2006


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THE STATUS OF ENGLISH LANGUAGE LEARNERS POST PROPOSITION 227 IN READING IN THE LEANDER UNIFIED SCHOOL DISTRICT FOR THE YEARS 1998-2001 GRADES 2-11

A Project
Presented to the
Faculty of
California State University,
San Bernardino

In Partial Fulfillment
of the Requirements for the Degree
Master of Arts
in
Education:
Bilingual/Cross-Cultural Education

by
Susana Leija
December 2006
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Approved by:

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Date 11/22/06
ABSTRACT

In June of 1998, Proposition 227 overwhelmingly passed in favor of English-Only programs in our public schools. This proposition virtually did away with the Bilingual Education Programs that had been in place in California schools for many years. Proponents claimed that English Language Learners would learn English in one year and then could be mainstreamed. During the 1998 through 2001, the SAT-9 was the norm-referenced achievement test given to all English-speaking students as well as those speakers of other languages, no matter if they could speak English or not. When the California Department of Education disseminated the scores, Ron Unz, the main proponent of Proposition 227 claimed that because of the English-Only Programs, the SAT-9 scores had greatly increased.

This descriptive project was conducted for the purpose of showing that the SAT-9 scores obtained post Proposition 227 did not show that much growth as the result of the English-Only Programs. The scores showed minimal growth throughout the State of California. English-speakers, English Language learners, students in schools that had never had bilingual programs, and in the school district whose scores I analyzed showed minimal
growth. In conclusion, research has shown that it takes about 5-7 years to learn a second language and even more to learn the academic language, not one year, as those that are against Bilingual Education advocate.
ACKNOWLEDGMENTS

I would like to thank Dr. Flores for her kind encouragement in writing this project. Had I never met up with her in 2005 at Kinko’s, I would have never returned to CSUSB after having dropped out of the Graduate Program in 1998.

I also want to thank Dr. Balderrama for being my Second Reader and for the support she gave me in constructing my research paper and helping me to think more critically.

Last, but not least, I would like to thank all of my family and friends who heard my numerous complaints during the time I was writing this project.
DEDICATION

To my Family
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CHAPTER ONE
INTRODUCTION

After a contentious, controversial, and emotional debate, Proposition 227 was submitted to the voters of California in June 1998. Proposition 227 passed by a 61-39 margin, among the 38% of eligible voters voting (Schnaiberg, June, 1998). Proponents and opponents both argued that it would be detrimental and harmful to non-English speaking children, but for different reasons. Generally, the law did away with bilingual education as it had existed and had been implemented by many school districts in California. The new law required that all English Language Learners (ELLS) be placed in Structured English Immersion or Sheltered English Immersion classes. Those with higher level of English proficiency would be in mainstream classes. Despite injunctions and appeals by several organizations, Proposition 227 was enacted into law and had significant policy implications on school districts and their school boards, non-English speaking children, their parents, classroom teachers, union members, and most importantly, on the state budget.

According to Dr. Jill Kerper Mora (June, 2000) Proposition 227 did not come about because of concern for
language minority students. She claims that “it was manufactured as an issue to further the political ambitions of a few individuals who hoped to propel themselves into public office by championing a conservative cause and manipulating public opinion” (Mora, 2000).

Ron Unz, a software entrepreneur and former candidate for governor, along with others opposed to bilingual education, spearheaded the development and passage of Proposition 227. (Pyle 1997). Unz’ belief was that if English Language Learners were to have intense English instruction for one year, they would be able to function well in a mainstream English class (HGSE News, 2002).

Bilingual Education had come under attack from those who believed that an English Language Immersion Program would reduce the time in which one learns English, as opposed to learning the academic content in one’s primary language and gradually learning the second language. Prior to the passage of Proposition 227, many bilingual education advocacy groups opposed the changes that Proposition 227 would create. These groups included the Mexican American Legal Defense and Educational Fund of Los Angeles and in San Francisco, California, the Multicultural Education, Training and Advocacy, Inc., the
American Civil Liberties Union (ACLU) Foundation of northern and southern California and several other organizations (Proposition 227, 1998). These organizations filed a preliminary injunction on June 10, 1998 that would prevent its implementation in the state of California (Preliminary Injunction June 1998). The injunction failed.

The California Secretary of State prepared the law and the analysis was conducted by the California Legislative Board. A brief review of the pro and con arguments as presented by the differing constituencies follows. The Literature Review frames the debate in the statement of the problem, analyzes statements from both sides of the issue, reviews available objective statistical data, and based on these factors, comes to various conclusions regarding Proposition 227.

Summary of Proposition 227

The following section summarizes the law as prepared by the California Secretary of State. Appendix I includes a complete copy of the legislation (Primary 1998). This initiative was added to the Education Code in accordance with Article II, Section 8, of the California constitution.
Article 1. 300 Findings and Declarations

SECTION 1. Chapter 3 of the law describes it as English language education for immigrant children. Article 1, 300 (a)-(f) is a preamble that recognizes the English language as the national language of this country and of the State of California as spoken by the majority of California residents. It is also recognized as the leading world language for science, technology, and international business, linking English to the language of economic opportunity.

The language is understood in terms that describe immigrant parents as eager to have children acquire a good knowledge of English that will allow their children to fully participate in the American dream of economic and social advancement. The proposition views the teaching of English to all children in the California public schools as both a moral and constitutional obligation, helping children become productive members of society.

The preamble states that the public schools in California currently do a poor job of educating immigrant children that waste financial resources on costly experimental language programs that have failed to reduce drop out rates or increase English literacy levels among many immigrant children. The preamble also states that
young immigrant children can easily acquire full fluency in English if they are exposed to that language in the classroom at an early age. It concludes that all children in the California public schools should be taught English as soon and as effectively as possible.

Article 2, Section 305 states that all children in California public schools shall be taught English. Children who are English learners shall be educated through sheltered English immersion during a short transition period not intended to exceed one year. Local schools can place English learners of different ages in the same classroom, including ELLS of different languages as long as their proficiency and fluency of English is similar. Once English learners have acquired a certain degree of English fluency, they will be transferred to English mainstream classrooms. The law also stressed that current supplemental funding should be maintained as much as possible, subject to certain provisions.

Section 305 defines the many terms to be used in the new Act, i.e. "English learner," "English language classroom" "English language mainstream classroom," "Sheltered English immersion," or "structured English immersion," and bilingual education native language instruction. The definitions for these terms can be found
in Attachment I, which contains the entire text of the new law.

Article 3 makes provisions for parental exceptions. Section 310 provides guidance on how requirements of Section 305 can be waived. The requirements may be waived with the prior written and informed consent to be provided annually. Parents or legal guardians must personally visit the school to apply for the waiver, and the schools must provide a full description of the educational materials to be used. In addition, schools that have 20 or more students in one grade level, parents may request waivers for bilingual education: then the school must provide this program. If that is not the case and parents request a waiver for bilingual instruction, then the student can transfer to a school that provides that service.

Section 311 describes the situation under which a waiver may be granted. These include children who already know English as measured by standardized tests of English vocabulary, comprehension, reading, and writing in which the child scores at or above the state average for his or her grade level or at or above the 5th grade, whichever is lower. Provisions for waivers can also be made for children older than 10 years of age and for children with
special needs. Attachment I describes the specific details of how this provision can be used.

Article 4 of the law refers to Community Based Tutoring. This provision encourages family members and others to provide personal English language tutoring to such children. This section also allows for the funding of the program for nine fiscal years, beginning with the current fiscal year. It appropriates $50,000,000 from the General Fund for the purpose of providing additional funding for free or subsidized programs of adult English language instruction to parents or other members of the community who pledge to provide personal English language tutoring to California school children with limited English proficiency.

Section 316 allows for programs funded through schools or community organizations and will be administered by the Office of the Superintendent of Public Instruction. Funding will be disbursed at the discretion of the local school boards, will have specific guidelines, and will be subject to review.

Article 5, Section 320 allows for parental enforcement of the law and allows for parent to sue if schools are not complying with this law. The law describes
the category of people who shall be held liable by the law.

Article 6, Section 325 states that if any part or parts of this statute are found to be in conflict with federal law or the United States or the California State Constitution, the statute shall be implemented to the maximum extent that federal law, and the United States and the California State Constitution permit. Any provision held invalid will be detached from the remaining portions of this statute.

Article 7 Section 330 gives a timeline for implementation which is no more than sixty days from when the law became effective.

Article 8 Section 335, describes the conditions under which this act may be amended. The amendment must have approval of the electorate, passed by a two-thirds vote of the Legislature as well as the Senate, and signed by the Governor.

Article 9 Section 340 refers to interpretation of the law. If there are conflicting interpretations of the law, then follow the intent of the statute in Section 300.
The purpose of this study is to explore how English Language Learners (ELLS) performed in the STAR Test (SAT-9) in reading in the Leander Unified School District (pseudonym) during the years 1998-2001, in grades two through eleventh, and to compare them to the SAT-9 scores of the State of California during the same time period.

The research questions to be addressed in this study include:

1. What is the status of English Language Learners in reading post Proposition 227 in California (1998-2001) in grades two through eleventh?

2. What is the status of English Language Learners in reading post Proposition 227 in the Leander Unified School District (1998-2001) in grades two through eleventh?

3. Are there any significant trends seen in the comparison of the California ELL data and the Leander Unified School District* ELL data?

The scores used in this study are from the Stanford Achievement Test, ninth edition (SAT). This test is a national norm-referenced achievement test and it was administered to all California students during the years 1998-2002. Therefore, only these statistics will be used.
In 2003, the CAT/6 was then administered to all California students. The CAT/6 is also a national norm-referenced achievement test. Given that the SAT-9 and the CAT/6 are published by two different companies, compare different groups of students, and have unlike levels of difficulty, it is inappropriate to use these different tests as a comparison between the SAT-9 and the CAT/6 scores for the years 2002-2003 (star.cde.ca.gov/star 2003).

These different data are public domain and posted on the California Department of Education's website. Anyone has access to this data; therefore, there are no human subject requirements since it is merely statistical reporting by grades and averages. The name of the school district chosen has been given a pseudonym.
CHAPTER TWO
REVIEW OF THE LITERATURE

Opposition to bilingual education had been on the rise for many years from various parties. This opposition was formalized in February 1996 by Ron Unz and teacher Gloria M. Tuchman (co-chair). Both were anti-bilingual education activists. It was at this time that they initiated their mission to do away with bilingual education (Pyle 1997). This initiative was called Proposition 227 and was also known as "English for Children." Unz claimed that a group of Latino parents in the downtown area of Los Angeles held a public boycott of their elementary school to protest the placement of their children in bilingual classes. The parents wanted their children to be placed in all English classes and according to Unz, the school was denying their request. The school ultimately complied with the parents' request (Pyle 1997).

These types of protests initiated by some Mexican American parents, the opposition created by Unz and other groups, resulted in the passage of Proposition 227 by 61% to 39% margin. The passage of Proposition 227 all but dismantled the bilingual programs that were in place (Post-Election News 1998). This research study is an
attempt to document the changes, if any, caused by the passage of this legislation among English language learner students.

Demographic Trends

The U.S. Census of 2000 showed significant changes and trends in the demographic population both nationwide as well as in the state of California. The 2000 Census reported the United States population increased by 13.1% since the last census count in 1990. That placed the country’s population at approximately 281.4 million (U.S. Census Data, 2000). As illustrated by the data below, the Hispanic or Latino population in the United States reached 35.3 million in 2000. During this time, California’s population increased to 33.8 million, of which 10.9 million were Hispanic or Latino. A demographic comparison of ethnic groups in the United States showed the following characteristics (U.S. Census 2000):

- White - 211.4 million
- Hispanic or Latino - 35.3 million
- Black or African American - 34.6 million
- Asian - 10.2 million
- Native American/Alaska Native - 4.1 million
In California, the total state population reported by the U.S. Census Bureau in 2000 was 33.8 million. This was a 13.6% increase in population since 1990 (Census 2000). The largest ethnic groups in California reported by the U.S. Census in the year 2000 are the following:

- White - 20.1 million
- Hispanic or Latino - 10.9 million
- Black or African American - 2.2 million
- Asian - 3.7 million
- Native American/Alaska Native - 333 thousand

According to these census numbers, the Hispanic/Latino ethnic group is the second largest in both the nation and in California, with the largest ethnic group being White. These demographic trends, some argued, would negatively impact the Latino/Hispanic population. One of these groups, the Public Policy Institute of California (2001), predicted that the Latino/Hispanic group would fare worse educationally than any other ethnic group.

In 2002, James Crawford projected that the rate of growth of a population that speaks a language other than English would result in “a majority of Americans that would be minority language speakers by 2044.” It is also predicted that the population in California will grow by 5
million per decade, reaching approximately 45.0 million people by 2020 (Crawford, 2002).

Language Diversity

The U.S. Census Bureau also reported that one in five of forty seven million United States residents speak a language other than English at home. This group has doubled in number since the 1980 Census (Crawford 2000). The data also identified over 400 languages nationwide (Kindler 2002). The 2000 Census also reported that there are 1.4 million English Language Learners (ELLS) in our schools. There are conflicting estimates on the number of languages represented in California, but according to Dennis Love (August, 1999) of the Bee Capitol Bureau of Sacramento, California, there are about 120 different languages in our school systems.

The following information shows the language diversity among the state’s public school students:

- 41% Native speakers of a language other than English (currently or formerly classified as ELL)
- 57 Languages identified by the California Department of Education
25% Classified as limited English proficient (English learners)

84% of English learners are native Spanish speakers

49% of Latino students are classified as limited English proficient

32% of total school population are native Spanish speakers or Spanish/English bilingual

3% of total school population enrolled in bilingual education with primary language instruction (Mora, 2000)

In addition, the California Department of Education Educational Demographics Unit (2006) has ranked English learners by number of languages. The following are the largest groups documented by this study:

- Spanish - 83.4%
- Vietnamese - 2.5%
- Hmong - 1.8%
- Cantonese - 1.7%
- Filipino (Pilipino or Tagalog) - 1.2%
- Korean - 1.1%

This data further reinforces the reality that the United States has historically been a multilingual nation
and has been so since its inception as documented by the laws discussed in the section on the History of Bilingual Education, that were enacted in the mid-1880's. The myth that the language of the United States has always been English does not hold up under historical scrutiny. The United States has been and continues to be multilingual (Ochoa, 2005).

Argument in Favor of Proposition 227

There are a number of arguments that proponents of Proposition 227 used to support their contention that there needed to be a change to bilingual education because English Language Learners were not succeeding under the current program. The following is a summary of arguments in favor of this proposition as presented by Alice Callaghan, Ron Unz, and Fernando Vega. (See Appendix II for a complete description of the argument in favor of Proposition 227).

Opponents of the status of bilingual education argued that even though the program was created with the best of intentions in the 1970's, it has failed in actual practice. They claimed that politicians and school administrators have refused to admit or recognize this failure. These opponents continued to argue that for the
majority of California’s non-English speaking students, bilingual education actually means monolingual, Spanish-only education for the initial 4-7 years of school. Opponents of bilingual education believed that the current system failed to teach children to read and write, pointing out that in 1997, only 6.7% of limited-English students in California learned sufficient English to be transferred into mainstream English classes. They also pointed out that, in their view, Latino immigrant children were the primary victims of bilingual education. The criteria used for this rationale are that these children have the lowest test scores and the highest dropout rates of any immigrant group. On a broader level, opponents stressed that there were 140 languages spoken by California’s school children, and that was both academically and financially impossible to teach each group of children in their own native language. However, the goal of bilingual education continued to be exactly that.

Speaking from a common sense point of view, opponents emphasized what seemed to be their reality. They contended that learning a new language was easier the younger the age of the child. Opponents believed that immersion facilitates learning on the part of the non-English
speaking child. Since these children already know their native language, the public schools need to focus on learning the English language.

Finally, opponents argue, children who leave school without knowing how to speak, write, and read English are damaged both economically and socially for the rest of their lives (Proposition 227).

Proponents of Proposition 227 say that the law called "English for Children" will require children to be taught English as soon as they start school. The law would also provide "sheltered English immersion" classes to help non-English speaking students learn English. Research, according to them, shows this is the most effective method. Finally, Proposition 227 would allow parents to request a special waiver for children with individual educational needs who would benefit from another approach.

Because extreme points of view are generated by those Opposed to Proposition 227, they carefully pointed out what bilingual education would not do. These arguments stressed that those children who cannot speak Spanish would not be placed in a classroom environment where they would have to "sink or swim." The introduction of Proposition 227 would not reduce special funding for children learning English, nor would it violate any
federal law or court decision. Proposition 227 is supported by teachers worried by the failure of bilingual education and who have long wanted to implement a successful alternative—sheltered English immersion program.

Most Latino parents, according to public polls, supported the initiative. They believed that Spanish-only bilingual education prevented their children from learning English by segregating them into an educational dead-end status. Another group that supported the initiative included most Californians who believed that bilingual education had created an educational ghetto by isolating non-English speaking students and preventing them from becoming successful members of society.

The proponents believed that individuals who opposed Proposition 227 were those who profited from bilingual education. Bilingual teachers, they claim were paid up to $5,000 extra annually and the program provides jobs to thousands of bilingual coordinators and administrators. Schools and school districts that received hundred millions of dollars for school children classified as not knowing English opposed the initiative because they had a financial incentive to avoid teaching English to children.
Others who opposed the initiative, they claim, included numerous activists groups with a special agenda and the politicians who supported those groups.

Argument Against Proposition 227

Those who opposed Proposition 227 also presented a variety of arguments. Proposition 227 imposed one untested method for teaching English on every local school district in California. It also placed limited English-speaking children of all ages and languages into one classroom. The California PTA opposed Proposition 227 because it took away parents' rights to choose the best programs for their children. The California School Board Association opposed Proposition 227 because it did away with the best local programs for teaching English. California's teachers oppose Proposition 227 because teachers could be sued personally for teaching in the children's native language to help them learn English. They viewed decisions by parents, teachers, and school boards on how to teach children English as wrong. In thousands of classrooms all over California, there are good teachers, good local school boards, and good parent involvement. Those successes were not the result of one instructional method imposed on every school by state government.
Those that were against Proposition 227 recognized that there had been program failures as well as successes. However, they pointed out that these failures could best be corrected by reasonable program changes that maximize local control.

The San Diego Union-Tribune editorialized that: "School districts should decide for themselves." The paper urged citizens to join them, the California PTA, the California School Boards Association, and California’s teachers in voting "NO" on Proposition 227. The President of the California School Boards Association, John D’Amelio, the President of the California Federation of Teachers AFL-CIO, Mary Bergan, and the President of the California Teachers Association, Lois Tinson, all signed a petition supporting the preceding arguments against Proposition 227 (See Attachment III for full description of Opposing Views).

Summary of Proposition 227 by Legislative Analyst

The following is a summary of Proposition 227 by the legislative analyst. Appendix IV contains the full text of the analysis of this law. The focus of this analysis is mostly on the policy and fiscal implications of the new law. The value of this discussion is in the objectivity
provided by the legislative analyst. It is not swayed by emotional arguments and debates, but rather by the reality and of the impact on the major stakeholders: the school districts, the Limited English Proficiency (LEP) students, the state budget, and on the citizens of the state of California.

The legislative analysis of the proposed statute provided an overview of the current bilingual legislation and its practice in the Californian public school system. The analysis also assessed the policy and curriculum changes that would come about as a result of implementing Proposition 227 statewide. More significantly, it projected the fiscal costs of Proposition 227 on the state and local school district budgets.

At the time of the analysis, the State used student enrollment data from 1996-1997. The demographic summary documented that the state of California was serving 5.6 million students in grades K-12. Of this number, 1.4 million, or about 25% were listed as LEP students. The scope of the bilingual program was illustrated by the fact that 80% of the state’s school districts had at least one LEP student and 71% had at least 20 LEP students.

The introduction to the legislative analysis discussed the regulations under which the current
bilingual education programs were implemented in the affected school districts. The current program provides instruction in English and Spanish until the student becomes fluent in English, with students and parents having the option of participating in the program. The main goal of the traditional bilingual program was the same as that of the new law: make LEP students fluent in English. The difference was in the process used to get there.

The legislative analysis described how students were currently served, what services were available to the children, the length of LEP services, and the funding of LEP services. California was providing over $400 million in special funding for both LEP and non-LEP students (those who needed special help). These funds were known as "compensatory" funds, with the majority of these funds spent on LEP students. Schools could also use other federal and local funds for special services for LEP students.

Impact of Proposal 227

The new law significantly changed the way that LEP students were taught in California. The most salient provision was the requirement that LEP students be taught
in special classes that were mainly in the English language. This basically eliminated “bilingual classes” in most cases. It also shortened the time that most LEP students would stay in special classes to one year. This was in contrast to the previous program, where LEP students stayed in bilingual classes for several years. The new law did make provisions for certain exceptions (See Appendix IV).

Proposition 227 required the state to provide $50 million every year for ten years for adult English classes so they can help tutor LEP students. The law also required that any special funding currently in place be maintained, if possible.

The legislative analysis looked at how the law would affect costs, savings, and distribution of compensatory funds, and the net impact of these variables on school districts. Because the number of special classes would be reduced, the legislative analysis assumed, this would result in major savings for schools. Regarding costs, it could be that costs would increase due to the more intense nature of the services provided when the time limit for transition of LEP students is one year. In addition, schools might have to give students extra help in academic
subjects once they are moved to regular classes, especially if they fall behind.

Proposition 227's net impact on schools could not be predicted, according to the analysis. The impact would depend on several factors: parents' decisions on the type of services provided to LEP students, schools decisions on the type and levels of services provided to LEP students, and state decisions on the allocation of "compensatory" funds the state currently provides to schools with LEP students.

The legislative analysis concluded that the net impact could vary significantly by individual schools with LEP students.

History of Bilingual Education

The concept of bilingual education has been around since the mid 1800's. In 1839, the state of Ohio enacted the first bilingual education legislation in the United States. This law allowed German-English instruction in schools if parents requested it. Other states followed in enacting bilingual legislation that pertained to their particular need. For example, in 1847, Louisiana enacted a law that would provide for French-English instruction, and in 1850, New Mexico followed this trend by passing
legislation that would allow schools to provide instruction in English and Spanish. Other states also provided for bilingual education without formally enacting legislation. This included the teaching of languages such as Norwegian, Italian, Polish, Czech, and Cherokee (Rethinking Schools, 1998). It is of interest to note that bilingual education was being practiced in public schools as well as in parochial or private schools (Crawford, 1998).

By the mid-1920’s, most of the bilingual laws that had been enacted were dismantled. During World War II, there was a certain paranoia against those that were of German-American descent. The idea that developed was one that encouraged schools and society to “Americanize” those minority groups whose primary language was not English. As a result, many states enacted English-only laws and bilingual education was for the most part dismantled (Rethinking Schools, Spring 1998).

Theoretical Framework Underlying Bilingual Education

Jim Cummins’ theory on second language acquisition has been the pinnacle theory supporting bilingual education. The knowledge of the theory of BICS and CALP is helpful in assisting English language learners acquire a
second language. BICS is described as Basic Interpersonal Communications Skills that is the basic everyday language that can be learned quickly by ELLS. CALP (Cognitive Academic Language Proficiency) is described as being the academic and more sophisticated language needed to succeed in the academic subjects. Cummins (1979) suggests that even though an English language learner can acquire the basic everyday language within two years of immersion, it takes about 5-7 years to learn the academic language.

Another theorist and a professor of linguistics at the University of Southern California is Stephen D. Krashen. He developed a theory of second language acquisition that consists of five hypotheses.

The Five Hypotheses of Krashen’s Second Language Acquisition Theory

1. Acquisition-Learning hypothesis

Krashen believes that there are two separate systems of performance in second language learning: ‘the acquired system’ (subconscious learning) and ‘the learned system’ (conscious learning). The acquired system is experienced in natural conversations where the English language learner is focused on meaning, while the learned system is focused on the structure of the language (Schutz, 2005).
2. Monitor hypotheses

Krashen's Monitor theory proposes that the 'monitor system' exists as the result of grammar already learned. He claims that the 'monitor' system acts in a correcting role when an English language learner has acquired grammar rules. In order to use this monitor well, the second language learner must have time, focus on form and correctness, and knowledge of grammar rules (Schutz, 2005).

3. Natural Order hypothesis

According to Krashen (1988), there is a natural order for the acquisition of grammatical structures that learners pick up when learning a language. He claims that this order is the same for all language learners no matter what language they speak.

4. Input hypothesis

In order to acquire a language, one must have comprehensible input that is understandable. Krashen suggests that if this input is too far beyond the learners understanding, the learner will not attend to that input. If the input is too simple, then the learner will not learn anything. But if the input is only a little above the learner's understanding, then the information will be useful to the learner.
5. Affective Filter hypothesis

This concept suggests that emotions or feelings can interfere in second language learning because it may be required to practice the language in public. This may cause a sense of embarrassment or anxiety, thus blocking the learners’ ability to perform in that language. Krashen encourages classes that are nonthreatening and accepting of the child’s native language (Railsback, Reed 2003).

Research Studies Supporting Bilingual Education

In 1998, Proposition 227 was enacted and bilingual education was practically dismantled and untested method of English immersion was set in place. Bilingual education had been practiced, researched, and studied for about 30 years. To date, researchers, educators, and other interested parties are still studying bilingual education. Different researchers whose findings tell about the benefits of bilingual education and the time it takes English language learners to acquire English did the following studies.

Research Supporting Bilingual Education

Elizabeth Goodman, (April, 1998) Center for Research on Education, Diversity and Excellence (CREDE) wrote about
how we can educate English language learners, so that they can become competent in English and become part of the American mainstream. Some of the findings were as follows:

- All students can learn a second language 'from strong cognitive and academic instruction in their first language'.
- On grade level academic instruction given in the first language during ELLS early education, will help them to be more successful at the end of their schooling, than those that did not receive first language academic instruction.
- In order for ELLS to perform as well as typical native speakers, they must receive 4 to 7 years of very high-quality education.

Stephen Krashen’s (1991), findings also support bilingual education.

- Comprehensible input is needed order to acquire a second language.
- Background knowledge in the first can make a second language more comprehensible and will help in its acquisition.
- The development of literacy in the first language will transfer to the second.
J.D. Ramirez of R.T. International (1992), did a study to show which three programs (Structured-English Immersion, Early-Exit, Late-Exit Transitional Bilingual Programs), would meet the needs of limited English proficiency Spanish-speaking students, in getting them to perform as their English-speaking peers. The study’s findings were the following:

- The education of the limited proficient students (LEP) in their native language does not interfere or delay the acquisition of the English language. The primary language assists them to “catch-up” to their English-speaking peers in the content areas of language arts, math, and reading. Those that did not get primary language support seemed to fall further behind.

- Providing LEP students with English-only instruction does not hasten the acquisition of English to be able to do well in the content subjects.

- It takes six years or more to acquire a second language.

Josefina Tinajero (2005), advocates that politicians need to know this about ELLS and bilingual education:
Students in bilingual programs learn as much English (or more) as those in English Immersion Programs.

Reading in the primary language is a 'shortcut' for reading in the second language.

LEP students outperform students in all-English programs in English reading tests.

Bilingual education has a positive effect on second language development.

W.P. Thomas and V.P. Collier (1996-2001), conducted research for the purpose of studying the effectiveness of language minority students’ long-term academic achievement. This was a five-year study that included findings from five areas, urban and rural, in different sections of the United States. Four alternate bilingual programs, as well as English as a Second Language (ESL) programs, were studied. Each program had different amount of time that allotted for the instruction in English/native language. The data that was used was from several achievement tests administered by each district. The following is a brief summation of the findings:

The bilingual education programs (90% native language instruction and 10% English instruction, Two-Way Bilingual Immersion that
uses 50% English instruction and 50% native language instruction, and One-Way Developmental Bilingual Education), were the only programs that helped ELLS reach the 50th percentile on their achievement tests. This group of students also had the fewest dropout rate.

- The ELLS whose parents did not want language support services and were placed in mainstream classes showed a much lower level of achievement by the fifth grade than those who received language support. This group also had the largest dropout rate.

- ELLS that exit a language support programs and are placed in mainstream classes, and those that received ESL instructional programs, do better on the achievement tests than those in bilingual programs. Nevertheless, the ELLS schooled in bilingual education eventually reach the same levels of achievement in middle school, as those that were in all-English programs. In high school, ELLS that were in bilingual programs will do better than those that were educated in English programs.
ELLs who received a greater amount of primary language instruction will eventually have higher achievement in the second language.

The result of the above study mirrors the other studies' findings. The primary language is a bridge to learning a second language and English-only programs will only slow that achievement.

The last study noted in this paper was that of Kathryn J. Lindholm-Leary (2001). She did a study on Dual Language Education and she argues that this method of instruction will contribute to ELLs' achievement. Dual Language Education consists of two models: the 90:10 model where the target language and the 'societal language' are used and the 50:50 model where the target and societal language are both used.

Lindholm-Leary (2001) concludes that Dual Language Education (DLE) programs promote high level of language proficiency, in addition to greater academic achievement. The program also promotes positive student attitudes. She also believes that teachers enjoy teaching in this model, that parents are satisfied with this method of teaching, and will recommend it to other parents.

As the result of the passage of Proposition 227 (1998), in which the State of California mostly eliminated
the support for bilingual education programs, Lindholm-Leary argues that contrary to what the English-Only movement believes, bilingual education works, and the most effective program is that of Dual Language Education.

The following chapter details the nature of the descriptive study done for this project. Its design only includes how Proposition 227 impacted the English language learner achievement in reading after its passage between 1998-2001.
CHAPTER THREE
INQUIRY DESIGN

Introduction

This project is basically descriptive in nature. Existing standardized test data from 1998 to 2001 was used that was readily available on the California Department of Education website. This information is public domain and I did not need permission to its access. As public domain site, anyone has access to use the data to report, interpret and/or analyze trends, patterns, or anomalies.

Descriptive Nature of Study

The reason for this inquiry was in order to examine and show that the English Language Learner’s reading SAT-9 scores (1998-2001) did not increase tremendously after Proposition 227 was passed, as claimed by Ron Unz and his supporters. However, this inquiry also showed that the scores did in fact increase for ELL students in the 1998-2001, but at a very minimal rate in the State of California.

The State’s ELL SAT-9 scores (1998-2001) were then compared to the Leander Unified District (a district’s pseudonym in California) ELL Sat-9 scores. Even though this district’s scores were higher than the State’s SAT-9
scores, the growth was also minimal. I currently work in the Leander Unified School District and it was of interest to me to know how well (or not) ELL students had done in reading in the SAT-9 scores as compared to the State’s scores in the same time period mentioned previously.

The Questions Posed

Three questions were developed for this project. First, I wanted to know how the ELLS had achieved in reading after Proposition 227 was passed in California, during the 1998 through 2001 years in grades two through eleventh. Proposition 227 had all but done away with bilingual education programs and the supporters of this proposition were claiming that the SAT-9 scores had increased significantly because of the English immersion programs put in place during this time.

Secondly, I was interested in knowing how the ELLS in the Leander School District scored in the SAT-9 post Proposition 227 (1998-2001) in reading (grades two through eleventh) and I also wanted to compare these scores to the California SAT-9 test scores.

Lastly, I looked for significant trends between the California ELL SAT-9 reading scores, grades two through eleventh (1998-2001), in comparison to the Leander Unified
School District’s SAT-9 ELL reading scores in the same time period. I added two matrixes, both showing the same SAT-9 yearly scores for that time period. Then four cohort groups within those matrixes, same grade levels, were analyzed to see how the ELLS fared.

Type of Data Used

The reading data used was retrieved from the California Department of Education (2001) website. National Percentile Rankings were used to compare growth between the years 1998 through 2001. Percentile rankings were used to analyze the data because it has been a commonly used method to assess growth.

This data was chosen because the SAT-9 achievement test had been administered in the time period mentioned above. The SAT-9 scores posted (2001) on the California Department of Education website were the scores from the years that the SAT-9 tests had been given (post Proposition 227), therefore, that is why this data was used.

The SAT-9 achievement test is a national norm-referenced test. The test is designed to measure outcomes of student samples that are consistent to the population being assessed. After 2001, the CAT/6 was given
instead of the SAT-9. The CAT/6 is also a norm-referenced test. These two tests have different publishers, formats, and levels of difficulty that are not similar. Because of this, it would have been inappropriate to do a comparison with the SAT-9 test (California Department of Education, 2003).

Limitation of Study
The SAT-9 and the CAT/6 achievement tests, measure the outcomes of a sample of students consistent to the population being tested. Since California has a great number of ELLS, the SAT-9 was designed to measure native language achievement and not English as a second language development. Thus, this test tends to place ELLS in the lower ranks of the percentile scores.
50th percentile is considered to be average or in other words, a student scored better than 50% of the students taking the test (CalCARE, 2000-2002).

Common Problems with the Stanford Achievement Test, Ninth Edition for English Language Learners

According to Judith C. Tomkins (2000), the following are the problems commonly seen in the SAT-9 test:

1. The SAT-9 is written in English and many ELLS only have the opportunity to speak English at school.

2. The SAT-9 has tricky language. Schaeffer, the public education director for the National Center for Fair and Open Testing and Popham, emeritus professor of education at ULCA, have both raised numerous questions about the tricky wording of passages and answers in the test. In math, there were many test questions that required reading, thus making it difficult for ELLS to answer in an appropriate amount of time.

3. It takes more time for ELLS to process material when reading in a second language. In addition, they may be very easily distracted by noise, which will not help in getting good scores.
4. Students and teachers have no familiarity with the test because the publisher does not allow the use of practice versions. This creates apprehension among students and can also lead to low scores.

5. The SAT-9 is socially and culturally biased. According to Popham, the test tends to assess more of what has been learned at home rather than at school. Also, he claims, there are too many items that could mostly be answered correctly by students whose parents have a higher level of education along with a higher economic situation.

6. Tests scores do not show if students mastered the subject matter learned in school, but their test scores will be shown as percentile rankings.

7. An outside evaluator cannot check for accuracy of the test scores because only Harcourt is in possession of the tests and answer sheets.

The SAT-9 test was designed to measure the achievement of the native language population (English), not the English language development of English Language Learners. Therefore, it has been an inadequate way to
measure ELL achievement because it places ELLS in lower end of the percentile ranks. Consequently, the State, school districts, and the public are now giving more attention to finding appropriate ways measure academic progress in these students.

Statewide Comparison With One School District

The following is the comparison of test data on the California SAT-9 reading scores to the reading scores in the Leander Unified School District (pseudonym) in grades 2 through 11th (1998-2001).

Table 1. California Stanford Achievement Test, Ninth Edition Reading Scores Averages 1998-2001 Limited English Proficient (English Language Learners) Students National Percentile Rankings Grades 2-11

<table>
<thead>
<tr>
<th>Grade</th>
<th>1998</th>
<th>1999</th>
<th>2000</th>
<th>2001</th>
<th>Change in 3 yrs.</th>
</tr>
</thead>
<tbody>
<tr>
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<td>10</td>
<td>11</td>
<td>11</td>
<td>11</td>
<td>+1</td>
</tr>
</tbody>
</table>

Source: California Department of Education (2001)
The table above shows the scores issued in 2001 by the California Department of Education for groups of students on a yearly basis. It shows the National Percentile Rankings of Limited English Proficient students (ELLS) obtained by taking the SAT-9 test during the years 1998-2001. Percentile Rankings has been found to be one of the most commonly used methods to assess growth and as a result, these percentiles will be used to compare and interpret the data. Since reading is vital to academic success and effective measure of growth of ELLS’ progress, the reading scores will be the focus of this comparative analysis.

When interpreting this data, it shows that prior to Proposition 227 being passed, 70% of all Limited English Proficient students in California were already in English-only Programs. This means that 18% of English Language Learners who had formerly been in the Bilingual Education Programs changed to English-only instruction. In addition, as a result of the passage of Proposition 227, only 4.5% of the total school population in California experienced a change in program (Kerper-Mora, 2001).

Senate Bill (SB 376) authorized the STAR program in October 1997. The California State Board of Education then designated the Stanford 9 (SAT-9) to be administered in
the spring of 1998. All students in grades 2-11, whether they knew English or not, were required to take the test. The only exclusions were those students in special education programs whose Individual Education Plans (IEPs) specifically exempted them from taking it. Concurrently, now there was a new achievement test and a new change in program that would affect all English Language Learners (Kerper-Mora 2001).

In reviewing the ELL percentile ranking scores from 1998 to 2001, modest gains were found in the reading scores in the second grade (See Table 1). This could be attributed to the education reforms that were targeted in grades K-3 that included class size reduction, after school and summer school intervention programs, and professional development for teachers. In the third grade the percentile scores drop as more academic language is being introduced thus having a change of +9 at the end of 2001. The test administered in the fourth grade (1998), shows that the percentile score starts at 15 and increases minimally, resulting in a change of +6 at the end of 2001. Six graders’ scores begin at the 16th percentile and slowly move to the 21st percentile in 2001, with a change of +5 at the end of 2001. In addition, the seventh grade percentile scores had an increase of +4 and the same +4
change for eighth graders. The percentile score for ninth graders start at the 10th percentile and in 2001 the score was at the 12th percentile with a change of +2.

In the tenth grade, the percentile score in 1998 was 8%. The scores for the next three years are in the 9th% and the result in change was only +1.

Lastly, in the eleventh grade, the percentiles slightly rise as compared to the tenth grade, from the 10% to the 11th%, again with only a +1 percentile point in change.

Table 2. California Stanford Achievement Test, Ninth Edition Reading Scores Averages 1998-2001 Limited English Proficient (English Language Learners) Students (Cohort Groups)* National Percentile Rankings Grades 2-11

<table>
<thead>
<tr>
<th>Grade</th>
<th>1998</th>
<th>1999</th>
<th>2000</th>
<th>2001</th>
<th>Change in 3 yrs.</th>
</tr>
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<tbody>
<tr>
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<td>28</td>
<td>31</td>
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<tr>
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<td>15</td>
<td>16</td>
<td>+4</td>
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<td>10</td>
<td>11</td>
<td>11</td>
<td>11</td>
<td>+6</td>
</tr>
</tbody>
</table>

Source: California Department of Education (2001)
*(Examples of Cohort Groups have bold numbers and are read diagonally).
Another way to interpret the California SAT-9 reading scores (1998-2001) is by tracking the cohort groups (See Table 2). For instance, in 1998 second graders scored in the 19th percentile in reading. In 1999, about the same group of students scored in the 18th percentile in the third grade, 20th% in the fourth grade in 2000, and scored in the 18th percentile in 2001. The result in growth (change) of this cohort group is only +2 percentile points.

The California English Language Learner group that first took the SAT-9 (1998) in the fourth grade was tracked until 2001. In 1998, they scored 19 percentile points in reading, 18% points in 1999, 20% points in the year 2000, and 18% points in 2001. This resulted in +2 percentile points change in growth in three years for this cohort group.

Another example that shows the tracking of reading achievement is that of the seventh graders. In 1998, seventh graders scored 12 percentile points in reading, 17% in the eighth grade, in the ninth grade they scored in the 12th percentile again, and in the tenth grade the students scored in the 9th%. This resulted in 8% percentile points in growth.
The last cohort group of ELLS tracked will be those of the eighth graders. This is the last grade level group that can be tracked for a full four years. In 1998, this group scored 15 percentile points in reading in the eighth grade, 11% points in the ninth grade, 9% points in the tenth grade and 11 percentile points in the eleventh grade. Their change in growth was +6 percentile points.

When reading the change column (Table 1) that shows growth (or not), one can observe that the progress in reading scores was very modest for the ELL students in English-only programs during the 1998-2001 time period, except for those students in the second and third grade. As the subject matter and academic language increases in difficulty, students tend to make lower scores.

In Table 2 (Cohort Groups), the highest change in growth was +8 and that was from the seventh grade cohort group. Even though it was the highest score, the growth is still very minimal.

The next SAT-9 National Percentile Scores that will be analyzed are those of the Leander Unified School District in Leander, California (See Table 3). The reason that this district was chosen for this research is because this is where I am employed. It has been important for me
to know how Proposition 227 impacted student achievement in my district.

Prior the Proposition 227, the Leander Unified School District had bilingual programs in place. When this proposition passed in June of 1998, our district implemented the Structured English Immersion or Sheltered English programs at the beginning of the new school year (July 1998), in order to comply with the new law. The following figures show how many English Language Learners were tested in this district during 1998 through 2001 school years:

- 1998 - 1307 ELLS
- 2000 - 1272 ELLS
- 1999 - 1233 ELLS
- 2001 - 1177 ELLS

<table>
<thead>
<tr>
<th>Grade</th>
<th>1998</th>
<th>1999</th>
<th>2000</th>
<th>2001</th>
<th>Change in 3 yrs.</th>
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<tbody>
<tr>
<td>2</td>
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<td>18</td>
<td>16</td>
<td>16</td>
<td>+11</td>
</tr>
</tbody>
</table>

Source: California Department of Education (2001)

The scores in Table 3 were issued by Department of Education in 2001. As in the ELL Percentile Rankings for California as well as the ELLS in the Leander Unified School District (LUSD), the second grade students made the highest scores in reading during the years 1998-2001. These LUSD second grade ELLS made 13 percentile points in growth compared to the state’s average of +12. Third graders (LUSD) also scored over the state’s average, but
only made +8 percentile points in growth as opposed to the state’s average of +9.

The district’s fourth grade percentile scores were also above those reported by the State, but the change in growth was only +5 percentile points, one percentile point lower than that reported by the State of California. Third grade and fourth grade ELLS were the only two grade levels whose change in growth was +1 percentile point lower than those reported for the whole state in years 1998 through 2001, in the Leander Unified School district. The rest of the grade levels either scored at or above the percentile scores reported by the State of California. Even though growth is being shown in the change column, as the grade level advances, the scores appear to be declining.

The following table (Table 4) will show district’s ELL cohort groups reading scores:

<table>
<thead>
<tr>
<th>Grade</th>
<th>1998</th>
<th>1999</th>
<th>2000</th>
<th>2001</th>
<th>Change in 3 yrs.</th>
</tr>
</thead>
<tbody>
<tr>
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<td>18</td>
<td>16</td>
<td>16</td>
<td>+2</td>
</tr>
</tbody>
</table>

Source: California Department of Education (2001) *(Examples of Cohort Groups have bold numbers and are to be read diagonally).

As stated before, the second grade ELL group fared better in the SAT-9 test than most ELL students during the 1998-2001 testing period in California as well as in the Leander Unified School District. But when tracking the LUSD cohort group for four years, they (2nd graders) only made +4 percentile points change in growth. This is very minimal growth.
The fourth grade cohort group scored 19% points in 1998, 18% points in 1999, 24% points in 2000, and 36% points in 2001. This cohort group had +18 percentile points change in growth and the highest growth of all the groups.

The seventh grade ELL cohort group scored 17 percentile points in reading in 1998, 20% points in 1999, 16% points in 2000, and 14% points in 2001. Their scores remained nearly the same during 1998 through 2001, thus scoring +2% points change in growth for that time period.

Lastly, is the eighth grade cohort group. In 1998, they scored 18 percentile points, 17% points in 1999, 16% points in 2000 and in 2001. Their scores steadily remained about the same with only +2 percentile points change in growth.

According to the SAT-9 scores in the previous tables, growth was shown in reading (1998-2001) in the State of California, as well as in the Leander Unified School District. However, there was minimal growth in all the grades shown, contrary to the claims of those that were against bilingual education. This is why Stephen Krashen (2004-2005) calls this claim "an urban legend."
Summary

In 1998, California’s SAT-9 reading test scores increased but not because of the passage of Proposition 227, as Ron Unz and his supporters proposed. According to Stephen Krashen (2004, 2005), doing away with bilingual education had nothing to do with it. He claims that test scores increased for ELLS, as well as for native speakers of English in California. Another reason for increased SAT-9 test scores is the “test score inflation” phenomena that occurs when new achievement tests are given (Krashen, 2000). My analysis, in spite of this inflation, showed minimal growth.

This descriptive inquiry project also showed that the growth from year to year was minimal for ELLS across the groups. When the ELL cohort groups were compared, the scores also showed minimal growth. In addition, the scores were nowhere near the 50^{th} percentile which is considered to be average. Based on the data, it shows that English language development is a slow process and it coincides with what the research says regarding the time it takes ELLS to acquire a second language (5-7 years).
Conclusions

Proposition 227's impact on English language achievement has been minimal at best for ELLS. As the result of Ron Unz' declaration of victory regarding the ELL scores during the 1998-1999 time period, Kenji Hakuta (2000) and his colleagues from Stanford University made an interesting analysis. My data analysis concur with their findings. They found the following problems with the conclusion that Proposition 227 was the reason for the increase in the SAT-9 scores:

➢ There was an increase in SAT-9 scores in some school districts that kept bilingual education.

➢ The SAT-9 scores in school districts not impacted by Proposition 227 and never had bilingual education programs also increased.

➢ The SAT-9 scores also increased for native English speakers as well as ELL students.

➢ There was quite an increase in SAT-9 scores for native English speakers from poor performing schools and the scores were greater than those for ELL students.

Hakuta (2000) and his colleagues concluded that scores increased for all students and could not find a
clear pattern that it was due to the enactment of Proposition 227.

According to Jill Kerper-Mora (2001) of the San Diego State University and other minority educators, it takes from three to five years to learn basic communication skills. But in order to acquire academic language proficiency needed in the higher grades, it can take from five to seven years.

Researchers Kenji Hakuta, Yuko Butler, and Daria Witt (2000) conducted a study on English language learners in four school districts, three of which were not bilingual. One of the school districts was in Canada and the other in the San Francisco area. Again, the research showed that academic language takes longer to develop (4-7 years) as opposed to oral language proficiency. In addition, studies done by Collier (1989) and Cummins (1981) also found that ELLS are able to become orally proficient in about two years, but may take seven years to develop academic language proficiency.

The research seems to replicate itself and the most significant word to consider in language learning is time. It takes time to learn a second language, not necessarily a year, as those that believe in Proposition 227.
Thus, my comparative inquiry between the (SAT-9) statewide average increases and the Leander Unified School District also support the Hakuta, Butler, and Witt's (2000) study. The post Proposition 227 claim by Ron Unz that ELLS' SAT-9 scores increased substantially due to the elimination of Bilingual Education is also false and indeed an 'urban legend'.
APPENDIX A

PROPOSITION 227 FULL TEXT OF THE LAW
Proposition 227 | Proposition 227 | Analysis |

English Language in Public Schools. Initiative Statute.

Proposition 227 - Full Text of the Proposed Law

This initiative measure is submitted to the people in accordance with the provisions of Article II, Section 8 of the Constitution.

This initiative measure adds sections to the Education Code; therefore, new provisions proposed to be added are printed in italic type to indicate that they are new.

PROPOSED LAW

SECTION 1. Chapter 3 (commencing with Section 300) is added to Part 1 of the Education Code, to read:

Chapter 3. English Language Education for Immigrant Children

Article 1. Findings and Declarations

300. The People of California find and declare as follows:

(a) Whereas, The English language is the national public language of the United States of America and of the State of California, is spoken by the vast majority of California residents, and is also the leading world language for science, technology, and international business, thereby being the language of economic opportunity; and

(b) Whereas, Immigrant parents are eager to have their children acquire a good knowledge of English, thereby allowing them to fully participate in the American Dream of economic and social advancement; and

(c) Whereas, The government and the public schools of California have a moral obligation and a constitutional duty to provide all of California’s children, regardless of their ethnicity or national origins, with the skills necessary to become productive members of our society, and of these skills, literacy in the English language is among the most important; and

(d) Whereas, The public schools of California currently do a poor job of educating immigrant children, wasting financial resources on costly experimental language programs whose failure over the past two decades is demonstrated by the current high drop-out rates and low English literacy levels of many immigrant children; and
Whereas, Young immigrant children can easily acquire full fluency in a new language, such as English, if they are heavily exposed to that language in the classroom at an early age.

Therefore, It is resolved that: all children in California public schools shall be taught English as rapidly and effectively as possible.

Article 2. English Language Education

305. Subject to the exceptions provided in Article 3 (commencing with Section 310), all children in California public schools shall be taught English by being taught in English. In particular, this shall require that all children be placed in English language classrooms. Children who are English learners shall be educated through sheltered English immersion during a temporary transition period not normally intended to exceed one year. Local schools shall be permitted to place in the same classroom English learners of different ages but whose degree of English proficiency is similar. Local schools shall be encouraged to mix together in the same classroom English learners from different native-language groups but with the same degree of English fluency. Once English learners have acquired a good working knowledge of English, they shall be transferred to English language mainstream classrooms. As much as possible, current supplemental funding for English learners shall be maintained, subject to possible modification under Article 8 (commencing with Section 335) below.

306. The definitions of the terms used in this article and in Article 3 (commencing with Section 310) are as follows:

(a) "English learner" means a child who does not speak English or whose native language is not English and who is not currently able to perform ordinary classroom work in English, also known as a Limited English Proficiency or LEP child.

(b) "English language classroom" means a classroom in which the language of instruction used by the teaching personnel is overwhelmingly the English language, and in which such teaching personnel possess a good knowledge of the English language.

(c) "English language mainstream classroom" means a classroom in which the pupils either are native English language speakers or already have acquired reasonable fluency in English.

(d) "Sheltered English immersion" or "structured English immersion" means an English language acquisition process for young children in which nearly all
classroom instruction is in English but with the curriculum and presentation designed for children who are learning the language.

(e) "Bilingual education/native language instruction" means a language acquisition process for pupils in which much or all instruction, textbooks, and teaching materials are in the child's native language.

Article 3. Parental Exceptions

310. The requirements of Section 305 may be waived with the prior written informed consent, to be provided annually, of the child's parents or legal guardian under the circumstances specified below and in Section 311. Such informed consent shall require that said parents or legal guardian personally visit the school to apply for the waiver and that they there be provided a full description of the educational materials to be used in the different educational program choices and all the educational opportunities available to the child. Under such parental waiver conditions, children may be transferred to classes where they are taught English and other subjects through bilingual education techniques or other generally recognized educational methodologies permitted by law. Individual schools in which 20 pupils or more of a given grade level receive a waiver shall be required to offer such a class; otherwise, they must allow the pupils to transfer to a public school in which such a class is offered.

311. The circumstances in which a parental exception waiver may be granted under Section 310 are as follows:

(a) Children who already know English: the child already possesses good English language skills, as measured by standardized tests of English vocabulary comprehension, reading, and writing, in which the child scores at or above the state average for his or her grade level or at or above the 5th grade average, whichever is lower; or

(b) Older children: the child is age 10 years or older, and it is the informed belief of the school principal and educational staff that an alternate course of educational study would be better suited to the child's rapid acquisition of basic English language skills; or

(c) Children with special needs: the child already has been placed for a period of not less than thirty days during that school year in an English language classroom and it is subsequently the informed belief of the school principal and educational staff that the child has such special physical, emotional, psychological, or educational needs that an alternate course of educational study would be better suited to the child's overall educational development. A written description of these special needs must be provided and any such decision is to be made subject to the examination and approval of the local
school superintendent, under guidelines established by and subject to the
review of the local Board of Education and ultimately the State Board of
Education. The existence of such special needs shall not compel issuance of
a waiver, and the parents shall be fully informed of their right to refuse to
agree to a waiver.

Article 4. Community-Based English Tutoring

315. In furtherance of its constitutional and legal requirement to offer special
language assistance to children coming from backgrounds of limited English
proficiency, the state shall encourage family members and others to provide
personal English language tutoring to such children, and support these efforts
by raising the general level of English language knowledge in the community.
Commencing with the fiscal year in which this initiative is enacted and for each
of the nine fiscal years following thereafter, a sum of fifty million dollars
($50,000,000) per year is hereby appropriated from the General Fund for the
purpose of providing additional funding for free or subsidized programs of
adult English language instruction to parents or other members of the
community who pledge to provide personal English language tutoring to
California school children with limited English proficiency.

316. Programs funded pursuant to this section shall be provided through
schools or community organizations. Funding for these programs shall be
administered by the Office of the Superintendent of Public Instruction, and
shall be disbursed at the discretion of the local school boards, under
reasonable guidelines established by, and subject to the review of, the State
Board of Education.

Article 5. Legal Standing and Parental Enforcement

320. As detailed in Article 2 (commencing with Section 305) and Article 3
(commencing with Section 310), all California school children have the right to
be provided with an English language public education. If a California school
child has been denied the option of an English language instructional
curriculum in public school, the child’s parent or legal guardian shall have
legal standing to sue for enforcement of the provisions of this statute, and if
successful shall be awarded normal and customary attorney’s fees and actual
damages, but not punitive or consequential damages. Any school board
member or other elected official or public school teacher or administrator who
willfully and repeatedly refuses to implement the terms of this statute by
providing such an English language educational option at an available public
school to a California school child may be held personally liable for fees and
actual damages by the child’s parents or legal guardian.

Article 6. Severability
325. If any part or parts of this statute are found to be in conflict with federal law or the United States or the California State Constitution, the statute shall be implemented to the maximum extent that federal law, and the United States and the California State Constitution permit. Any provision held invalid shall be severed from the remaining portions of this statute.

Article 7. Operative Date

330. This initiative shall become operative for all school terms which begin more than sixty days following the date on which it becomes effective.

Article 8. Amendment

335. The provisions of this act may be amended by a statute that becomes effective upon approval by the electorate or by a statute to further the act's purpose passed by a two-thirds vote of each house of the Legislature and signed by the Governor.

Article 9. Interpretation

340. Under circumstances in which portions of this statute are subject to conflicting interpretations, Section 300 shall be assumed to contain the governing intent of the statute.
APPENDIX B

ARGUMENT IN FAVOR OF PROPOSITION 227
English Language in Public Schools. Initiative Statute.

Argument in Favor of Proposition 227.

WHY DO WE NEED TO CHANGE CALIFORNIA’S BILINGUAL EDUCATION SYSTEM?

• Begun with the best of intentions in the 1970s, bilingual education has failed in actual practice, but the politicians and administrators have refused to admit this failure.

• For most of California’s non-English speaking students, bilingual education actually means monolingual, SPANISH-ONLY education for the first 4 to 7 years of school.

• The current system fails to teach children to read and write English. Last year, only 6.7 percent of limited-English students in California learned enough English to be moved into mainstream classes.

• Latino immigrant children are the principal victims of bilingual education. They have the lowest test scores and the highest dropout rates of any immigrant group.

• There are 140 languages spoken by California’s schoolchildren. To teach each group of children in their own native language before teaching them English is educationally and fiscally impossible. Yet this impossibility is the goal of bilingual education.

COMMON SENSE ABOUT LEARNING ENGLISH

• Learning a new language is easier the younger the age of the child.

• Learning a language is much easier if the child is immersed in that language.

• Immigrant children already know their native language; they need the public schools to teach them English.

• Children who leave school without knowing how to speak, read, and write English are injured for life economically and socially.

WHAT “ENGLISH FOR THE CHILDREN” WILL DO:

• Require children to be taught English as soon as they start school.
• Provide “sheltered English immersion” classes to help non-English speaking students learn English; research shows this is the most effective method.

• Allow parents to request a special waiver for children with individual educational needs who would benefit from another method.

WHAT “ENGLISH FOR THE CHILDREN” WON’T DO:

It will:
• NOT throw children who can’t speak English into regular classes where they would have to “sink or swim.”
• NOT cut special funding for children learning English.
• NOT violate any federal laws or court decisions.

WHO SUPPORTS THE INITIATIVE?
• Teachers worried by the undeniable failure of bilingual education and who have long wanted to implement a successful alternative--sheltered English immersion.
• Most Latino parents, according to public polls. They know that Spanish-only bilingual education is preventing their children from learning English by segregating them into an educational dead-end.
• Most Californians. They know that bilingual education has created an educational ghetto by isolating non-English speaking students and preventing them from becoming successful members of society.

WHO OPPOSES THE INITIATIVE?
• Individuals who profit from bilingual education. Bilingual teachers are paid up to $5,000 extra annually and the program provides jobs to thousands of bilingual coordinators and administrators.
• Schools and school districts which receive HUNDREDS OF MILLIONS of extra dollars for schoolchildren classified as not knowing English and who, therefore, have a financial incentive to avoid teaching English to children.
• Activist groups with special agendas and the politicians who support them.

ALICE CALLAGHAN
Director, Las Familias del Pueblo

RON UNZ
Chairman, English for the Children

FERNANDO VEGA
Past Redwood City School Board Member
APPENDIX C

ARGUMENT AGAINST PROPOSITION 227
Several years ago, the 1970’s law mandating bilingual education in California expired.

Since then local school districts--principals, parents and teachers--have been developing and using different programs to teach children English.

Many of the older bilingual education programs continue to have great success. In other communities some schools are succeeding with English immersion and others with dual language immersion programs. Teaching children English is the primary goal, no matter what teaching method they’re using.

Proposition 227 outlaws all of these programs--even the best ones--and mandates a program that has never been tested anywhere in California! And if it doesn’t work, we’re stuck with it anyway.

Proposition 227 proposes

- A 180-day English only program with no second chance after that school year.
- Mixed-age classrooms with first through sixth graders all together, all day, for one year.

Proposition 227 funding comes from three wealthy men . . . one from New York, one from Florida, and one from California.

The New York man has given Newt Gingrich $310,000!

The Florida man who put up $45,000 for Proposition 227 is part of a fringe group which believes “government has no role in financing, operating, or defining schooling, or even compelling attendance.”

These are not people who should dictate a single teaching method for California’s schools.

If the law allows different methods, we can use what works. Vote NO on Proposition 227.
JOHN D'AMELIO
President, California School Boards Association

MARY BERGAN
President, California Federation of Teachers, AFL-CIO

JENNIFER J. LOONEY
President, Association of California School Administrators
APPENDIX D

ANALYSIS OF PROPOSITION 227 BY

THE LEGISLATIVE ANALYST
English Language in Public Schools.
Initiative Statute.

Analysis by the Legislative Analyst

Background

California's public schools serve 5.6 million students in kindergarten through twelfth (K-12) grades. In 1996-97, schools identified 1.4 million, or 25 percent, of these students as "limited English proficient" (LEP). These are students who cannot understand English well enough to keep up in school. Eighty-eight percent of the state's schools had at least one LEP student, and 71 percent had at least 20 LEP students.

Under current law, schools must make their lessons understandable to LEP students. To help schools address the needs of these students, the State Department of Education created guidelines for the development of local LEP programs. These guidelines state:

• The main goal of all programs is to make LEP students fluent in English.

• Programs must allow LEP students to do well in all school work. In some cases, this means teaching some subjects to LEP students in their home languages.

• Schools must allow all LEP students the option of being in bilingual programs. A bilingual program is one in which students are taught both in their home language and in English.

• Schools must allow parents to choose whether or not their children are in bilingual programs.

How Are Students Currently Served?

Schools currently use a range of services to help LEP students (1) learn how to speak, read, and write English; and (2) learn academic subjects (such as math, reading, writing, history, and science).

Services to Help Students Learn English. Almost all LEP students get special services to help them learn English. These services are often provided during a part of the school day, separate from lessons on regular academic subjects.
Services to Help Students Learn Academic Subjects. Most LEP students receive special help in their academic subjects in one of two basic ways:

• Lessons That Use Special Materials. About 40 percent of all LEP students are taught their academic subjects in English. The class materials and teaching methods for these students, however, are specially designed for students who do not speak English well.

• Lessons That Are Taught in Students' Home Language. About 30 percent of all LEP students are taught some or all of their academic subjects in their home languages. These are what people usually refer to as bilingual classes.

The remaining 30 percent of LEP students do not receive special help in their academic subjects. This is either because they do not need it or because the school does not provide it. These students are taught their academic subjects in regular classrooms.

How Long Do Students Receive LEP Services? State guidelines say that schools should give LEP students special services until (1) they can read, write, and understand English as well as average English speakers in their grade; and (2) they can participate equally with fluent speakers in the classroom. Schools report that LEP students often receive special services for many years.

How Are LEP Services Funded? The state currently provides over $400 million in special funds for students—both LEP and non-LEP—who need extra help to succeed in school. These funds are known as "compensatory" funds. Schools report that the majority of this money is spent for LEP students. In addition, schools may spend federal and local funds for special services for LEP students.

Proposal

This proposition significantly changes the way that LEP students are taught in California. Specifically, it:

• Requires California public schools to teach LEP students in special classes that are taught nearly all in English. This would eliminate “bilingual” classes in most cases.

• Shortens the time most LEP students would stay in special classes. The initiative states that: (1) LEP students should move from special classes to regular classes when they have acquired a good working knowledge of English and (2) these special classes should not normally last longer than one year. This would eliminate most programs that provide special classes to LEP students over several years.
Exceptions. Schools would be permitted to provide classes in a language other than English if the child’s parent or guardian asks the school to put him or her in such a class and one of the following happens:

- The child is at least ten years old and the school principal and teachers agree that learning in another language would be better for the child.

- The child has been in a class using English for at least 30 days and the principal, teachers, and head of the school district agree that learning in another language would be better for the student.

- The child already is fluent in English and the parents want the child to take classes in another language.

If a school lets 20 or more LEP students in a grade choose to take their lessons in a language other than English, then the school must give such a class. If there are not 20 students or more, then the school must let the students go to other schools that have classes in those languages.

Funding Provisions. The initiative requires the state to provide $50 million every year for ten years for English classes for adults who promise to tutor LEP students. In addition, the measure requires that any special funding currently spent on LEP students be maintained, if possible.

Fiscal Effect

School Costs and Savings

This proposition would result in several fiscal impacts on schools.

Savings. By limiting the time LEP students can be in special classes generally to one year, the initiative would reduce the number of special classes schools would have to offer. This could result in major savings for schools.

Costs. The proposition could also result in new costs to schools, for a number of reasons. For instance, the one-year special classes could be more expensive than existing classes if schools provide more intensive services. Schools may also need to give LEP students extra help in academic subjects once they are moved to regular classes if they fall behind other students.

Distribution of “Compensatory” Funds. The state provides “compensatory” funds to schools based in part on the number of LEP students. The proposition would likely reduce the number of students who are considered LEP at any given time. As a result, state funds would be allocated differently—some schools would get more compensatory funds and others would get less.
Net Impact on Schools. We cannot predict the proposition’s net impact on schools. It would depend in large part on how people respond to its passage, including:

- Parents’ decisions on the types of services they want for their children.

- Schools’ decisions on the types and levels of services provided to LEP students.

- State decisions on the allocation of “compensatory” funds it currently provides to schools with LEP students.

The net impact could vary significantly by individual school.

State Fiscal Effects

Under the proposition, the state would spend $50 million each year for ten years for English classes for adults who promise to tutor LEP students. This provision, however, probably would not change total state spending for schools. (This is because the level of state spending for K-12 schools is generally based on a formula in the Constitution.) As a result, the costs to the state of this provision would likely reduce spending on other school programs by a like amount.
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Does California look like SAT-9’s norm group? NO!.


