students in their districts, then there was no need to go on to Part II, and they were asked to stop and mail back Part I only.

Part II was planned to elicit information on district policies and administration of services to LEP

students. The 22 questions could be answered by checking boxes to indicate whether or not certain practices were part of the district's ESL/bilingual program. The boxes indicated choices as to whether each practice was only for certain language groups, and if it was implemented because of district policy, legal mandates, community pressure, or it was considered to be educationally effective. If a certain practice was not implemented, respondents were asked to check whether it was prohibited by district policy, prevented by lack of funding or trained personnel, discouraged by community pressure, or considered not educationally effective. Respondents could indicate that they did not know or that the question was not applicable to them. They were invited to write comments in order to clarify their answers.

The third criterion for the questionnaire was that it should measure as accurately as possible what it was intended to measure; that is, the actual ESL/bilingual policies and practices in Oregon public school districts. Accuracy of measurement is one of the areas in survey research design particularly susceptible to error, and validity and reliability of the instrument are two critical considerations in measurement (Miskel & Sandlin, 1981). In order to construct an accurate and reliable measuring device, it was essential to ask questions in

which the intent was clear to the respondents. Fowler (1984) cautions that the value of the answers on a survey instrument is limited by the clarity of intent between the researcher who writes the questions and the respondent who answers them. In other words, the respondent must know what the researcher "means" by each question.

Although many surveys are analyzed and interpreted as if the researcher 'knows' what the answer means, that, in fact, is very risky. Studies designed to evaluate the correspondence between respondents' answers and 'true values' show that many respondents answer many questions very well. However, there also is a considerable amount of lack of correspondence. To assume perfect correspondence between the answers people give and some other reality is naive. When it is true, it is usually the result of careful design. (Fowler, 1984, p. 75)

Fowler stresses the importance of using clarity of wording to ensure consistency of meaning to all respondents. The survey instrument was field-tested with ten administrators in charge of ESL/bilingual programs in Washington school districts. These administrators were asked to complete the questionnaires and then to comment on form, content, and clarity. Information from their feedback was used to alter the format and clarify the wording on the final version of the survey instrument. The overall response to the field test form of the questionnaire was positive, and answers to the items indicated that the intent of the questions was understood.

Several decisions about the types of questions were made to ensure that the data collected would be consistent with the purpose of the study. In that this was a descriptive study, not seeking to order the data along a continuum, the questions asked were nominal rather than ordinal. Nominal data provides pieces of information in the form of words rather than numbers, data which does not lend itself to numerical ranking, or measurement of interval sizes between bits of data. Closed questions rather than open ones were used to increase reliability, as suggested by Fowler (1984).

(1) The respondent can perform more reliably the task of answering the question when response alternatives are given. (2) The researcher can perform more reliably the task of interpreting the meaning of answers when alternatives are given to the respondent. (3) When a completely open question is asked, many people give relatively rare answers that are not analytically useful. Providing respondents with a constrained number of categories increases the likelihood that there will be enough people in any given category to be analytically interesting. (p. 87)

Another possible impediment to the accuracy of responses to the survey instrument was considered. This was the scope of knowledge and perception of the administrators or other personnel who completed the questionnaires. This was acknowledged as a limitation of the study in the first chapter. According to Fowler, there are four basic reasons why respondents report events with less than perfect accuracy: (a) They do not know the information;

(b) they cannot recall it, although they do know it; (c) they do not understand the question; and (d) they do not want to report the answer in the interview context.

The first reason, lack of knowledge by the respondent, was addressed by allowing some flexibility as to who answered the questionnaire. The mailings were addressed to the administrators in charge of ESL/bilingual education programs, if known. If not known, they were mailed to the superintendent of the districts with instructions to have them completed by the appropriate personnel who had knowledge of the programs (see cover letter, Appendix C).

The problem of recall was not considered a major obstacle, since most of the information requested was current data, and could be found within the districts.

Difficulty in understanding the questions was thought to be a probable cause of inaccurate data collection. Through field-testing the instrument as described above, and using feedback to clarify some questions, this factor was reduced. This is not to deny the possibility that different respondents understood certain questions in different ways.

It is possible that some personnel were reluctant to accurately describe their programs, especially if they considered them less than satisfactory. To minimize this source of inaccuracy, respondents were assured of any-

mity in the reporting of data. By having respondents self-administer the questionnaires rather than speaking directly with an interviewer, the feeling of privacy, and therefore accuracy, may have been increased. The telephone interviews which were used as follow-ups to the mailings allowed greater privacy for the respondents than face to face interviews, thus may have been more conducive to frank, open answers.

Validity of the instrument was dealt with, first by making an effort to create a reliable instrument as described above. Content validity was increased by relating each item on the questionnaire to state and federal mandates promoting equal educational opportunity for language minority students, recounted in Chapter I, or to basic principles for effectively educating language minority students according to ESL/bilingual education theory as described in Chapter II. Table V shows the legal or theoretical basis for each item on the questionnaire.

TABLE V
LEGAL AND THEORETICAL BASIS FOR QUESTIONNAIRE ITEMS

Item	State Law	Federal Mandate	Basic Principle
1	OAR 581-21-046(8)	Lau Guidelines	
2	OAR 581-21-046(8)	Lau Guidelines	
3	OAR 581-15-072 OAR 581-21-602	Lau Guidelines Title VI C.R.A. P.L. 94-142	
4	OAR 581-21-046(8) ORS 336.074	Lau Guidelines	1st Principle 3rd Principle
5	OAR 581-21-046(8) ORS 336.079		4th Principle
6	OAR 581-21-046(8)		4th Principle
7	ORS 336.074		3rd Principle
8			1st Principle
9	OAR 581-21-046(8) (contradicts)		
10	OAR 581-21-046(8) OAR 581-21-402		2nd Principle
11	OAR 581-21-046(8)	Title VI C.R.A.	2nd Principle
12	OAR 581-21-046(8) OAR 581-21-602	Title VI C.R.A.	
13	OAR 581-21-046(8)		
14	OAR 581-21-402		4th Principle
15	OAR 581-21-046(9)		4th Principle
16			5th Principle
17	OAR 581-21-030	Lau Guidelines Title VI C.R.A.	5th Principle
18			5th Principle
19	ORS 342.609	Lau Guidelines	4th Principle
20			5th Principle
21	OAR 581-22-606		
22	OAR 581-22-606	Lau Guidelines	

The survey instrument was developed during a six month period. Throughout that time, regular consultations were held with members of the dissertation committee for the purpose of focusing the instrument on the research questions, and clarifying its intent. The content of the instrument was reviewed and revised with the help of the CNOE equity specialists at the Northwest Regional Educational Laboratory. The survey instrument went through several revisions under the guidance and advice of the above-mentioned experts.

Data Collection Procedures

The surveys were mailed the third week of March, 1987. Each mailing included the two part questionnaire, a cover letter explaining the purpose of the survey and directions for completing the questionnaire, a letter expressing support for the project written by Jerry Fuller, Associate Superintendent for Basic Education at the Oregon Department of Education (see Appendix D), a stamped, self-addressed envelope, and a mailing label for those respondents who desired a summary of the results of the study.

As the survey instruments were returned, the type of district, student population, and county of each district was noted on each questionnaire by the researcher. This information was readily available in the

Oregon School Directory, and helped to minimize the number of questions respondents had to answer.

Within three weeks of the initial mailing of the surveys, fifty percent of the school districts had responded. Follow-up phone calls were made to the districts that had not responded. Each of these calls resulted in either (a) serving as a reminder to the district to mail back the questionnaire, (b) filling out the questionnaire over the phone, or (c) discovering that the questionnaire had been lost or not received by the appropriate person, after which another questionnaire was immediately mailed. Follow-up phone calls continued until the end of May. By the first week of June, 93.8 percent of the districts had responded, and the analysis of data from the questionnaires began.

DATA ANALYSIS

The completed questionnaires were separated into two groups: those districts which reported LEP students and those that did not. The information from those districts with LEP students was entered on a computer, using an electronic spreadsheet program. In this way the discrete units of data could be grouped in various ways and compared to other groups of data.

The data collected for this study was both qualitative and quantitative. The information from the survey instrument was compiled and quantified. The frequencies of yes, no, and no response questions were used to answer the research questions. The answers to why policies were implemented or not implemented were also quantified to clarify the yes and no answers. Comments from the questionnaire added qualitative clarification to the data.

A data analysis model suggested by Miles and Huberman (1984) was considered appropriate to the descriptive nature of the study. Miles and Huberman's model consists of three concurrent flows of activity: data reduction, data display, and conclusion-drawing verification.

Data reduction refers to the process of "selecting, focusing, simplifying, abstracting, and transforming the raw data" (p. 23), a process which occurs "throughout the life of any qualitatively-oriented project" (p. 23). Thus the data reduction for this research project began with the selection and focusing of questionnaire items and continued through the simplification and abstraction of responses in preparation for display on the tables. Converting data into meaningful numbers was part of this analysis.

Data display is defined by Miles and Huberman (1984) as an "organized assembly of information that permits conclusion-drawing and action-taking" (p. 24). Much time and attention was given to the creation of displays in order to communicate the information in a way that would answer the research questions. Organizing the data into comprehensible, information-giving displays was in itself part of the analysis, as Miles and Huberman contend.

The creation and use of displays is not something separate from analysis; it is a part of analysis. Designing the rows and columns of a matrix for qualitative data and deciding which data, in which form, should be entered in the cells are analytic activities. (p. 24)

The third activity undertaken in the analysis of data for this study is referred to by Miles and Huberman (1984) as conclusion-drawing and verification. This was the process of noting patterns and irregularities in the data, and looking for possible explanations in the configurations displayed on the frequency distribution tables. The conclusions arrived at in this way were used to give empirically-based answers to the research questions.

SUMMARY

Survey research was selected as the appropriate means to answer the research questions posed in this study. The population surveyed included all public school

districts in Oregon so that findings from the study would accurately describe ESL/bilingual policies and practices for the entire state. The survey instrument was designed to (a) cover policy areas relevant to ESL and bilingual education programs; (b) be clearly understood and relatively easy to complete in order to achieve a high response rate; and (c) be an accurate measuring device, through high reliability and validity. The procedures for data collection and analysis were explained in relation to the type of information needed to answer the research questions.

CHAPTER IV

PRESENTATION AND ANALYSIS OF DATA

INTRODUCTION

Data was collected by means of a two-part questionnaire which was mailed out to all local districts in the state (see Appendix B). The Oregon School Directory, 1986-87 (Oregon Department of Education, 1986) was the source of data for district type, size and location. The ESL Helpbook (Oregon Department of Education, 1987), was used to estimate numbers of limited-English proficient students for districts that did not respond.

The data was analyzed in terms of the research questions, and will be presented on that basis. The specific research questions were:

1. What is the current status of ESL/bilingual education policy in Oregon school districts?
2. What are the structures and procedures which guide ESL/bilingual education policy in the areas of (a) identification and assessment,

- (b) instructional programs, (c) primary language usage, (d) exiting and mainstreaming, (e) recognition of minority group cultures, (f) parental involvement, (g) personnel requirements, and (h) program evaluation?
3. Are local school districts' ESL/bilingual education policies in apparent compliance with the laws regarding equal educational opportunity for language minority students?
4. Are local school districts' ESL/bilingual education policies in concurrence with basic principles for effectively educating language minority students?

STATUS OF ESL/BILINGUAL POLICY IN OREGON SCHOOL DISTRICTS

In order to answer the first research question, relevant data was collected which included the number of LEP students in each district, the primary languages spoken by these students, and the provision of special instructional programs. Through analyzing the data, the locations of LEP student populations throughout the state was determined, including the sizes of the populations, the primary languages spoken, and concentrations of LEP students within districts. Information pertaining to the establishment and longevity of ESL/bilingual programs was also considered pertinent to this study.

Information regarding school district policies was

elicited from Part II of the survey instrument. On every questionnaire item respondents were offered the choice of checking "district policy" as a reason for implementing certain practices. An analysis of the data indicated that district policy was never the most frequently cited reason for implementing certain practices. Twenty of the 86 responding districts (23%) indicated that district policy was one reason for maintaining a plan for the identification of LEP students. Eighteen districts (21%) mentioned district policy as a rationale for implementing an ESL pull-out program. District policy was mentioned by 17 percent or less of the districts for all other questionnaire items (see Table VI).

Districts were asked to enclose copies of their district policies regarding ESL/bilingual education with their responses. Only one district sent a copy of actual board-approved district policy. A few sent program guides, which did not include references to district policies.

TABLE VI
DISTRICT POLICY AS A RATIONALE FOR IMPLEMENTING
ESL/BILINGUAL PRACTICES

Questionnaire Item	Freq.	% (n=86)
1. Identification plans for LEPs	20	23
2. Assessment in L1 and L2	6	7
3. Unbiased instruments	10	12
4. Bilingual classrooms	5	6
5. ESL pull-out	18	21
6. Other instructional models	2	2
7. Instruction in L1	3	3
8. Development of L1	1	1
9. Time limit to program	1	1
10. Must demonstrate readiness to exit	13	15
11. Systematic exit procedure	14	15
12. Transitional help provided	12	12
13. May return to program	12	14
14. Culturally relevant curriculum	6	7
15. Minority cultures taught	5	6
16. Parents involved in ed. program	14	16
17. Parent communication in L1	8	9
18. Parents made welcome	11	13
19. Instructors trained in ESL	12	14
20. Effort to hire minority staff	7	8
21. Regular evaluation of LEP programs	15	17
22. Records kept on LEP achievement	15	17

Locations of LEP students

In this survey, 86 districts reported having 4,981 LEP students in attendance. Of these, 82 districts said they provided some type of special services for language minority students. Nineteen districts did not respond, and the other 200 reported no ESL students. Of the nineteen

districts which did not reply to this survey, seven were listed in the ESL Helpbook (Oregon Department of Education, 1987) as having a total of 532 LEP students in special programs. Therefore, there was a total of 5,513 LEP students in 93 local school districts.

Districts reported these students on Part I of the questionnaire by answering questions four and seven. In response to question four they reported all ESL students in the district, i.e., those students whose first language was not English. On question seven they listed students who were currently receiving some special instructional service and also those who had exited from the program. This study counted as LEP only those students identified as currently receiving special instructional services as listed in response to question seven. It was assumed that since these students had not yet been exited, they were still considered limited-English proficient to some degree, and thus were reported as LEP students in this study. Most districts reported the same numbers of students in both questions four and seven. Four districts reported students in question four and said they were not able to provide services for them. Because these districts implied they would have provided services if they had the means to do so, their ESL children were counted as needing services, i.e., LEP. The 532 ESL students from non-reporting districts were described as LEP in the ESL Handbook (Oregon Department of Education, 1987), and therefore

are included in the total count.

The 5,513 LEP students are located in 93 school districts, throughout 25 of Oregon's 36 counties. Table VII shows the distribution of LEP students throughout the state, and the percentage of ADM which they constitute in the districts they attend. LEP students in Oregon represent 1.29 percent of all 428,904 public school students. In only 13 districts do they constitute more than five percent of the ADM, the minimum percentage needed to enforce compliance with Title VI of the 1964 Civil Rights Act. Thus this federal legislation does not apply to 86 percent of Oregon districts with ESL students. The three districts which reported LEP students in excess of 20 percent of their ADM are all small districts, each one with less than 250 ADM. Of the ten districts with five to 20 percent LEP students, five are small districts as defined by the Oregon Department of Education, and they all have less than 2,600 ADM. Of the 78 districts reporting less than five percent LEP students, over half have less than one percent. These districts vary widely in size, from 111 ADM to over 50,000.

TABLE VII

DISTRIBUTION OF LEP STUDENTS IN OREGON SCHOOL DISTRICTS

County	Number of LEPs	Districts with LEPs		
		Less Than 5%	5% to 20%	Over 20%
<u>Central Oregon</u>	<u>158</u>			
Deschutes	12	1		
Hood River	28	1		
Jefferson	53	2		
Wasco	65	1		
<u>Coastal Counties</u>	<u>33</u>			
Clatsop	5	1		
Coos	6	1		
Lincoln	16	1		
Tillamook	6	1		
<u>Eastern Counties</u>	<u>651</u>			
Grant	4	1		
Malheur	229	3	2	
Morrow	97		1	
Umatilla	229	4	2	
Union	2	1		
<u>Portland Metro</u>	<u>2813</u>			
Clackamas	269	15	1	1
Multnomah	1832	8		
Washington	712	10		
<u>Southern Counties</u>	<u>393</u>			
Douglas	21	2		
Jackson	214	4		
Klamath	158	2	1	
<u>Willamette Valley</u>	<u>1465</u>			
Benton	74	1		
Lane	214	5		
Linn	206	1		
Marion	1052	8	3	2
Polk	110	1		
Yamhill	99	5		
Totals:	5513	80	10	3

By grouping the counties into regional areas of the state, the relative concentrations of LEP students can be readily observed. Fifty-one percent of LEP students are located in the three counties which make up the extended Portland metropolitan area, and another 27 percent attend schools in the Willamette Valley. The remaining 22 percent are located in five eastern counties (12 percent), three southern counties (seven percent), four central counties (three percent), and four coastal counties (less than one percent).

Languages Spoken by LEP Students

Districts reported 46 different primary languages represented among their ESL students, as shown on Table VIII. Districts frequently responded to this question with "Spanish," "Asian," and "Other," which makes it difficult to present a precise picture of the languages spoken by LEP students in Oregon schools. This accounts for the large number of students in the two categories, "Asian, not specified," and "Others, not specified," on Table VIII. Spanish-speaking students, constituting the largest single LEP group, were reported in 76 out of 86 districts, representing 40.6 percent of all LEP students recorded in this survey. The various Asian languages form 38.1 percent of all LEP students, and are found in fewer districts than Spanish speakers. The Asian students are either in large districts or in the Portland metropolitan area. The third

relatively large language group is the Russian population (6.4 percent), all of whom attend schools in Marion and Clackamas counties.

TABLE VIII

PRIMARY LANGUAGES SPOKEN BY ESL STUDENTS IN OREGON SCHOOLS

Language Groups	Number of LEP's	Percent of All LEP's	Number of Districts
Spanish	2023	40.6	76
Asian Languages	1896	38.1	36
Vietnamese (739)			
Cambodian (288)			
Lao (265)			
Mien (168)			
Hmong (139)			
Korean (70)			
Chinese (57)			
Japanese (34)			
Indochinese(24)			
Taiwanese (3)			
Thai (2)			
Asian (not specified) (107)			
Russian	321	6.4	9
All Other Languages	703	14.1	
American Indian (38)			
Farsi (23)			
Romanian (18)			
Hebrew (16)			
Tagalog (13)			
Indonesian (13)			
Romance (12)			
German (7)			
Not specified (557)			
Specified below* (44)			

* Four students each: Hindi, Hungarian, Middle Eastern, Portuguese.

Three students each: Afghan, Arabic, Nepalese.

Two students each: Finnish, Italian, Polish, Slavic, Truk.

One student each: Bangladesh, Croatian, Danish, Ethiopian, Hawaiian, Iraqi, Khmer, Malaysian, Swedish.

Concentrations of LEP Students

The number of LEP students who speak the same language within each district is relevant data to this policy study, inasmuch as this information affects program types, personnel needs, and use of facilities. For example, a bilingual classroom may be the appropriate instructional setting for a large number of students with the same primary language, while an ESL tutorial would be more feasible when there are only one or two LEP students in a district. Districts reported that eight languages had concentrations of over 20 LEP students per district. The Lau Guidelines recommend plans for educating language minority students where there are twenty or more students who speak the same language within a school district. Table IX shows the frequency of these concentrations. The rest of the languages are less concentrated. Thirty-one languages are spoken by fewer than ten LEP students per district.

TABLE IX
CONCENTRATIONS OF STUDENTS SPEAKING THE SAME LANGUAGE

Language	Number of Districts With More Than 20 LEP Students Who Speak the Same Language		
	Small Dist.	Medium Dist.	Large Dist.
Spanish only	3	15	-
Spanish, Russian	-	2	-
Spanish, Cambodian, Lao, Vietnamese	-	-	1
Cambodian, Hmong, Lao, Mien, Vietnamese	-	-	1
Russian only	2	-	-

Number of Languages Within Districts

The number of languages within a district is as relevant as the number of students per language. A district which is trying to meet the needs of LEP students representing 15 different languages will have to approach the curriculum, personnel, and program planning differently than a district serving LEP students who all speak the same language. The problem of serving multiple languages may be more of a challenge for small districts (See the definition for small district, Chapter III), which typically have less resources than medium to large districts. Table X shows the numbers of first languages of LEP students as reported by each district. Over half (57 percent) of the districts reported having to deal with two or more languages. Of the 26 small districts, 19 reported

that all their LEP students spoke the same language, which was Spanish in 17 cases. All of the districts reporting more than ten languages were large (over 6,000 ADM).

TABLE X

NUMBER OF LANGUAGES WITHIN EACH DISTRICT BY DISTRICT SIZE

Number of Languages	Number of Districts, by Size		
	Small	Medium	Large
1	19	18	-
2	6	11	1
3	-	7	4
4	1	2	2
5	-	1	1
6	-	2	-
7	-	1	-
8	-	1	-
9	-	1	-
10	-	3	-
Over 10:	-	-	4

Note: Small = Under 1,000 ADM (unified), under 350 ADM (elementary or secondary); Large = over 6,000.

Longevity of ESL/Bilingual Education Programs

The length of time that districts have provided special educational programs for their language minority students is relevant. The longer a program has run, the more likely it is to have established policies and procedures to meet the needs of its LEP students. Of the 82 districts with programs, 68 responded to this question, indicating program longevity from one to 30 years, with 82 percent of the districts reporting program length of ten

years or less. Table XI shows program length as compared to LEP population sizes. As the table indicates, 40 percent of districts with small LEP populations have programs five years old or less, while 83 percent of districts with large populations have provided programs ten or more years.

TABLE XI
PROGRAM LONGEVITY ACCORDING TO SIZE OF LEP POPULATION

Program Length In Years:	Number of Districts with LEP Populations of:		
	Under 20 Students	20-100 Students	Over 100 Students
1	5	-	-
2	1	-	-
3	4	1	-
4	-	1	-
5	4	4	-
6	2	2	1
7	6	5	-
8	7	4	-
9	-	3	-
10	8	4	1
Over 10	4	4	4

ESL/BILINGUAL EDUCATION POLICIES AND PROCEDURES

Part II of the questionnaire (see Appendix B) was designed to examine policies and procedures in all relevant areas of educational programming for language minority students, and the responses to each item were analyzed.

Respondents were instructed to check as many boxes as applied to their situations. Checks in the first five boxes indicated "yes" answers and checks in the second five boxes indicated "no." Respondents also indicated yes or no answers by writing them under "Comments." Whenever "not applicable" or "don't know" was checked, or if a question was left unanswered, a "no response" answer was recorded. If a respondent checked boxes under both yes and no, the question was counted as no response. These procedures may account for the fairly high no response frequencies on the tables.

Responses were tabulated two ways: first as either yes, no, or no response; then each choice checked was tabulated in order to find out the reasons for implementing or not implementing each procedure. In determining percentages, the yes, no, and no response figures were based on the 86 districts which reported LEP students in attendance. The numbers of reasons given for implementing (or not) certain practices varied with each question, so percentages were calculated based on the total number of responses for each question, excluding no response categories as defined above.

Some general statements can be made about the responses to the Part II questionnaire items. The majority of the responses supported research and complied with the law. Yes answers on all questions except items numbered four, five, six and nine would indicate either agreement

with research principles or legal requirements. Items four, five and six could be considered either-or items, in which a yes answer to any one of the three would indicate some type of special services for language minority students, and therefore agreement with legal and theoretical principles. A no on item nine would indicate apparent compliance with the law.

Only on items seven, eight and fifteen did the majority of districts' responses contradict the legal and theoretical requirements for effective education for language minority students. Items seven and eight had to do with the use of primary languages in the classroom, and fifteen with the teaching of minority cultures in the curriculum.

The most frequent reason cited for implementing the practices designated in each item was that they were educationally effective. District policy was the second most frequently cited reason given, although it never constituted more than 20 percent of the responses. Districts mentioned the law and community pressures less than ten percent of the time. When districts did not implement a practice, the reason most frequently specified was a lack of trained personnel, and secondly, a lack of funds. The third most frequently cited reason for not implementing a practice was that it was not considered educationally effective. Community pressures and district policy were rarely cited as reasons for not implementing a practice.

A small number of districts indicated they implemented practices for certain language groups only. Table XII specifies the languages for which policies were selectively implemented, and the number of districts involved. Spanish was mentioned by 72 percent of all districts which specified languages in this category.

TABLE XII
LANGUAGE GROUPS FOR WHICH POLICIES ARE
SELECTIVELY IMPLEMENTED

Language						
Item:	Spanish	Lao	Viet- nameese	Cambodian	Russian	Not Specified
Identification and Assessment						
1.	7	1	1	1	0	1
2.	10	2	1	1	0	5
3.	8	1	1	1	0	4
Instructional Programs						
4.	3	1	1	1	0	1
5.	6	0	0	0	0	2
6.	3	0	0	0	0	0
Primary Language Usage						
7.	10	1	1	1	0	1
8.	1	1	1	1	1	2
Exiting and Mainstreaming						
9.	0	0	0	0	0	0
10.	4	0	0	0	0	0
11.	4	0	0	0	0	0
12.	7	1	1	1	0	1
13.	5	1	1	1	0	0
Recognition of Minority Culture						
14.	5	1	1	1	0	4
15.	3	1	1	1	0	8
Parental Involvement						
16.	7	1	1	1	0	0
17.	14	2	1	1	0	3
18.	5	1	1	1	0	1
Personnel						
19.	5	0	0	0	0	1
20.	3	0	0	0	0	5
Program Evaluation						
21.	3	0	0	0	0	0
22.	3	1	1	1	0	0

The next nine tables (XIII thru XXI) present district responses as they were grouped into the eight policy areas referred to in the second research question. The legal mandates and the basic theoretical principles relevant to the education of language minority students are reviewed as they relate to each policy area in order to provide context for the presentation of data.

Identification and Assessment Policies

The first three items on the questionnaire refer to identification and assessment policies for ESL students (see Table XIII). Oregon State law (OAR 581-21-046) and the Lau Guidelines direct school districts to implement a plan for identifying students whose primary language is other than English. Responses to item one indicated that 63 percent of those districts with ESL students had such plans. The most frequent reason given for implementing this practice, 43 percent of all responses to this question, was that it was educationally effective. Eighteen percent of all responses indicated that implementation occurred because it was required by district policy. Of the nine districts which carried out this practice for certain languages only, seven specified Spanish (see Table XII). The most frequently cited reason for not implementing this practice was lack of trained personnel. Districts included a diverse collection of staff members, such as counselors, administrators, special

education teachers, and migrant education coordinators, in specifying who fulfilled this function.

TABLE XIII
IDENTIFICATION AND ASSESSMENT POLICIES

Responses	1)Identification Plans for LEP's	2)Assessment in L1 & L2	3)Unbiased Instruments
<u>Yes Answers</u>	<u>54</u> (63%)	<u>37</u> (43%)	<u>52</u> (60%)
Educationally Effective	43	30	45
District Policy	20	6	10
Legal Mandate	10	5	7
Community Pressure	4	2	2
No Reason Given	5	6	6
<u>No Answers</u>	<u>20</u> (23%)	<u>36</u> (42%)	<u>18</u> (21%)
Lack trained Personnel	14	28	8
Lack Funds	6	12	4
Not Ed. Effective	1	2	2
Community Pressure	-	-	-
District Policy	-	-	-
No Reason Given	6	9	8
<u>No Response</u>	<u>12</u> (14%)	<u>13</u> (15%)	<u>16</u> (19%)
<u>True for Some Languages</u>	9	17	13

Language assessment in both English and the primary language is suggested in the Lau Guidelines to determine the linguistic needs leading to the appropriate educational placement of each student. Language assessment in both languages is not specifically required by Oregon law, but is a means of meeting the identification and appropriate placement requirements of OAR 581-21-046. The results of the second questionnaire item showed less than half of the districts assessing their LEP students in both languages. District policy was cited as a reason for implementation in only six percent of all responses. Almost half of those who implemented this practice did it for certain language groups only, with Spanish being specified most often. Forty percent of all responses indicated that either lack of trained personnel or lack of funds prevented them from implementing this practice.

Public law 94-142 requires districts to use non-discriminatory procedures and materials for the evaluation and placement of minority students with special learning needs (Turnbull & Turnbull, 1982). The assignment of children to special classes on the basis of criteria which essentially measures English language skills is prohibited by Title VI of the Civil Rights Act (1964). The Lau Guidelines require appropriate, non-discriminatory diagnostic/prescriptive measures in determining each student's educational needs. Non-discriminatory student evaluation is a requirement of OAR 581-15-072. This same

rule states that assessments for handicapping conditions must be done in the child's native language, unless it is unfeasible to do so. Sixty percent of the districts responded to item number three that they did use assessment instruments that were not culturally biased, and did not penalize students for their lack of English proficiency. Forty-nine percent of all responses indicated that districts implemented this practice because it was educationally effective. District policy required this practice in 11 percent of the responses. Sixteen districts, 15 percent, reported implementation for certain language groups only, half of those specifying Spanish. Districts which did not implement this practice cited lack of trained personnel or lack of funds.

Instructional Programs

Once limited English proficient students are identified and assessed, districts are required by state and federal regulations to provide them with appropriate educational programs. Title VI (1964), the Equal Educational Opportunities Act (1974), and the Lau Guidelines (1975) all require that appropriate measures be taken by school districts to provide a meaningful and relevant educational program for language minority students. Oregon State law directs districts to provide appropriate programs for students whose primary language is other than English (OAR 581-21-406), and specifies that English

speaking, reading, and writing skills must be taught to these students (ORS 336.079). The use of non-English languages for instructional purposes is permitted in educational programs for limited English proficient students, according to ORS 336.074.

The first three Basic Principles for educating language minority students support the use of primary language as means of providing effective education. Students' primary languages are used regularly in bilingual classrooms, and may or may not be part of ESL pull-out programs or other instructional models. The fourth Basic Principle stresses the importance of comprehensible input in the target language (English), a component which is present in bilingual classrooms, ESL pull-out programs, and most other instructional models, except for submersion.

Items four, five, and six on the questionnaire asked districts to specify which types of educational programs districts provided for their language minority students: bilingual classrooms, ESL pull-out programs, or other instructional models. Responses indicated that many districts used more than one type of instructional program to attempt to meet the needs of the various student configurations found throughout the schools. The most common program type used to provide instruction to LEP students was the ESL pull-out model, reported by 72 percent of the districts (see Table XIV). The most

frequent reason cited, 55 percent of all responses, was that it was educationally effective. District policy was mentioned as a reason more frequently (20 percent) in response to item number five than to any other.

TABLE XIV
INSTRUCTIONAL PROGRAMMING POLICIES

Responses	4)Bilingual Classrooms	5)ESL Pull-out Model	6)Other Models
<u>Yes Answers</u>	<u>15</u> (17%)	<u>62</u> (72%)	<u>30</u> (35%)
Educationally Effective	10	49	15
District Policy	5	18	2
Legal Mandate	1	5	-
Community Pressure	1	4	-
No Reason Given	3	6	15
<u>No Answers</u>	<u>56</u> (65%)	<u>7</u> (8%)	<u>8</u> (9%)
Lack trained Personnel	19	4	2
Lack Funds:	20	3	2
Not Ed. Effective:	16	1	1
Community Pressure:	3	-	-
District Policy:	-	-	-
No Reason Given:	18	5	5
<u>No Response:</u>	<u>15</u> (17%)	<u>17</u> (20%)	<u>48</u> (56%)
<u>True for Some Languages:</u>	4	2	3

A minority of districts, 17 percent, answered that they included bilingual classroom instruction in their programs for language minority students. Ten percent of all responses indicated that it was considered an educationally effective practice, in opposition to 16 percent of the responses, which stated that this program model was not implemented because it was not educationally effective. Thirty-nine percent did not implement it due to either lack of funds or lack of trained personnel, and it is possible that some of these respondents would have favored the implementation of bilingual education had the resources been available. Five percent of the districts said they made bilingual education available to certain language groups only, most often to Spanish speakers.

Thirty-five percent of the districts stated that they provided some other form of instructional services instead of, or in addition to, bilingual classrooms and ESL pull-out programs. Table XIV shows a high number of districts did not respond to this question. This may be because those districts which had already indicated using bilingual classrooms or ESL pull-out programs may not have considered it necessary to respond to item number six. The other instructional models offered included categorical programs, such as Chapter I, Chapter I Migrant, special education, and speech/language specialists. Other types of services included tutorials, sheltered English content instruction, special reading classes, and secondary ESL

classes (not pull-out).

The Use of Primary Languages in Classroom Instruction

The use of LEP students' native languages in classroom instruction is one of the most controversial policy issues in bilingual education (see Chapter II). It rarely occurs in Oregon schools, according to the responses to items seven and eight (see Table XV). ORS 336.074 permits the use of non-English languages to instruct ESL students while their English language proficiency is developing. The Linguistic Interdependence Hypothesis, described in the Third Basic Principle, emphasizes that instruction through the primary language is valuable in teaching academic skills, and that these are not lost when the transition to English occurs. A majority of districts responded negatively to item seven. The 24 percent of the districts who responded affirmatively indicated they did so in most cases because they considered it educationally effective. Those districts which did not instruct in the students' primary languages cited lack of trained personnel and lack of funds as the most frequent obstacles to implementation (37 percent of all responses). Thirteen percent of the districts provided primary language instruction to certain language groups only, almost all of those being Spanish.

TABLE XV
PRIMARY LANGUAGE USAGE POLICIES

Responses	7)Instruction in Primary language	8)Development of Primary Language
<u>Yes Answers</u>	<u>21</u> (24%)	<u>4</u> (5%)
Educationally Effective	20	4
District Policy	3	1
Legal Mandate	1	1
Community Pressure	2	1
No Reason Given	4	3
<u>No Answers</u>	<u>47</u> (55%)	<u>58</u> (67%)
Lack trained Personnel	25	18
Lack Funds	11	13
Not Ed. Effective	11	20
Community Pressure	5	9
District Policy	-	1
No Reason Given	14	17
<u>No Response</u>	<u>18</u> (21%)	<u>24</u> (28%)
<u>True for Some Languages:</u>	11	3

According to the First Basic Principle, development of children's primary language, as well as English, correlates with high academic achievement. However, only five percent of the districts indicated that this was a goal of their ESL/bilingual programs (Table XV). This practice was not implemented because it was not considered to be educationally effective according to 23 percent of the responses. Community pressure discouraging this practice was cited more frequently for item number eight than for any other. Several respondents commented that this was not the school's responsibility. More than one third of the responses stated that failure to implement this practice was due to lack of trained personnel and lack of funds, and may not have been due to any negative feeling toward this practice. It was obviously not considered to be a high priority, however.

Exiting and Mainstreaming Procedures

The determination of an ESL student's readiness to exit a special instructional program and participate meaningfully in all-English, regular classroom instruction is a critical educational issue. Closely associated with this is the monitoring of students who have been exited to ensure their successful transition to the mainstream. OAR 581-21-046 contradicts the practice of arbitrarily limiting the amount of time students may spend in special programs, mandating districts to provide appropriate

programs until they are able to use the English language in a manner that allows effective and relevant participation in classroom activities. Title VI of the Civil Rights Act requires each district to take affirmative steps to open its instructional program to students, wherein the criteria for exiting to the regular program are not tied to timelines, but rather with each student's ability to effectively participate in the regular program. The Second Basic Principle (Chapter II) differentiates between outwardly observable communications skills and cognitive academic learning proficiency which must be developed before a LEP student can effectively participate in the regular school program. Research shows that it takes from five to seven years for a student to develop adequate CALP in L2 to achieve academically in the all-English classroom (Cummins, 1981).

Tables XVI and XVII show the districts' responses to questions regarding exiting and mainstreaming policies. In general, a majority of districts demonstrated apparent compliance with legal and theoretical principles relevant to this issue. The responses to item nine showed that a minority of districts limited the amount of time that ESL students stayed in special programs. The most frequently cited reason for not implementing this practice was that it was not educationally effective, the response given more often for this item than for any other. The high

percentage of no responses to this item probably implied a low frequency of implementation.

TABLE XVI
EXITING POLICIES

Responses	9)Time Limit in Program	10)Demonstration of Readiness	11)Exit Procedures Systematic
<u>Yes Answers</u>	<u>11</u> (13%)	<u>61</u> (71%)	<u>47</u> (55%)
Educationally Effective	5	48	36
District Policy	1	13	14
Legal Mandate	2	1	3
Community Pressure	-	2	3
No Reason Given	3	6	7
<u>No Answers</u>	<u>41</u> (48%)	<u>10</u> (12%)	<u>20</u> (23%)
Lack trained Personnel	4	6	16
Lack Funds	4	5	7
Not Ed. Effective	16	1	1
Community Pressure	-	1	-
District Policy	1	-	-
No Reason Given	19	3	7
<u>No Response</u>	<u>34</u> (40%)	<u>15</u> (17%)	<u>19</u> (22%)
<u>True for Some Languages</u>	-	3	4

TABLE XVII
MAINSTREAMING POLICIES

Responses	12)Transitional Help Provided	13)Returning to Program an Option
<u>Yes Answers</u>	<u>58</u> (67%)	<u>58</u> (67%)
Educationally Effective	49	44
District Policy	12	12
Legal Mandate	2	2
Community Pressure	-	-
No Reason Given	6	7
<u>No Answers</u>	<u>14</u> (16%)	<u>10</u> (12%)
Lack Trained Personnel	12	5
Lack Funds	9	5
Not Ed. Effective	-	2
Community Pressure	-	-
District Policy	-	-
No Reason Given	2	3
<u>No Response</u>	<u>14</u> (16%)	<u>18</u> (21%)
<u>True for Some Languages:</u>	7	5

Responses to item ten showed that a majority of districts did not exit students until they demonstrated their ability to succeed in the regular program, although less than half said they used a systematic process for assessing students' readiness to exit the program in their responses to item 11. A majority of districts' responses affirmed that transitional help was given to mainstreamed students (58 percent) and that mainstreamed students had the option of returning to the ESL/bilingual program if they experienced major difficulties in the regular program. The major reason cited for these exiting procedures was they were educationally effective. District policy played a lesser role; from 13 to 15 percent of all responses mentioned district policy as a reason for these procedures.

Recognition of Minority Cultures

The importance of recognition of language minority students' cultures in providing appropriate educational programs is acknowledged in the Fifth Basic Principle. It is prescribed by the Lau Guidelines in the form of bilingual-bicultural programs. Oregon law directs districts to develop and implement Equal Opportunities Plans, which include "courses and/or components which provide students with an understanding of the pluralistic realities of their society, including multicultural/

racial/ethnic education and equity in portraying all classes protected under 659.150" (OAR 581-21-046).

The recognition of language minority students' cultures by the responding districts is shown on Table XVIII. Half of the districts said they considered the cultural backgrounds of language minority students in program planning. District policy played a minor role in decisions to implement this practice, eight percent of all responses for item 14, as opposed to 43 percent of all responses maintaining that it was educationally effective.

TABLE XVIII
RECOGNITION OF MINORITY CULTURES

Responses	14)Culturally Relevant Curriculum	15)Minority Cultures Taught
<u>Yes Answers</u>	<u>43</u> (50%)	<u>26</u> (30%)
Educationally Effective	34	16
District Policy	6	5
Legal Mandate	2	2
Community Pressure	-	-
No Reason Given	9	12
<u>No Answers</u>	<u>17</u> (20%)	
Lack Personnel	15	18
Lack Funds	5	5
Not Ed. Effective	3	7
Community Pressure	-	1
District Policy	-	-
No Reason Given	4	10
<u>No Response</u>	<u>26</u> (30%)	<u>26</u> (30%)
<u>True for Some Languages</u>	9	11

Districts placed little emphasis on the inclusion of minority cultures in the curriculum (item 15), in spite of the requirement of OAR 581-21-046(9). Less than one third of the districts reported implementing this practice, and only seven percent of the responses mentioned district policy as a factor in implementation. Lack of trained personnel was the most frequent reason given for not implementing this practice. Thirteen percent of the districts reported implementation for certain language groups only.

Involvement of Minority Parents

The involvement of minority parents is a requirement incorporated into federal and state regulations regarding the education of language minority students. The requirements for parental involvement are delineated in 201.35 of the Chapter I Migrant Education Regulations (U.S. Department of Education, 1985) and in the Lau Guidelines. Both Title VI and Oregon State law require schools to communicate with language minority parents in their dominant language for certain purposes. The Fifth Basic Principle supports the inclusion of language minority parents in their children's education.

A majority of districts indicated that their procedures involved language minority parents in the education of their children, communicated with parents in their dominant languages, and made them feel welcome in

the schools, as displayed in Table XIX. District policy was not the major reason for implementing these practices, being cited nine to fifteen percent of the time; rather, districts most often mentioned educational effectiveness. Twenty-four percent of the districts said they communicated only with certain language groups in their dominant language, 67 percent of those in Spanish. Several districts reported using interpreters from the community if no one in the district spoke the parents' language.

TABLE XIX
PARENTAL INVOLVEMENT POLICIES

Responses	16) Parents Involved	17) Communicate in Parents' L1	18) Parents Welcomed
<u>Yes Answers</u>	<u>47</u> (55%)	<u>56</u> (65%)	<u>63</u> (73%)
Educationally Effective	34	34	48
District Policy	14	8	11
Legal Mandate	8	8	5
Community Pressure	4	5	5
No Reason Given	8	15	14
<u>No Answers</u>	<u>19</u> (22%)	<u>18</u> (21%)	<u>5</u> (6%)
Lack Trained Personnel	8	13	4
Lack Funds	4	6	1
Not Ed. Effective	3	1	-
Community Pressure	1	-	-
District Policy	-	-	-
No Reason Given	8	4	2
<u>No Response</u>	<u>20</u> (23%)	<u>12</u> (14%)	<u>18</u> (21%)
<u>True for Some Languages</u>	9	20	8

The high number of no responses to item 18, which asked if language minority parents were made to feel welcome in the schools, was due to the number of respondents who answered that they did not know if this was true for their respective school districts. It was apparently not an indication of a negative attitude toward minority parents.

Instructional Personnel

The Fifth Basic Principle speaks to the importance of minorities in positions of responsibility and authority as positive adult role models for children. This principle also recognizes that all adults who work with language minority students need specialized training to increase their effectiveness. The Lau Guidelines specify that all instructional personnel should be linguistically and culturally familiar with the background of the students. ORS 342.609 requires districts to provide specialized training to teachers who work with LEP students.

As shown on Table XX, over half the districts responded that teachers and aides who worked with ESL students had specialized training. This presents a paradox in that the most frequently mentioned reason for not implementing practices on nearly every item on the questionnaire was lack of trained personnel. If they had complied with the law to provide for the specialized training of teachers who work with ESL students, then a

lack of trained personnel should not have been an issue in
so many responses.

TABLE XX
PERSONNEL POLICIES

Responses	19)Instructors Trained in ESL	20)Effort to Hire Minority Staff
<u>Yes Answers</u>	<u>49</u> (57%)	<u>28</u> (33%)
Educationally Effective	39	24
District Policy	12	7
Legal Mandate	3	3
Community Pressure	1	1
No Reason Given	8	5
<u>No Answers</u>	<u>23</u> (27%)	<u>26</u> (30%)
Lack Trained Personnel	13	12
Lack Funds	9	5
Not Ed. Effective	2	5
Community Pressure	-	1
District Policy	1	1
No Reason Given	6	8
<u>No Response</u>	<u>14</u> (16%)	<u>32</u> (37%)
<u>True for Some Languages:</u>	7	8

Less than one third of the 86 reporting districts reported making an effort to hire minorities that reflected the ethnic backgrounds of their students. Most of the districts that did report making an effort (71%) were impacted with over five percent LEP students or more than 20 LEP students in a single language group. Some districts mentioned a shortage of minority applicants. The comment of one respondent was that minority applicants with bilingual skills would be given preferred status, if any applied. A large number of districts did not respond to this question, checking either that they did not know or that it was not applicable to their situation. District policy required this practice in only nine percent of all responses.

Program Evaluation

Program evaluation is required of ESL/bilingual programs at the federal and state levels. The Lau Guidelines specify an evaluation process to be part of all district plans. OAR 581-22-606 requires school districts to implement procedures for evaluating and improving educational programs, including the assessment of student performance as a basis for establishing priorities.

The majority of districts responded that they did regularly evaluate instructional programs for language minority students, and did keep records on the academic achievement of these students (see Table XXI). Fifteen to

16 percent of the responses indicated that district policy required these procedures; however, most districts said they did so because they considered it educationally effective.

TABLE XXI
PROGRAM EVALUATION POLICIES

Responses	21)Regular Eval. of LEP Programs	22)Records Kept on LEPs Achievement
<u>Yes Answers</u>	<u>58</u> (67%)	<u>44</u> (51%)
Educationally Effective	50	34
District Policy	15	15
Legal Mandate	6	9
Community Pressure	3	3
No Reason Given	5	2
<u>No Answers</u>	<u>17</u> (20%)	<u>21</u> (24%)
Lack Trained Personnel	8	7
Lack Funds	6	7
Not Ed. Effective	2	3
Community Pressure	-	-
District Policy	-	-
No Reason Given	7	11
<u>No Response</u>	<u>11</u> (13%)	<u>21</u> (24%)
<u>True for Some Languages:</u>	3	3

Variations in Responses to Survey by District Types

Given the variations in district sizes and numbers of LEP students, it might be expected that programs for LEP students would be stronger in some districts than others. Larger districts tend to have more resources available to implement special programs. Districts who feel the impact of large numbers of LEP students may give the ESL/bilingual programs higher priority than those districts with fewer LEP students. To discover if these differences in districts affected the ESL/bilingual programs, responses to the survey were tabulated separately for small districts (small districts as defined by the Oregon Department of Education), for large districts (over 6,000 ADM), and for impacted districts (over five percent LEP students, or 20 or more LEP students in the same language group).

The comparison of data (Table XXI.) showed that the responses of large districts and those of small districts did not vary greatly overall from the responses of all districts taken together. Large districts' policies and practices, as indicated by their responses to questionnaire items, were slightly stronger than all districts, and small districts were about the same. However, the responses of those districts with large numbers of LEP students indicated stronger ESL/bilingual practices in every policy area when compared to the combined responses of all districts.

TABLE XXII
VARIATIONS IN SURVEY RESPONSES BY DISTRICT TYPES

Survey Items	Percentages of Districts Implementing ESL/Bilingual Practices			
	All Districts (N=86)	Small Districts (N=25)	Large Districts (N=13)	Impacted Districts (N=28)
(1) Identification Process	63%	64% (+1)*	69% (+6)*	82% (+19)*
(2) Assessment in Two Languages	43%	52% (+9)	38% (-5)	71% (+28)
(3) Unbiased Assessment	60%	56% (-4)	85% (+15)	68% (+8)
(4) Bilingual Classrooms	17%	8% (-9)	15% (-2)	32% (+15)
(5) ESL Pull- Out Program	72%	64% (-8)	85% (+13)	75% (+3)
(6) Other Instruct. Models	35%	40% (+5)	31% (-4)	36% (+1)
(7) Content Taught in L1	24%	32% (+8)	15% (-9)	46% (+18)
(8) Development of L1	5%	8% (+3)	15% (+10)	11% (+6)
(9) Time Limit for Exiting	13%	8% (-5)	23% (+10)	25% (+12)
(10) Readiness to Exit	71%	60% (-11)	62% (-9)	71%
(11) Exit Assessment Procedures	55%	56% (+1)	54% (-1)	64% (+9)

TABLE XXII (Continued)

Survey Items	Percentages of Districts Implementing ESL/Bilingual Practices			
	All Districts (N=86)	Small Districts (N=25)	Large Districts (N=13)	Impacted Districts (N=28)
(12) Transition Help to Mainstream	67%	60% (-7)	77% (+10)	75% (+8)
(13) May Return to Program	67%	56% (-11)	77% (+10)	71% (+4)
(14) Culturally Relevant Curriculum	50%	44% (-6)	54% (+4)	50%
(15) Minority Culture Taught	30%	28% (-2)	38% (+8)	46% (+16)
(16) Parents Involved	55%	72% (+17)	46% (-9)	71% (+16)
(17) Communicate in Parents' L1	65%	68% (+3)	54% (-11)	86% (+21)
(18) Minority Parents Welcomed	73%	72% (-1)	69% (-4)	86% (+13)
(19) ESL-Trained Staff	57%	48% (-9)	46% (-11)	75% (+18)
(20) Employment of Minorities	31%	40% (+9)	38% (+7)	64% (+33)
(21) Program Evaluated	67%	64% (-3)	69% (+2)	75% (+8)
(22) Records Kept on LEPs	51%	68% (+17)	62% (+11)	68% (+17)

* Indicates percentage points above or below the percent of all districts' responses.

LOCAL SCHOOL DISTRICTS' ESL/BILINGUAL
POLICIES AND PRACTICES AND THE LAW

In order to answer the third research question, the districts' responses to specific items on the questionnaire were compared to the requirements for federal and state regulations relevant to educating language minority students. Apparent levels of compliance could be inferred from the data, assuming that the respondents' information was accurate, and the practices were in fact being implemented in an effective manner. It was possible that a district could have responded appropriately to all items pertinent to a given regulation and still be out of compliance, due to methods of implementation. It was also possible for programs to be in compliance with the law although this may not have been evident in the policies as reported. This study did not attempt to accuse districts of violating state laws. It merely compared school district policies with legal requirements, and let the data suggest apparent compliance, or lack of it. The numbers and percentages of districts whose responses demonstrated apparent compliance or non-compliance with the law are shown on Table XXIII.

TABLE XXIII
APPARENT COMPLIANCE WITH FEDERAL AND STATE LAWS

Regulation	Apparent Compliance		Apparent Lack of Compliance	
	No.	%	No.	%
<u>Federal Regulations</u>				
Title VI, Civil Rights Act (1964)	79	92	7	8
Lau Guidelines	65	76	21	24
<u>Oregon State Regulations</u>				
OAR 581-15-072 (Item 3)	52	60	34	40
OAR 581-21-030 (Item 17)	55	64	31	36
OAR 581-21-046(8) (Items 1, 3, 9, 10, 11, 12)	14	16	72	84
OAR 581-21-046(9) (Item 15)	31	36	55	64
OAR 581-22-402 (Items 10, 14)	37	43	49	57
OAR 581-22-602 (Items 3, 12)	42	49	44	51
OAR 581-22-606 (Items 21, 22)	38	44	48	56
ORS 336.079 (Items 4, 5, <u>or</u> 6)	82	95	4	5
ORS 342.609 (Item 19)	48	56	38	44

Title VI of the Civil Rights Act of 1964 made the following requirements of school districts regarding the education of national origin minority group children deficient in English language skills: (a) Identification and appropriate placement of LEP students (item one on questionnaire, and four, five or six), (b) Appropriate assessment procedures (item three), (c) Appropriate exiting policies (items 10 and 11), and (d) Parental notification procedures (item 17). In tabulating the responses, it was found that 29 of the 86 districts met all of the Title VI requirements. However, these procedures were required of only those districts with more than five percent national origin minority group children, according to the May 25 Memorandum (U.S. Department of Health, Education, & Welfare, 1970) which clarified Title VI. By applying the criteria to those 12 districts with more than five percent language minority students, only seven districts were found apparently out of compliance with Title VI regulations.

The Lau Guidelines were intended to interpret school districts' responsibilities to language minority students within the requirements of the Lau v. Nichols Supreme Court decision. The Lau Guidelines set forth the following remedies for districts found to be in noncompliance with Title VI: (a) Identification of ESL students (item one on questionnaire), (b) Determination of students' dominant language, (c) Appropriate assessment of learning needs

(item 3), (d) Student placement in appropriate instructional program, including some bilingual instruction at the elementary level (items 4, 7), and ESL, bilingual or other appropriate instruction at the secondary level (items 5, 6), (e) Policies preventing premature exiting, and ensuring student success in the regular curriculum (items 9, 10, 11, 12, 13), (f) Parental involvement and communication (item 17), (g) Personnel requirements (item 19), and (h) Evaluation procedures (items 21, 22). Only five districts in the state met all requirements for compliance with the Lau Guidelines. Four of these five districts had over 100 LEP students. However, the Lau Guidelines were directed only to districts with 20 or more LEP students in a single language category. When that limitation was applied, only 21 districts were not in apparent compliance, as shown on Table XXIII.

Seven Oregon Revised Statutes (ORS) and six Oregon Administrative Rules (OAR) are listed in Oregon Laws Related to Limited English Proficient Students (See Appendix A). Of these, two ORS and six OARs were found to be both measurable and within the scope of this study. In researching Oregon's legal mandates, two additional rules, OAR 581-21-046(9), regarding equal educational opportunities plans, and OAR 581-15-072, specifying LEP students' rights to non-discriminatory assessment procedures, were discovered and included in the study. The numbers of districts in apparent compliance with these laws and rules

is presented on Table XXIII.

The highest level of apparent compliance was found for ORS 336.079, the requirement of specific English instruction for LEP students. All but four districts reported providing some sort of special instruction to these students, and it could safely be assumed that these programs, whether bilingual classrooms, ESL, or other, included English language skills.

Only three other legal requirements were apparently followed by a majority of districts. ORS 342.609 places the responsibility on districts for providing needed training for teachers assigned to teach ESL students. Fifty-six percent of the districts reported that their teachers had specialized training. The requirement to communicate with minority language parents in their dominant language was complied with by 64 percent of the districts responding, although this was frequently done for certain languages only (see Table XII). Finally, 60 percent of districts reported using non-discriminatory assessments with their LEP students, as required by OAR 581-15-072.

By looking at the apparent non-compliance side of Table XXIII, it is clear that the responses by a majority of districts indicate an apparent lack of compliance with most legal mandates, up to 84 percent of the time.

To see how many districts were in apparent compliance with all Oregon laws, the items for each OAR and ORS

from table XXIII were combined and tabulated for each district. Only eight districts were found to be in apparent compliance with the entire set of Oregon laws relating to ESL/bilingual education.

In order to discover how far districts deviated from complete compliance with Oregon law, their responses were analyzed. Over half of the 86 districts were within three questionnaire items of apparent total compliance with the law. Eight districts were in compliance with all 11 questionnaire items directly related to Oregon law, four districts were in compliance with 10 items, and 12 districts were in compliance with nine items. The procedures most frequently mentioned which were apparently out of compliance were (a) arbitrary time limits for exiting (item 9), (b) minority cultures not taught in the curriculum (item 14), and (c) curriculum not culturally relevant to LEP students (item 15).

ESL/BILINGUAL POLICIES AND BASIC PRINCIPLES FOR EFFECTIVELY EDUCATING LANGUAGE MINORITY STUDENTS

The intent of the fourth research question was to discover if districts' policies and practices were encouraging the use of research-based instruction to accommodate the unique educational needs of ESL students. In order to examine school districts' responses in terms of the Five Basic Principles for educating language minority students (see Chapter II), certain items from the

questionnaire were correlated with the assumptions of each Basic Principle. Then the pertinent items were tabulated to see how many districts' ESL/ bilingual policies and procedures demonstrated concordance with the Basic Principles. The results are presented on Table XXIV.

TABLE XXIV

CONCURRENCE BETWEEN ESL/BILINGUAL POLICIES AND BASIC PRINCIPLES FOR THE EDUCATION OF LANGUAGE MINORITIES

Basic Principles	Districts In Agreement		Districts Not in Agreement	
	No.	%	No.	%
First Basic Principle (Items 4, 8)	3	4	83	97
Second Basic Principle (Items 9, 10, 11)	25	29	61	71
Third Basic Principle (Item 7)	21	24	65	76
Fourth Basic Principle (Items 4, 5, or 6; & 14, 15)	36	42	50	58
Fifth Basic Principle (Items 16, 17, 18)	36	42	50	58
All Five Basic Principles (All items above)	2	2	84	98

The First Basic Principle asserts a positive correlation between the child's development of L1 and L2, and academic success. Policies which utilize bilingual classrooms (item 4) and aspire to develop students' primary languages (item 8) are considered to support this principle.

The Second Basic Principle, which distinguishes between the communicative and academic domains of language proficiency has implications for exiting policies. Districts whose procedures do not include arbitrary timelines (item 9), and which ensure students' readiness to succeed in the mainstream (10, 11) are considered to support this principle.

The Third Basic Principle states that academic learning in a student's primary language will readily transfer to English when proficiency develops, an assumption of the primary language instruction mentioned in item seven on the questionnaire.

The Fourth Basic Principle presupposes two conditions for successful second language acquisition, comprehensible input (items four, five or six) and a lowered affective filter (items 14 and 15). Although most districts provide comprehensible input, less than half include the minority students' cultures in the learning process in attempting to lower the affective filter.

The perceived status of language minority families in the community is a relevant factor in the education of language minority students according to the Fifth Basic Principle. Items 16, 17, and 18 relate to the involvement of language minority parents in the education of their children.

As Table XXIV shows, a majority of the districts did not report policies and procedures which reflected the

Five Basic Principles. The districts' responses concurred more frequently with the Fourth and Fifth Basic Principles than with the first three, though still constituting a minority. The First Basic Principle was the least supported, indicating a very low priority on the development of students' primary languages or on the goal of bilingualism. When all five Basic Principles were aggregated, 98 percent of the districts did not show agreement with them.

SUMMARY

This chapter has presented the data collected by means of the two-part questionnaire sent to all local school districts in Oregon. The data was organized according to the research questions, and was presented on that basis.

The data relevant to the first research question gave information on the location and concentrations of LEP students, languages spoken, the longevity of bilingual programs, and the status of districts' ESL/bilingual policies.

Responses to the questionnaire relevant to the second research question provided numbers and percentages of districts implementing ESL/bilingual practices in eight policy areas: (a) Identification and assessment, (b) instructional programs, (c) primary language usage, (d) exiting and mainstreaming, (e) recognition of minority

cultures, (f) parental involvement, (g) personnel requirements, and (h) program evaluation.

In answer to the last two research questions, data was analyzed to determine the percentage of districts in apparent compliance with federal and state laws related to ESL/bilingual education, and the percentage of districts with policies that concur with research-based, basic principles for effectively educating language minority students.

CHAPTER V

SUMMARY, CONCLUSIONS, RECOMMENDATIONS

SUMMARY

This study examined ESL/bilingual policies and practices in the state of Oregon. The primary objective was to document school district ESL/bilingual education policies in terms of their contribution to equal educational opportunity for language minority students. The pursuit of this topic was prompted by the conviction that a commitment to appropriate, effective education for all students is a prerequisite to equality of educational opportunity and to quality education. There is currently a nationwide debate over the issue of what is appropriate educational treatment for language minority students. The study examined the research relevant to effective education for these students, and reviewed the federal and state legal requirements for equal educational opportunity for language minorities. This information became the contextual basis for the analysis of school district policies.

The theoretical framework for the study was the Policy Process Model (Brewer, 1983; Heflin, 1981; Jones, 1984). Policy analysis was selected as an appropriate framework from which to pursue this inquiry in that it is "action oriented" and its purpose is "to provide data-based guidelines for educational practice at the national, regional, state or local level" (Heflin, 1981, p. 4). The research questions that guided this study were tied to the three phases of the Policy Process Model, as enumerated here.

Policy Formulation Phase

1. What is the current status of ESL/bilingual education policy in Oregon school districts?

Policy Implementation Phase

2. What are the structures and procedures which guide ESL/bilingual education policy in the areas of (a) identification and assessment, (b) instructional programs, (c) primary language usage, (d) exiting and mainstreaming, (e) recognition of minority group cultures, (f) parental involvement, (g) personnel requirements, and (h) program evaluation?

Policy Impact Phase

3. Are local school districts' ESL/bilingual education policies in apparent compliance with the laws regarding equal educational oppor-

tunity for language minority students?

4. Are local school districts' ESL/bilingual education policies in agreement with basic principles for effectively educating language minority students?

In order to answer these research questions, and to draw conclusions about the availability of equal educational opportunity for language minority students, surveys were mailed to personnel in charge of ESL/-bilingual education programs in all school districts in Oregon. Through follow-up phone calls and mailings, 93.8 percent of the districts responded, and conclusions were drawn from the analysis of data thus obtained.

CONCLUSIONS

The purpose of the policy process model, according to Jones (1984), is to "provide means by which students can learn more about the dynamics of policy development and execution" (p. 28). The answers to the research questions posed in this study led to some conclusions regarding the formulation, implementation, and impact of ESL/bilingual education policy in local school districts in Oregon. Local school districts do not operate in a vacuum; therefore federal, state, and community influences on district policies have been observed in this study. But the scope of the research itself has been confined to

local school districts, and therefore some questions in the overall policy process may be left unanswered.

Specific conclusions within the policy process framework follow.

Policy Formulation Conclusions

There are 5,513 students considered limited-English proficient in Oregon schools, or 1.29 percent of all public school students in the state, grades K-12. This is a small percentage, but a large and growing number of students with special educational needs. The number of Spanish, Asian, and Russian students in Oregon schools (the minority groups which are most likely to have language difficulties) has almost tripled since 1970.

There are LEP students throughout the state. Ninety-three districts, 30 percent of Oregon local school districts, have LEP students in attendance. The largest numbers of LEP students are found in the Portland metropolitan area and the Willamette Valley, but they are found in all geographical areas of the state, in 25 of Oregon's 36 counties.

The numbers of LEP students within districts range from one to 1,699, and they represent from less than one percent to 64.7 percent of district ADMs. Most school districts have less than one percent LEP students. Only thirteen districts have more than five percent. The three

districts with more than 20 percent LEP students are small districts, each with less than 300 ADM. Small districts are perceived to have less resources available to provide for students with special needs, although the data indicates small districts' ESL/bilingual programs are as strong as other districts in the state.

Most districts, 49 out of the 86 responding districts, are dealing with more than one language group. Program planning for multiple language groups challenges the resources and personnel of most districts. The tasks of communicating with parents, providing for cultural differences, and assessing students in their primary languages become problematical when multiple languages are involved. Sixty-one out of the 86 reporting districts, have less than 20 students in any one language group. The combination of low numbers of LEP students and multiple languages requires districts to exhibit flexibility and determination to meet their students' educational needs.

Although most districts have small numbers of LEP students, 25 districts are providing services to large groups of from 20 to 562 students in a single language group. The large language groups in Oregon schools include Spanish, the Southeast Asian languages, and Russian. The students from these language groups constitute 87% of all LEP students reported in this study. These students attend school in all sizes of districts. The Southeast Asian

students are most frequently found in the Portland metropolitan area and other large cities; the Hispanic students in the Willamette Valley and other agricultural regions; and the Russian students in Marion and Clackamas counties.

Of the 86 districts reporting LEP students in this study, 82 provide some type of special instructional services for them. The programs have been operating from less than one year in some districts to over 30 years in others, but most began providing services to LEP students during the last ten years. The more recently established programs correlate with small numbers of LEP students.

There are limitations to drawing accurate conclusions about numbers of LEP students, and the educational services provided for them. First, the number of LEP students reported in this study is dependent upon the thoroughness and accuracy of the personnel who completed the questionnaires, and also on the quality of the districts' identification and exiting procedures. It is possible for LEP students to be improperly identified and to be labeled with learning disabilities rather than language deficiencies. It is also possible to exit LEP students from programs too early; that is, before their language proficiency in English is developed sufficiently to ensure academic success in the mainstream classroom. Either of these situations would result in LEP students not being counted in this study. Thus the figures reported

here are likely to be conservative.

The second limitation has to do with districts' responses that special educational programs are being provided for LEP students. This information alone is insufficient to draw conclusions about whether or not the educational needs of language minority students are being met. The conclusions relevant to the second research question will probe more deeply into the quality and appropriateness of instructional services that districts provide for LEP students.

Very little evidence was found to indicate that districts have formal, written policy statements that direct ESL/bilingual programs. Respondents rarely mentioned policy as a guide for their procedures. This could be due to (a) lack of written policy, (b) lack of knowledge of policy, or (c) the perceived lack of importance of policy. In the absence of district policy, standard operating procedures imply de facto policy. Whether district policy is formal or de facto, it must concur with state and federal policy (laws). An examination of district policies and procedures suggests that a minority of districts are in concurrence with the law.

Policies are implemented, according to the majority of respondents, because they are considered educationally effective. Apparently the standard of what practices are educationally effective is based on the perception of the

ESL/bilingual program director of each district. The result, in the absence of a clear standard by which to interpret state laws (Jones, 1984), is a wide variation in the quality of instructional services for language minority students.

Policy Implementation Conclusions

The documentation of ESL/bilingual education policies throughout the state is a major focus of the study. This has been accomplished through examining the responses to questionnaire items designed to elicit data in eight policy areas. The conclusions regarding district policies are based on the assumption that the responses to the questionnaire items were accurate and truthful.

In almost every policy area, the majority of districts implement procedures that comply with legal requirements for ESL/bilingual programs and with effective educational practices for language minority students. There are exceptions in two areas. First, primary language usage, which is supported by the five basic principles of the Contextual Interaction Theory as an educationally effective practice, does not occur in most districts. Second, the teaching of language minority students' cultures in the curriculum, required by OAR 581-21-046(9), is not practiced in a majority (70 percent) of districts.

Although the majority of districts are implementing policies and practices that are in concordance with legal and theoretical bases for educating language minority students, the majorities are not large, ranging from 51 to 73 percent. At issue here are the many districts in the minority which are not implementing these practices.

The sizes, types and locations of districts which fail to implement these policies do not vary greatly from those which do. The districts with large numbers or percentages of LEP students tend to have stronger policies and practices whether or not they are small or large districts. This suggests that the priority a district places on the education of LEP students affects the quality of services. Districts with large numbers or large percentages of LEP students tend to give their ESL/-bilingual programs high priority probably because they cannot ignore the needs of large numbers of students. Districts with fewer LEP students are not faced with the urgency of a large problem. Money may be an issue, in that districts with large numbers of LEP students may be receiving Title VII or Chapter I Migrant funds, thus are under pressure to maintain program standards.

The most frequently mentioned reason for not implementing certain policies is lack of trained personnel. To cite this reason appears to contradict the intent of ORS 342.609, which requires districts to provide

training to teachers assigned to teach LEP students. The law does not specify the type of training to be provided. Presumably a district can comply with the law by either providing inservice training or paying for training taken outside the district. One must conclude that the level of training provided by most districts is not sufficient to contribute to the operation of strong ESL/bilingual programs, judging by questionnaire responses.

The second most frequently cited reason for not implementing certain policies is lack of funding. Most districts do not have the resources to provide unlimited services to all students. Therefore policy decisions must be made regarding the distribution of resources based on district priorities. Oregon school districts' heavy reliance on local funding influences these decisions in favor of local power bases, and language minorities generally do not have much political power. Federal funding is available for serving LEP students from various backgrounds, through Title VII (Bilingual Education Act), the Chapter I Migrant education program, and Refugee Assistance (U.S. Department of Education, 1985). In addition, many LEP students come from low income homes and qualify for Chapter I funded remedial services. The availability of federal funds specifically for LEP, migrant, and refugee students weakens the lack of funds excuse.

There is very little correlation between implemented ESL/bilingual district policies and the law, nor between policies and basic principles for educating language minority students. The failure to implement policies that correspond to these standards, the failure to apply for federal funds to serve LEP students, and the failure to train teachers to effectively work with these students, all reflect explicit policy decisions, made at some level within each district, by individuals or committees, at specific points in time. These situations are the results of relegating certain ESL/bilingual policy areas to low priorities among district services. In other words, when a program does not comply with the law, and does not reflect current research on effective practices, there is the issue of responsibility and accountability. For this reason, the final phase of the Policy Process Model, the study of policy impact or evaluation, is essential.

Policy Impact Conclusions

Jones (1984) suggests the following questions in a substantive evaluation of policy: "Does the program accomplish its stated goals (in the law or as expressed in subsequent specifications)? What impact does the program have on the problems to which it is directed?" (p. 200)

The two policy impact questions for this study look at policy in terms of the law and in terms of the educa-

tional needs of language minority students. The purpose in documenting ESL/bilingual policies and practices in Oregon schools is to determine to what extent they contribute to (impact) equal educational opportunity for language minority students. The conclusions of the two policy impact questions provide a basis for this determination.

ESL/Bilingual Policies and the Law. Although the majority of districts are in apparent compliance with almost every questionnaire item related to the law, very few districts appear to meet all requirements necessary to comply with each law at the federal and state levels.

More districts are in apparent compliance with federal regulations than with Oregon state laws. This is because fewer districts have sufficient numbers of LEP students to come under the requirements of federal law. Federal legal requirements for educating language minority students are tied to numbers or percentages of LEP students within districts. Title VI of the Civil Rights Act applies to districts with more than five percent language minority students, and the Lau Guidelines pertain only to districts with 20 or more ESL students in the same language group. Given these limiting factors, 92 percent of Oregon districts are in apparent compliance with Title VI, and 76 percent with the Lau Guidelines.

Oregon state laws relevant to ESL/bilingual education apply to all districts with one or more LEP

students. A majority of districts are not in apparent compliance with five of the nine Oregon laws examined in this study. Those five laws are enumerated below.

1. OAR 581-21-046(8) requires districts to develop and implement plans for identifying ESL students and to provide appropriate programs until their English proficiency allows effective, relevant participation in regular classroom instruction and other educational activities (16 percent of districts are in apparent compliance).

2. OAR 581-21-046(9) requires districts to develop and implement plans that (a) assure all students equal opportunities to participate in educational programs and use facilities, and (b) include courses on understanding the pluralistic realities of society, including multi-cultural/racial/ethnic education and equity in portraying all protected racial and ethnic groups (36 percent of districts are in apparent compliance).

3. OAR 581-22-402 requires districts to provide appropriate curriculum and instruction for children achieving less than expected for students of the same grade level. For language minority students, appropriate curriculum and instruction takes into account language and culture (43 percent of districts are in apparent

compliance).

4. OAR 581-22-602 requires districts to use appropriate methods to assess each student's learning needs and to provide instruction consistent with desired achievement considering the needs and interests of each student. For language minority students, this necessitates the use of unbiased assessment instruments and extra help to enable them to achieve in the regular school program (49 percent of districts are in apparent compliance).

5. OAR 581-22-606 requires districts to maintain procedures for evaluating and improving instructional programs, including the utilization of appropriate measurement procedures based on student performance (44 percent of districts are in apparent compliance).

A majority of districts are in apparent compliance with the following Oregon laws:

1. OAR 581-15-072 requires districts to use culturally non-discriminatory assessments when evaluating for handicapping conditions, and to test in the child's native language unless it is clearly not feasible to do so (60 percent of districts are in apparent compliance).

2. OAR 581-21-030 directs districts to communicate with minority language parents in their dominant language for certain purposes (64 percent of districts are in apparent compliance).

3. ORS 336.079 requires districts to provide specific instruction in speaking, reading, and writing the English language to LEP students (95 percent of districts are in apparent compliance).

4. ORS 342.609 requires districts to provide appropriate training to teachers assigned to teach LEP students (56 percent of districts are in apparent compliance).

Only eight districts are in apparent compliance with all the Oregon laws mentioned above. They are not all one type of district; in fact their diversity of characteristics contradicts the supposition that a district must be large, with substantial resources, and have large numbers of LEP students in order to comply with all the legal requirements for educating language minority students. These eight districts do not fit into a single category. Their ADMs range from 657 to 50,900; the number of LEP students from 15 to 1,699. They are located in rural, suburban and urban areas of six counties throughout the state. Their single unifying feature is that policy decisions have been made that put their ESL/bilingual education programs in apparent compliance with the Oregon laws. In addition, all eight districts are in compliance with Title VI regulations and the Lau Guidelines.

Seventy-eight districts (91 percent of those responding) appear to be out of compliance with at least one of the Oregon state laws relevant to ESL/bilingual programs.

This is an appallingly high percentage, and it is not likely to be an inflated one. On the contrary, if there is any difference between reality and the self-reported responses to the questionnaire, it is most likely to be in the direction that makes districts look good to the public. Although respondents were assured of anonymity, there is a tendency to answer questionnaires according to how things should be rather than how they actually are (Fowler, 1984). Yet in spite of this assumed bias, the totality of information collected on the questionnaires casts doubt on the availability of equal educational opportunity for language minority students in Oregon.

ESL/Bilingual Policies and Basic Principles for Effective Education for Language Minority Students. The correlation between school districts' ESL/bilingual education policies and Basic Principles for effectively educating language minority students is very low. The Five Basic Principles form the basis for the Program Quality Review Instrument (PQRI), used by the California State Department of Education to evaluate bilingual education programs throughout that state (del Portillo, 1981). However, only two Oregon districts in this study report policies and practices that support all five Basic Principles. Taken separately, the concurrence between district policies and each Basic Principle is somewhat higher among Oregon districts, as listed below.

1. First Basic Principle: The development of both the first and second languages of ESL students correlates with academic achievement (four percent of districts show concurrence).

2. Second Basic Principle: Language proficiency is developed in two domains: Basic Interpersonal Communications Skills (BICS) and Cognitive Academic Language Proficiency (CALP). Both are required for academic success (29 percent of districts show concurrence).

3. Third Basic Principle: Academic content learned in the primary languages readily transfers to English as English proficiency develops (24 percent of districts show concurrence).

4. Fourth Basic Principle: Second language acquisition is a function of comprehensible input and a supportive affective environment (42 percent of districts show concurrence).

5. Fifth Basic Principle: The perceived status of language minority students affects student outcomes (42 percent of districts show concurrence).

The implementation of the Five Basic Principles in ESL/bilingual education programs in Oregon is unsystematic at best, and completely ignored at worst.

The synthesis of findings from the two policy impact questions suggests strongly that Oregon districts exhibit

neither consistent compliance with the laws pertaining to ESL/bilingual education programs, nor conformance with research-based principles for effectively educating language minority students. This study concludes therefore, that a majority of Oregon school districts are failing in many important respects to provide equal educational opportunity to language minority students.

IMPLICATIONS FOR EDUCATIONAL ADMINISTRATION

The conclusions to the study have implications for the field of educational administration when viewed through the framework of policy analysis. The focus of the study is to document ESL/bilingual policies as implemented in local school districts in Oregon. Actual policies, as defined in this study, are identified by their consistent implementation. In the absence of written ESL/bilingual policies in local school districts, state and federal laws become the formal policies.

It has been found in this study that the laws regarding the education of LEP students are not being consistently implemented in local school districts. Jones (1984) identifies three components of implementation: organization, interpretation, and application.

The organization component, that which administers policy, is essential for providing a system for implementation, according to Jones (1984). At this time there is no

unified agency organized at the state level in Oregon to facilitate the implementation of ESL/bilingual policies. Policies supporting educational equity are more likely to emanate from the federal or state level than from local school districts.

Minority interests historically have been best served in U.S. education by higher levels of authority. Local school districts have seldom placed equity concerns at the top of their list, and recent advances in school desegregation, compensatory education for the disadvantaged, bilingual education, and special education have all come at the instigation of federal or state governments. (Coombs, 1983, p. 602).

Interpretation, the second component, varies with the clarity of the policy. The less clear a policy is, the greater chance of a variety of interpretations by the administrators in charge of implementation.

The central point is that lawmaking does not conclude the policy process...A clear standard must also be applied, which involves, at a minimum, a process by which implementers learn what the standard is and develop means for applying it. Where the standard is not clear, however, implementers are faced with heavier responsibilities. Whether and how they assume these responsibilities depends on a multitude of conditions. Surely among the most important of these is the implementer's estimate of the available resources. Among these resources political support rates highly. (Jones, 1984, p. 178)

The variations in instructional programming offered to language minority students throughout the state attest to the wide range of interpretations of state and federal laws. It appears that local school districts in Oregon do

not perceive a clear standard of what ESL/bilingual education should be, in spite of the laws that speak to this issue. The beneficiaries of ESL/bilingual education programs have very little political power to influence the schools to direct limited resources towards their needs.

The third component of implementation, application, is a "dynamic process in which the implementer or enforcer is guided generally by program directives or standards, and specifically by actual circumstances" (Jones, 1984, p. 180). The application component of implementation, having been filtered through organizational variables and diverse interpretations, often bears scant resemblance to the formal written policy. This is the case in the application of laws regarding the educational treatment of language minority students in Oregon. Many instructional programs for LEP students in Oregon school districts show little similarity to each other, nor to the law.

A comparison between the administration of ESL/bilingual education policies and those policies regarding the education of handicapped children may offer insight into the reasons for lack of implementation of ESL/bilingual policies by school districts. The Education of All Handicapped Children Act (1975), frequently referred to as P.L. 94-142, brought about sweeping policy changes in virtually every school district within a few years after its passage (Turnbull & Turnbull, 1982). It

continues to be interpreted into state laws and strong, explicit policies in Oregon schools. By contrast, the federal and state laws regarding the education of language minorities, as this study has shown, are inconsistently implemented in Oregon schools, and rarely achieve the status of formal district policy.

Several considerations may explain this contrast. First, there is a strong agency within the Oregon department of education that oversees district level special education programs throughout the state. Virtually all school districts have (or have had) students with some types of handicapping conditions, and have special education programs to serve their needs. Conversely, most school districts in Oregon do not have any LEP students, and those that do usually have small percentages. There is no unified state agency to oversee programs for them. As shown in this study, districts with large numbers of students with special needs are more likely to provide appropriate services than those with very few. Money may be an issue here. School districts receive funds for students who are served under P.L. 94-142. Funds may be withheld if programs are found out of compliance. Districts with large numbers of LEP students may be receiving Title VI funds under the Bilingual Education Act or Chapter I Migrant Education money. Districts receiving federal funds

are regularly evaluated and must be in compliance with program standards in order to continue receiving money.

Second, the laws regarding handicapped children have established the "zero reject" interpretation for the requirement of the equal protection doctrine (Turnbull & Turnbull, 1982). That is, every individual child is entitled to appropriate educational services no matter how great that individual's needs. Federal mandates regarding the education of LEP students have been traditionally tied to numbers (Lau v. Nichols, 1974; U.S. Department of Health, Education, & Welfare, 1970; U.S. Department of Health, Education, & Welfare, Office for Civil Rights, 1975). Oregon state laws do not mention minimum numbers of LEP students within a district as a criterion for enforcement. Nevertheless, this study has shown that, in practice, districts with large numbers or percentages of LEP students are more likely to have ESL/bilingual education policies that comply with the law.

The third factor that may explain why district policies are more closely aligned to legislation regarding handicapped children than to laws regarding language minority children, has to do with political power. The civil rights legislation for handicapped children began with strenuous lobbying by parents and other advocates, and these people continue to observe and monitor the treatment of handicapped children in the school setting

(Turnbull & Turnbull, 1982). Advocates for bilingual education programs, on the other hand, have often had to speak for parents who may not speak English and who may not be U.S. citizens. The parents of LEP students are often politically powerless, unable to communicate with those in power, and are intimidated by the dominant society's institutions, including schools (Cummins, 1986). They perceive themselves as unable to force school districts to meet their children's educational needs, and they feel almost completely dependent on advocates who know the system. In districts where minority parents have organized to work with the schools to achieve desired ends for their children, districts have responded (Davies, et al., 1979).

The comparison of the administration, legal interpretations, and political support of ESL/bilingual policies with those concerning handicapped learners confirms the importance of these components in determining whether or not policies will be implemented in such a way that intended goals will be met. The implications of these findings for educational administration is that if the process originating with policy formulation is to result in intended policy impact, then all components of the policy implementation process must be supported.

RECOMMENDATIONS

A prominent characteristic of the educational programs for language minority students statewide is their wide variation in quality and lack of consistency in their implementation. The following recommendations are proposed to increase consistency as well as quality.

1. An ESL/Bilingual Education Department, within the Oregon Department of Education, is suggested as one means of increasing consistency and quality of district level programs.

a. The department could address the eight policy areas dealt with in this study, provide assistance in staff development and the dissemination of legal information and current research on the effective education of language minorities.

b. It could assist districts of all sizes, with various configurations of LEP students, in the development of appropriate programs to meet the needs of these students.

c. It could establish minimum program standards and staff training requirements, and function as a clearinghouse for services offered by other educational agencies.

d. Another function of the department could be to recommend enforcement procedures for districts out of

compliance with state laws.

A few of these issues are currently being addressed by the Oregon Department of Education, but in a fragmented way. A single department that specializes in ESL/bilingual education could more systematically and effectively deal with the current issues.

2. A second recommendation is for the inclusion of language minority issues in teacher training programs in Oregon colleges and universities. All teachers should have coursework that teaches the recognition of cultural differences of students, the appreciation of cultural pluralism in our society, and at least some basic information on the learning needs of linguistically and culturally different students. It is very likely, given the projected growth of minorities in society, that teachers will need these skills at some time during their careers.

3. Finally, the conclusions to this study call for increasing the awareness of educational leaders and policy-makers regarding the learning needs of language minorities. There is a need for educational administrators and school board members at the state and local levels to recognize the problem of academic failure often experienced by language minorities, and to address the problem through policies and programs designed to provide quality education for these children. As long as educational administrators believe the myth of "Just put

them in with the English speaking kids and they'll do fine" (personal telephone communication with the superintendent of an Oregon unified school district, April, 1987), the ideal of equal educational opportunity for language minority students will remain a distant goal.

RECOMMENDATIONS FOR FURTHER RESEARCH

Throughout this study, several questions arose that led away from the central issues at hand and could not be dealt with here. They are related to this study however, and the pursuit of these inquiries could enhance what has been done here.

A policy study similar to this one, but done in other states, would yield comparative data by which to measure Oregon's ESL/bilingual programs.

A study investigating local school districts' board members' and superintendents' awareness of ESL/bilingual education principles would increase our understanding of their operations in this area.

A well-controlled study measuring student outcomes, with the variables being the program types enumerated in this study, would add to the body of knowledge on effective means of educating language minority students.

An inquiry into the use of bilingual instructional aides in the schools, including their training, their effectiveness with students, and their own professional

growth, would provide program planners and administrators with suggestions for the effective utilization of bilingual paraprofessionals in ESL/bilingual programs.

An interstate comparison of certification standards for ESL and bilingual teachers would provide a database of teacher-education requirements for this field.

In that several districts mentioned assistance provided by their Educational Service Districts (ESDs), a study of ESD services in the area of ESL/bilingual education would supplement the findings from this research.

A policy study probing the history of the Oregon laws relating to the education of language minority students would reveal the political impetus for the laws, the actors involved (both individuals and organizations), and the desired achievements to be attained by enacting the laws.

Finally, a study of the Oregon Department of Education's structures, processes and interaction with local school districts in gaining district compliance with existing federal and state laws on ESL/bilingual education would help to clarify the current situation.

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APPENDIX A

OREGON LAWS RELATED TO
LIMITED-ENGLISH PROFICIENT STUDENTS

Oregon Department of Education

OREGON LAWS RELATED TO
BILINGUAL EDUCATION

LAW OR REGULATION	MAJOR PROVISIONS
OAR 581-21-030(2)(a) [Testing]	Before administering individual intelligence tests (as opposed to group intelligence tests) and all tests of personality to children in public schools, districts shall inform parents as to the purpose of testing; and the parents' written permission shall be obtained. In homes where the predominant language is not English, the communications on the purpose of testing should be in the language spoken in the home.
OAR 581-21-046 (8) [Programs for Limited- English Proficient Students (LEP)]	Bilingual or Linguistically Different Students: Districts shall develop and implement a <u>plan for identifying students whose primary language is other than English and shall provide such students with appropriate programs</u> until they are able to use the English language in a manner that allows effective and relevant participation in regular classroom instruction and other educational activities.
OAR 581-22-402 [Basic Skills Development] Effective 9/1/82	Each school district shall have a planned program for the basic skills of reading, writing and arithmetic throughout all levels of the school program. The district shall develop, implement and maintain procedures to: (1) Provide instruction in the basic skills of reading, writing and mathematics in all grades and shall: (a) Emphasize the attainment of basic skills through at least grade 4, and (b) Increase emphasis on the application of the basic skills in all program areas as students progress through the grades and acquire mastery of the skills.

LAW OR REGULATION

MAJOR PROVISIONS

- (2) Establish the knowledge and skills in reading, writing and mathematics expected of students at the completion of each grade through grade 8; and
- (3) Provide appropriate curriculum and instruction grades 1 through 12 for students achieving less than the knowledge and skills of reading, writing and mathematics expected of students at the completion of each grade through grade 8, with the intention of the students progressing toward the desired achievement.

OAR 581-22-505
[Equal Educational
Opportunities]

Each district school board shall adopt written policies, and the school district shall maintain plans and programs, which assure equality of opportunity for all students as provided in OARs 581-21-045 and 581-21-046(8).

OAR 581-22-602
[Individual Students'
Assessment/Effective
Evaluation]
Effective 9/1/82

The school district shall assure that educational programs and services support all students as they progress through school. They shall:

- (1) Identify each student's educational progress, needs and interests related to:
 - (a) Basic skills attainment of the knowledge and skills expected of students at each grade, K/1 through 8,
 - (b) Completion of graduation requirements, and
 - (c) General educational development;
- (2) Provide instruction consistent with the desired achievement considering the needs and interests of each student;
- (3) Maintain student progress records; and
- (4) Report educational progress to parents and students at least annually and as appropriate in:
 - (a) Basic skills attainment,
 - (b) Achievement toward the fulfillment of graduation requirements, and
 - (c) General educational development.

LAW OR REGULATION

MAJOR PROVISIONS

OAR 581-22-606
[Instructional
Programs]
Effective 9/1/81

The school district shall maintain a process for evaluating and improving instructional programs. It shall:

- (1) Assess student performance annually in reading, writing and mathematics in at least two elementary grades and one secondary grade;
- (2) Assess student performance on selected program goals in at least language arts and mathematics, science and social studies in two elementary grades and one secondary grade, prior to the selection of district textbooks and other instructional materials under OAR 581-22-520 of the standards;
- (3) Utilize appropriate measurement procedures in making such assessment and report results to the community;
- (4) Identify needs based on assessment results and establish priorities for program improvement; and
- (5) Make needed program improvement as identified in the needs identification process.

ORS 332.072
[Educating students
with a Foreign
Language]

All school districts are bodies corporate, and the district school board is authorized to transact all business coming within the jurisdiction of the district and to sue and be sued. Pursuant to law, district school boards have control of the district schools and are responsible for educating children residing in the district.

ORS 336.074
[Instruction in a
language other than
English]

Teaching in English required, except instruction may be conducted in more than one language in order that pupils whose native language is other than English can develop bilingual skills to make an early transition to English and benefit from increased educational opportunities.

LAW OR REGULATION	MAJOR PROVISIONS
ORS 336.079 [English as a second language and other language techniques]	Specific courses to teach speaking, reading, and writing of the English language shall be provided at each <u>grade level, starting at the first</u> <u>grade</u> to those children who are unable to profit from classes taught in English.
ORS 339.020 [Parents/Guardians compelled to send children to school]	Except as provided in ORS 339.030, every person having control of any child between the ages of 7 and 18 years who has not completed the 12th grade <u>is required</u> <u>to send such a child to and maintain such</u> <u>a child in regular attendance</u> at a public full-time school during the entire school term.
ORS 342.123 [Teacher Training]	Beginning in 1978, all certificated education personnel in Oregon will need to demonstrate a <u>knowledge of Title VI</u> of the Civil Rights Act, Title IX of the Education Amendments, and federal and state statutes prohibiting discrimination in order to obtain a new or to renew a teaching certificate.
ORS 342.609 [Teacher Training]	All school districts providing courses pursuant to ORS 336.079 [and OAR 581-22- 046(8)] shall afford the certified personnel an opportunity to qualify to <u>assist non-English speaking students to</u> <u>learn English</u> at no cost to the personnel.
ORS 659.155 [Loss of Funds]	Violation pursuant of the rules adopted in ORS 659.150 (Discrimination in Education) may result in withholding of all or part of state funding.
EEOA of 1974 Section 204 & 207 [State and/or any Educational Agency]	No state shall deny equal educational opportunity to an individual on account of his/her race, color, sex, or national origin by...(f) the failure by an educational agency to take appropriate action to overcome language barriers that impede <u>equal participation by its instructional</u> <u>program.</u> Sec 207 of the same act gives to individuals the right to bring suit in federal district courts to obtain relief for violation of Section 204.

APPENDIX B

SURVEY OF EDUCATIONAL POLICIES AND PROCEDURES
AFFECTING ESL STUDENTS IN OREGON

SURVEY OF EDUCATIONAL POLICIES AND PRACTICES
AFFECTING ESL STUDENTS IN OREGON

I. PART I: DEMOGRAPHIC AND BACKGROUND INFORMATION:

1. Name of District: _____

2. Name and title of person completing the questionnaire:

_____	_____
Name	Title

3. Does your district have in attendance students whose first language is not English (referred to as ESL, or English as a Second Language, students)?

Yes _____ No _____

4. If yes, please provide the numbers of ESL students by language groups.

<u>Language Group</u>	<u>Number of ESL Students</u>	Check here if your District does not keep records of these numbers: _____
_____	_____	
_____	_____	
_____	_____	

(Please attach additional sheets if necessary)

5. Do you provide some form of special instructional services to the ESL students in your district who are also limited in their English language proficiency (e.g., tutorial, ESL program, bilingual classes, etc.)?

Yes _____ No _____

6. How long has your district provided these services? _____

7. Please provide the numbers of ESL students who are now receiving or who have received special instructional services, by language group.

<u>Language Group</u>	<u>Number of ESL students being served</u>	<u>Number of ESL students exited from program (still enrolled in district)</u>	Check here if your district does not keep records of these numbers: _____
_____	_____	_____	
_____	_____	_____	
_____	_____	_____	

(Please attach additional sheets if necessary)

If you answered no to questions 3 or 5, stop here. Please mail this partially completed questionnaire in the envelope provided. It is very important to this study to hear from the districts with no ESL students as well as those with large populations.

THANK YOU VERY MUCH FOR YOUR TIME

PART II. DISTRICT POLICIES AND ADMINISTRATION OF SERVICES TO ESL STUDENTS		YES				NO							
DIRECTIONS: PLEASE ANSWER EACH QUESTION BY CHECKING ALL BOXES THAT APPLY. YOU MAY CHECK MORE THAN ONE BOX FOR EACH QUESTION. IF THE POLICY OR PRACTICE IS TRUE ONLY FOR CERTAIN LANGUAGE GROUPS IN YOUR DISTRICT, WRITE THOSE UNDER "COMMENTS".		<div style="display: flex; justify-content: space-between;"> <div>ONLY TRUE OF CERTAIN LANGUAGE GROUPS</div> <div>MANDATED BY DISTRICT POLICY</div> <div>MANDATED BY LAW</div> <div>EDUCATIONALLY EFFECTIVE</div> <div>ENCOURAGED BY COMMUNITY PRESSURE</div> <div>PROHIBITED BY DISTRICT POLICY</div> <div>LACK OF FUNDING</div> <div>LACK OF TRAINED PERSONNEL</div> <div>NOT EDUCATIONALLY EFFECTIVE</div> <div>DISCOURAGED BY COMMUNITY PRESSURE</div> <div>NOT APPLICABLE</div> <div>DON'T KNOW</div> <div>COMMENTS</div> </div>											
		1. There is a district wide systematic process for the identification of limited English proficient students.											
2. Language minority students are assessed for language proficiency in both their home language and English.													
3. When diagnosing their learning needs, limited English proficient students are assessed using tests that do not penalize them for their lack of English proficiency, and are not culturally biased.													
4. Limited English proficient students are placed in bilingual classrooms.													
5. Limited English proficient students are placed in regular classrooms, and participate in an ESL pull-out program.													
6. A different type of instructional services is provided for limited English proficient students than those mentioned in items 4 and 5 above. Please specify: _____													
7. The students' native languages are used to teach content areas while their English proficiency is developing.													
8. The development of the students' native languages is a goal of the program.													
9. There is a limit to the amount of time students stay in ESL or bilingual programs: a maximum of _____ years.													
10. Students stay in ESL or bilingual programs until they demonstrate the ability to succeed in the regular all-English school program.													
11. There is a systematic process for assessing students' readiness to be exited from ESL or bilingual programs.													

PLEASE COMPLETE THE BACK OF THIS PAGE

	YES										NO									
	ONLY TRUE OF CERTAIN LANGUAGE GROUPS										MANDATED BY DISTRICT POLICY									
	MANDATED BY LAW										EDUCATIONALLY EFFECTIVE									
	ENCOURAGED BY COMMUNITY PRESSURE										PROHIBITED BY DISTRICT POLICY									
	LACK OF FUNDING										LACK OF TRAINED PERSONNEL									
	NOT EDUCATIONALLY EFFECTIVE										DISCOURAGED BY COMMUNITY PRESSURE									
	NOT APPLICABLE										DON'T KNOW									
	COMMENTS																			
12. Transitional help is available to ensure students' successful adjustment to the regular school program.																				
13. If a student has academic difficulties after being mainstreamed, returning to the ESL or bilingual program is an option.																				
14. The language minority students' cultural backgrounds are considered in planning a program to meet their learning needs (e.g., the curriculum is culturally relevant).																				
15. The cultures of the language minority students are taught in the curriculum to both minority and dominant culture students.																				
15. Involvement of the minority language parents is sought in program development and implementation.																				
17. The school communicates with parents in their dominant language regarding their children's placement and progress.																				
18. Minority language parents are made to feel welcome and needed in the education of their children.																				
19. Teachers and aides who work with limited English proficient children have specialized training in bilingual education or teaching English as a second language.																				
20. An effort is made to employ staff at all levels who share the same ethnic background of the language minority students in the district.																				
21. The educational program for language minority students is regularly evaluated with the purpose of fine-tuning and improving it.																				
22. Data is collected and records are kept on the academic achievement of language minority students, such as achievement test scores, in-grade retentions, percent of language minorities in remedial programs, and drop-out rates.																				

APPENDIX C
SURVEY COVER LETTER

MARY E. SMITH
12006 S.E. 36TH AVE.
MILWAUKIE, OREGON 97222
(503) 668-8020

March 16, 1987

To the Administrator in Charge
of ESL/Bilingual Instructional Programs
(Or to Appropriate Personnel):

I am conducting a research project at Portland State University, a study of educational policies and practices affecting language minority students in Oregon. The results of this study will provide baseline data on numbers and distribution of language minority students in Oregon, varieties of languages spoken, and instructional programs currently being offered to students with limited English proficiency. Information from this study may be used by local school districts to identify alternative methods for providing appropriate instructional services to their ESL students.

All information provided here will be considered confidential, and the reporting of data will be done anonymously.

Please fill out the enclosed questionnaire and return it in the envelope provided. If you have no language minority students, or are not involved in special programs for them at this time, please complete the first page only, as this information is vital to the goals of this project.

Please include a copy of your policies or procedures regarding the educational treatment of language minority students in your district, if these exist in written form.

Should you desire a summary of this study, fill out the enclosed mailing label, and return it with the completed questionnaire. The results will be available by July, 1987.

Thank you in advance for your time and prompt attention.

Sincerely,

Mary E. Smith

APPENDIX D
OREGON DEPARTMENT OF EDUCATION
LETTER OF SUPPORT

VERNE A. DUNCAN
State Superintendent
of Public Instruction

OREGON DEPARTMENT OF EDUCATION
700 PRINGLE PARKWAY SE, SALEM, OREGON 97310-0290 PHONE (503) 378-3569

17 March 1987

Mrs Mary Smith
12006 SE 36th Ave
Milwaukie OR 97222

Dear Mrs Smith:

I was pleased to learn of your research project at Portland State University to study educational policies and practices affecting language minority students in Oregon. As you know, we are interested in good data to help us administer programs statewide to help limited-English proficient students make effective transitions to English.

We, of course, would like you to share the results of your data with us as soon as you have completed your study, as that data may help us improve our services to local school districts and educational service districts.

As you work through your project, if my staff or I can be of any assistance, please let me know, and if this letter will help in any way, you may copy it.

Cordially,

Jerry Fuller
Associate Superintendent
Division of General Education
(503) 373-7123

DA8029G
cc: David Arlington