Heritage Language Programs in the Era of English-Only and No Child Left Behind

Wayne E. Wright, University of Texas, San Antonio

Abstract
There is a growing recognition of the need for Americans who are proficient in languages other than English; however, there is a great disconnect between these needs, state English-only education policies, and current federal education policy as realized through the No Child Left Behind Act (NLCB) of 2001. These policies are moving the country in the opposite direction in terms of the needs for heritage language programs which can address students' and the country's linguistic needs. Drawing on eight years of research, this article presents the cases of a variety of in-school and after school Heritage language programs serving Khmer (Cambodian), Spanish, and Native American heritage language learners from California, Arizona, and Texas which have been eliminated or substantially weakened due to current federal and state language and education policies. The article concludes with a discussion of the implications for needed changes to policy which will encourage, rather than discourage, quality heritage language programs.

Introduction
There is a growing recognition on the part of the United States government of the need for Americans who are proficient in languages other than English (Peyton et al., 2001). These needs are most greatly felt in the areas of national security, diplomacy, and international commerce (National Security Education Program, 2001, 2002). The private business and service sectors of the country are also in constant need of bilingual employees (Wright, 2003a). However, there is a great disconnect between these needs, state English-only education policies, and current federal education policy as enacted through the No Child Left Behind Act (NLCB) of 2001 (Wiley & Wright, 2004). These policies, as they are currently being implemented, appear to be moving the country in the opposite direction in terms of the needs for heritage language programs that can address the country’s linguistic needs.

Progress in federal education policy over the years, in recognition of the value of societal bilingualism and support for programs promoting the development and maintenance of students’ heritage languages (HL), came to an abrupt end following the passage of NCLB (Wright, 2005b). Prior to NCLB, the final version of the Title VII Bilingual Education Act (BEA) in the 1994 reauthorization of the Elementary and Secondary Education Act (the Improving America’s Schools Act) declared that “as the world becomes increasingly interdependent and as international communication becomes a daily occurrence in government, business, commerce, and family life, multilingual skills constitute an important national resource which deserves protection and development” [Bilingual Education Act, 1994 Reauthorization, §7102(a)]. The 1994 BEA also acknowledged
personal and societal benefits of bilingual and heritage language programs, and included in its list of official purposes, “developing bilingual skills and multicultural understanding” [§7102(C)(2)]. The BEA still made it clear, however, that its overall purpose was “to help ensure that limited English proficient students master English” and “meet the same rigorous standards for academic performance expected of all children and youth, including meeting challenging State content and performance standards in academic areas [§7102(c)].

The Bilingual Education Act, after 34 years of providing federal support for heritage language instruction, came to an end following the passage of NCLB in 2002 (Crawford, 2002; Gonzalez, 2002). It was replaced by Title III, “Language Instruction for Limited English Proficient and Immigrant Students.” The word “bilingual” no longer appears in the legislation. Also absent in Title III are any recognitions of the benefits of bilingual education and bilingualism (Wright, 2005b). Title III’s focus is exclusively on English. The list of purposes repeatedly stresses that Title III programs are to “ensure that LEP students attain English proficiency,” “develop high levels of academic attainment in English” and are prepared to “enter all-English instruction settings” (NCLB, §3102). Another stated purpose of Title III is “to hold State educational agencies, local educational agencies, and schools accountable for increases in English proficiency and core academic content knowledge” of limited English proficient (LEP) students by requiring “demonstrated improvements in the English proficiency” and “adequate yearly progress” on state academic achievement tests [§3102(8)].

While NCLB lacks encouragement for bilingual programs, it does not explicitly forbid them. The law calls for LEP students to be placed in “language instruction education programs . . . for the purpose of developing and attaining English proficiency, while meeting challenging State academic content and student academic achievement standards” [§3301(8)]. The law indicates that these language instruction education programs

...may make instructional use of both English and a child’s native language to enable the child to develop and attain English proficiency, and may include the participation of English proficient children if such course is designed to enable all participating children to become proficient in English and a second language. [§3301(8)]

In other words, use of the native language is completely optional. The emphasis here on using the native language is not to help students become bilingual, but rather to help students become proficient in English. In fact, as written the law suggests the goal of bilingualism for LEP students is only allowable if the program includes English-only students who want to learn the LEP students’ native language. In practice, however, it is up to each state to determine what qualifies as a “language instruction education program.”

Freeman (2004) argues that despite NCLB’s major focus on teaching English, there is still space available within the policy for quality heritage language programs. Anti-
bilingual education advocates, such as Rossell (2005), have even expressed concern that the law’s provisions for temporarily testing students in their native language will encourage more bilingual education programs. While Freeman is technically correct, Rossell’s concerns are largely unfounded. Freeman (2004) and others (Combs et al., 2005; de Jong et al., 2005; Little & McCarty, 2006; Maxwell-Jolly, 2000) have described the significant efforts of some schools to continue to provide quality heritage language education programs despite NCLB and state English-only instruction policies. Nonetheless, I will argue in this article that the high-stakes testing policies of NCLB, along with the accountability provisions which demand that “limited English proficient” students learn English as quickly as possible, ultimately serve to discourage schools from offering heritage language programs. In addition, I will describe how the English-for-the-Children initiatives in California and Arizona have complicated the matter further and have curtailed efforts for public school HL programs in those states.

I will provide evidence for my argument by drawing on a number of cases of HL programs in California, Arizona, and Texas which illustrate how these policies have ended many HL programs, and severely restricted others. These cases will be drawn from my own research and that of others conducted over the past eight years. I will conclude with a discussion of the implications for needed policy changes which will encourage the types of HL programs our students and country needs.

Definitions and Methodology
The terms heritage language, heritage language learners/speakers, and heritage language programs, are problematic because, as Wiley (2001) notes, they “attempt to apply a single label to a complex situation” (p. 29); these terms mean different things to different people and thus we currently lack definitions upon which all agree. In this article, I use the definition of heritage languages forwarded by Joshua Fishman (2001)—languages other than English that “have a particular family relevance to the learner” (p. 81). Thus, heritage languages refer to the home and/or ancestral language of students, and heritage language speakers/learners covers students across a wide range of proficiency, from no proficiency to full fluency in the HL (Valdés, 2001). I use the term “heritage language programs” in its broadest sense, meaning as an umbrella covering any program in which students are actively learning, or learning through, their heritage language. This includes the wide variety of in-school bilingual education program models, in-school foreign-language classes targeting HL speakers of the language, and community-based programs outside of school hours.

This article draws on data collected for a number of different studies I have conducted over the past several years. These include a study of a large California school district and analysis of its language and education policies and programs for Khmer (Cambodian) American students (Wright, 1998); a study of the impact of high-stakes testing policies on an elementary school in California (Wright, 2002); an analysis of the impact of California’s Proposition 227’s testing and instructional policies on a Khmer bilingual education program (Wright, 2003b); studies on the implementation of Proposition 203 and its impact in Arizona (Wright, 2005c; Wright & Pu, 2005); an analysis of the
evolution of federal policy for language minority students and the implications of NCLB for ELL students (Wright, 2005b); an analysis of the intersection of NCLB, high-stakes testing and accountability policies and Proposition 203 in Arizona with its implications for instructional and testing accommodations for ELLs (Wright, 2005a); and a survey of Arizona teachers on the impact of federal and state language, testing, and education policies on their classrooms (Wright & Choi, 2006). These studies draw from the theoretical frameworks of language policy and the literature on equitable and effective educational programs for language minority students (August & Hakuta, 1997; Baker, 2006; Corson, 1990, 1999, 2001; Crawford, 2000a, 2004; Krashen, 1996; Macias & Wiley, 1998; Tse, 2001; Wiley, 2002, 2005). The methodologies utilized varied from study to study, but include analyses of policy-related documents and media coverage of policy-related activities, participant observations, classroom observations, in-depth interviews with teachers and administrators, analyses of test score and accountability data, field observations of policy related events, and the administration and analysis of surveys. Additional data collected for this study include observations of a large Khmer heritage program in central California and informal conversations with program and district administrators (April, 2006) and, in Texas, classroom observations, observations of policy-related events, analyses of media coverage, and informal conversations with classroom teachers and school district administrators (2004 – 2006).

Khmer (Cambodian) Bilingual and Heritage Language Programs in California

Only two schools in California have ever had a complete Khmer (Cambodian) bilingual education program. Walnut and Alamitos Elementary schools are in low socioeconomic neighborhoods in a large urban Southern California school district. The Khmer bilingual education program began in 1993, and despite its success, came to end in 2000. While the program’s demise pre-dates NCLB, the same forces espoused in the federal law (i.e., high-stakes testing and heavy emphasis on English instruction) led to the program’s closing (Wright, 2003b). The Khmer bilingual program began shortly after the California Department of Education threatened to withhold $8 million in funding unless the district began to comply with state laws calling for bilingual education and ESL programs, and teachers with adequate training to work with English language learning students. The school district began hiring principals from neighboring school districts with experience in bilingual education, with the mandate to start bilingual programs at their schools. The new principal at Walnut found that nearly half of her students were Cambodian, but there was only one Cambodian American teacher in the school. The principal asked her why there were no Khmer bilingual programs in the state. She explained there was a lack of Khmer bilingual teachers, no programs to train and certify them, and few Khmer language instructional materials (Marquez & Khoun, 1996).

Despite these obstacles, they committed to starting a Khmer bilingual program at the school. Each year the principal succeeded in recruiting more Khmer bilingual teachers (and getting them trained), and the teachers worked throughout the year and over each summer to create and translate books and other curricular materials. By 2000, 23 Khmer bilingual teachers had been hired, and a rich Khmer language curriculum and comprehensive authentic assessment system had been established. Alamitos began its
program one year after Walnut’s program. While its program was much smaller (just one classroom per grade-level in grades K-3), it utilized the same curriculum developed by Walnut.

In these programs, Cambodian American ELLs in Grades K-2 received all of their language arts instruction in Khmer, that is, they learned to read and write first in their heritage language. Students also received content-area instruction in math, social studies, and science in Khmer, but the amount of native language content-area instruction decreased as students moved up in grade level and as students were transitioned to English content instruction using good sheltered instruction strategies and techniques. In each grade level, students received at least 30 minutes of daily English as a second language (ESL) instruction. In 3rd grade, students made the transition from Khmer to English literacy instruction, and then were placed in a regular English language classrooms in 4th grade the following year. However, Walnut hired Cambodian American teachers for 4th and 5th grade to continue to provide Khmer primary language support as needed, and had been planning to transform the transitional bilingual program into a longer-term developmental bilingual education model.

The Khmer bilingual programs at Walnut and Alamitos proved to be very successful. Students made similar or greater gains in oral English proficiency as their peers in the English-only classrooms. Most students in the bilingual program were reading Khmer at grade level by the end of 2nd grade, and were reading at or above grade level in English by the end of 3rd grade (Wright, 2003b). In addition, teachers reported that students developed an appreciation of their language and culture, and parents were able to play a much more active role in the education of their children (Wright, 1998).

At the height of this success, Proposition 227, Ron Unz’s English for the Children initiative, was passed by California voters in June 1998. Proposition 227 was designed to end bilingual education programs by mandating that ELLs be taught exclusively in English through “sheltered English immersion” classrooms (Crawford, 2000c; E. E. Garcia, 2000b). Proposition 227 includes waiver provisions for parents who want their children to be in bilingual education, but these provisions were purposely designed to be difficult for parents to request and easy for schools to deny (A. Garcia, 2000a; E. E. Garcia & Curry-Rodriguez, 2000; Wright, 2003b). Prior to the election, the district’s school board refused to take a position against the initiative, despite strong pressure from bilingual teachers and Hispanic and Khmer parents and community leaders. In the school year following the passage of Proposition 227, the district required bilingual kindergarten classes to switch immediately to all English instruction. Bilingual programs in grades 1 and higher were allowed to continue, but as the year progressed, teachers were told to decrease substantially the amount of native language instruction in order to prepare students for all-English instruction the following school year. Principals, teachers, parents, and community leaders were concerned about this change, and urged the district to take advantage of the waiver provisions of the law to continue the bilingual programs. The district announced that it would be creating a new model of bilingual education, but until it was ready, there would be no programs for students to be waived into.
The district referred to its “new” model as Dual Literacy Plus (DLP). Essentially DLP classrooms were just like regular classrooms, but teachers would be allowed 45 to 90 minutes a day to teach literacy in the students’ heritage language (Spanish or Khmer) as a separate subject. One of the appointed district DLP administrators described the HL instruction component as “icing on the cake,” suggesting that the English instruction was all that really mattered. Her point was solidified when the district announced that all non-English language assessments in DLP classrooms would be optional, and results would not need to be reported to the district. The district also made it clear that while schools could inform parents of the DLP program option, they were not to encourage parents to seek waivers in order for their children to participate in it. The district also made it clear that it expected the number of waiver requests and enrollments in the DLP program to be low.

Alamitos teachers were deeply concerned about the weak design, ideology and lack of district support for the DLP program, and thus did not pursue serious efforts to create such a program. Thus, its Khmer bilingual program came to an end in 1999. Walnut, on the other hand, saw DLP as its only option to continue the program they had worked so hard to develop. Through a series of parent meetings, Walnut obtained waivers from nearly all parents with students in its Khmer and Spanish bilingual programs, much to the chagrin of the district.

However, Walnut was not able to hold onto its program for long. The standards, high-stakes testing and accountability movement was just beginning. A new test—the Stanford Achievement Test, 9th Edition (SAT-9)—had been adopted and administered the year before. The test was required of all students in grades 2-11, thus 2nd and 3rd grade Khmer students in the bilingual program were required to take the test in English even though they had not yet fully made the transition to English literacy instruction. Beginning in the 98-99 school year, the emphasis on the test and the immense pressure on teachers to raise test scores became so intense that many teachers and principals began referring to the district as SAT-9-land (Wright, 2002).

The district increased the difficulty of its own standards, changed many of its own assessments to more closely match the content and format of the SAT-9, increased the amounts and types of assessments teachers had to do prior to the test, and mandated that teachers spend at least 30 minutes a day on direct test-preparation instruction (Wright, 2002). Teachers in the DLP program began to feel overwhelmed. They were expected to administer all the same assessments and tests—and obtain the same results—as their colleagues in the English-only classrooms, yet they had significantly less instructional time to do so given the 45 – 90 minutes of native language instruction. The new requirement for 30 minutes of test-preparation instruction cut further into their already crowded schedule. One of the Khmer teachers joked that “dual” was an appropriate name for the program; in Khmer, /dual/ means to fall or collapse from exhaustion. Despite the increasing demands and difficulty, the teachers continued to provide as much Khmer language instruction as they could (Wright, 2003b).
After a few months into the school year, however, the district made a drastic curricular change with the adoption of the scripted phonics program, Open Court. District officials claimed Open Court had been instrumental in helping other school districts raise their SAT-9 scores (see Moustafa & Land, 2001 for a challenge to these claims). Teachers were sent to mandatory training and were told to implement the program right away. The program required up to two hours of instructional time a day. There simply was no time left for native language instruction. The principal who started the bilingual program resigned soon after. Her replacement was given a specific order from the district to end the DLP programs, despite the fact that parents had signed waivers to request them. After a few months at Walnut, the new principal sent out a memo to teachers stating, “the district is proud of us for moving to all-English instruction” (Wright, 2003b).

Note that in the case above, Proposition 227 alone did not bring an end to the Khmer bilingual program. Rather, the proposition simply opened a way for the district to get rid of the bilingual programs it never really wanted. The timing was helpful as Proposition 227 passed around the same time the standards, testing and accountability movement was getting started. A major motivating factor for the district was that ELL students were required to take the SAT-9 in English starting in 2nd grade, but in most bilingual programs, students did not begin to transition to English literacy instruction until 3rd grade or higher. Hence, the district felt pressured to ensure that language of instruction matched the language of the test, which was in English.

The emphasis on high-stakes testing and raising test scores also had an impact on a Khmer heritage language program at the middle school level in this same school district. One middle school began offering a Khmer-for-Khmer-Speakers course in 1989. The program was originally designed as an after-school program, but it became so popular that the school added it as an elective during regular school hours. However, the program began to run into trouble as the focus on high-stakes testing grew stronger. Many students had to withdraw from the class to take a required “power Literacy course,” a remedial course for students with low SAT-9 scores. Enrollment in the Khmer-for-Khmer-Speakers course dropped substantially (Wright, 1998). The school no longer offers the course.

Not even after-school heritage language programs are completely safe from the impact of high-stakes testing. One of the best Khmer heritage language programs in the country is in a large in-land city in California’s Central Valley. This after-school program was started in 1992 by a Cambodian student organization from a local university. Later the program began to receive support from the local school district, when district administrators there began to recognize the value of the program. The district provided space for the program at one of its elementary schools and provided some material support. One of the founders of the program described the motivating factors in creating the program:

We saw the children losing their culture. More and more kids were either forgetting or never learned Khmer. It seemed that the children
could not relate to their parents and there was little communication between parents and their children. The children could not speak Khmer and the parents could not speak English. (Olsen, 2001, p. 23)

A video produced by the local school district describing the program echoed these concerns:

In many cases, the parents’ limited English language skills were identified as the cause of conflict with their children because their children spoke more English than Khmer. They often felt that their parents were not resourceful and they did not perceive them as the best role models in assisting them with their education or with advice in life. Parents were losing self-respect, and they also mourned their children’s loss of their traditional values that had been passed down for many generations. Cambodian parents worried a lot about the situation. They wanted to help their children do well in school while at the same time they hoped their children would maintain some of their treasured cultural values. (Multilingual/Multicultural Office, 2001)

By 2001, the program had around 300 students from all grade levels. Although the program remains strong, enrollment has decreased substantially and now has just over 100 students. While several factors may be at play, one key issue noted by program and district administrators is directly related to NCLB—students from low-performing schools had to drop out of the program in order to attend mandatory after-school tutoring sessions.

This same school district also had in-school heritage language courses. In a pattern similar to the Southern California district described above, these schools had to drop their programs when their district required them to adopt scripted reading programs and required students with low test scores to drop out of the HL courses in order to participate in “Power Reading” intervention-type classes. As one district administrator described it, when new things are brought into a school, something else has to go. In this age of accountability, when all that matters is raising test scores, heritage language instruction is given a low priority.

**Arizona**

Two years after his victory in California, Ron Unz brought his English for the Children initiative to Arizona. Proposition 203 was approved by voters in 2000, and the law went into effect at the beginning of the 2001-2002 school year (Wright, 2005c). At the same time, Arizona was implementing its own high-stakes testing and accountability programs, and strict enforcement of Proposition 203 has corresponded with changes in Arizona’s policies to comply with NCLB. The intersection of high-stakes testing, English-only instruction policies, and NCLB has been even more severe in Arizona due to the fact that current state educational leaders fully support Proposition 203’s mandates for English-only instruction and have made its strict enforcement a top priority (Wright, 2004; Wright & Pu, 2005). Prior to Proposition 203, bilingual education programs were common throughout the state for Spanish-speaking students (Keegan, 1999, 2000; Mahoney et al.,
Heritage Language Programs for Latino Students

With the exception of Native American Languages (see below), most if not all bilingual education programs in the state were for Spanish-speaking Latino students. State estimates are that prior to Proposition 203, only about 30% of Latinos were participating in bilingual programs (Keegan, 1999, 2000). While some flexibility was afforded to schools to make use of the waiver provisions of Proposition 203 to continue bilingual education under the previous two Superintendents of Public Instruction, the current superintendent and his appointed leaders of ELL programs have made ending bilingual programs in the state one of their top priorities (Horne, 2003a, 2003b, 2004; Wright, 2005c). As a result, the number of bilingual programs has decreased substantially. In the Wright and Choi (2006) study, we found that 67% of elementary schools that had bilingual programs completely eliminated their programs in the years following Proposition 203, while another 19% significantly reduced the number (and types) of students participating in bilingual classrooms. The small minority of schools which have preserved their bilingual programs have had to go to great lengths to do so (see, e.g., Combs et al., 2005).

Current state education leaders’ hostility towards ELLs receiving instruction through their heritage language is most evident in their policies as they related to charter schools. Arizona is recognized as a leader in the charter school movement (Center for Education Reform, 2003). These semi-public schools are relieved from many of the regulations and policies governing public schools, and instead negotiate their own contracts (charters) with the state in terms of how they will operate and provide instruction. The idea of charter schools is to give them freedom to implement alternative approaches to schooling, which they believe would lead to greater student academic achievement. Several charter schools in Arizona adopted bilingual education as a key component of their instructional program. However, when the current Superintendent of Public Instruction took office, he claimed that charter schools were subject to Proposition 203 and said that these schools must end their bilingual programs (Horne & Dugan, 2003).

The Attorney General was asked to intervene, and soon after issued an official opinion. The AG opinion was simple and straightforward: “Charter schools are not subject to the requirements of Proposition 203 unless a school’s charter provides otherwise” (Goddard, 2003, p. 1). Undeterred, the Superintendent of Public Instruction declared “charter schools that do not follow the English-only law are not eligible for the extra $300 per pupil that the state pays to help children learn English” (Kossan, 2003b, p. 1). He also utilized the state’s high-stakes testing and accountability policies to threaten charter schools that chose to continue their bilingual programs. He reminded them that ELLs in charter schools still have to take state tests in English and warned that “If scores don’t improve over three years, the state can put the charter out of business” (p. 1). Despite
these threats, some charter schools have elected to forgo state ELL funding to continue their bilingual programs.

Most of the regular public schools that have managed to continue to offer bilingual programs have nonetheless made significant changes in terms of the type and number of students who are able to participate. With Arizona’s current narrow interpretation of the waiver provisions of the law (see Horne & Dugan, 2003), only students (under the age of 10) who are already “proficient” in English as determined by an English language proficiency test are eligible for a waiver to be in bilingual classrooms. This requirement creates a bizarre situation which turns the original purpose of bilingual education (to help ELLs learn English and academic content) on its head: In order for ELLs to get a waiver to be a bilingual program, they cannot be ELL students. Thus, Arizona currently has some Spanish bilingual classrooms in grades K-3 that do not contain any ELLs. Most of these classrooms use the “dual language” model, and include both Latino and non-Latino students, however, all Latino students participating in these programs were either already fluent in English at the time they enrolled in school, or are former ELLs who learned enough English the year before to be redesignated as fluent English proficient.

One could argue that these types of classrooms—bilingual classrooms with no ELLs—are nevertheless good heritage language programs enabling Latino students to develop and maintain proficiency in Spanish. While this is true, and these programs should be commended and encouraged, the fact remains that these programs no longer serve the ELL students they were designed to help. It also represents a backwards policy—ELLs do not have the right to learn their language in school until they become fluent in English first. One teacher at a school that made this change in their bilingual programs commented on the irony of placing English-fluent children in bilingual classes while placing ELLs in English-only classrooms:

The ones that really need it the most, I mean they both need it, but the ones that come in from Mexico and do not understand English at all, are put into this classroom where the teacher is talking to them only in English, and the teacher cannot help them at all, so they go home frustrated. It’s hard for them to learn anything. … They could be advancing so much faster if they were put into a bilingual classroom. (Wright & Choi, 2006, p. 20)

NCLB does not allow exemptions of ELLs from state-wide high-stakes testing, and Proposition 203 brought an end to efforts to create state tests in Spanish. Thus ELLs in Arizona are required to take—and expected to pass—the test in English. Like in California, many of these schools have adopted time-consuming scripted reading programs and mandated other curricular changes for the purpose of raising test scores. Given this reality, as in the California classrooms described above, some schools eventually decided to give up their bilingual programs. As one bilingual teacher in an inner-city Phoenix elementary school explained:
I am the only dual language teacher [in the school], and we have been underperforming, and my new principal who just came in brought in SRA direct instruction, which takes an hour and a half of the day, and that cuts into my time when I was going to teach Spanish. So at this point, I am not teaching any Spanish, even though the kids have waivers. … It’s just, with the pressure we have, with the high-stakes testing and the time, there just isn’t time for me to teach the Spanish (Wright & Choi, 2006, p. 19).

With English-only high-stakes tests and the intense opposition from state education leaders against bilingual education, few district and school administrators feel that providing heritage language instruction is worth the effort. In fact, given the overwhelming emphasis on high-stakes testing in English and the immense pressure to raise test scores for ELL students, many district and school administrators have concluded that the language of classroom instruction must match the language of the test. As a result, some administrators have placed restrictions on any and all use of students’ native languages in the classrooms; these restrictions go beyond the requirements of state law (Wright & Choi, 2006).

**Heritage Language Programs for Native American Students**

During the Proposition 203 campaign, Native American tribal leaders were vocal in opposing the law (Gonzalez, 2000). Ron Unz and his local leaders of the English for the Children initiative had not considered Native Americans when they wrote the initiative, as indicated by the law’s references to immigrant students. However, tribal leaders understood well that the mandates for English-only education would have a severe impact on their Native American language programs. Ron Unz tried to broker a deal with the Native Americans—support my initiative and I will help exempt your language classes from the law when it passes (Shaffer, 2000). When tribal leaders ignored the offer, Unz threatened, “If the tribal leaders continue with this very negative attitude, the Proposition 203 leadership may feel less willing to work with them after the election, and I hope they realize this important fact” (p. 1). Tribal leaders were angered and insulted by the threat, and continued to fight against Proposition 203. Soon after the passage of Proposition 203, the state Attorney General (AG) was asked if the law applied to Native American language programs. The opinion issued by the AG stated:

If a school is run by the tribe or the federal government, then the school is not subject to Proposition 203. State public schools, in contrast, are generally subject to Proposition 203, but the State law must be applied in a manner consistent with federal law, including principles of tribal sovereignty and the federally-recognized right of Native Americans to express themselves through the use of Native American languages. Proposition 203 cannot prohibit a State public school located on the Reservation or elsewhere from teaching students Native American language and culture. (Napolitano, 2001, p. 1)

Despite what appears to have been a victory for Native Americans, current state education leaders—particularly Associate Superintendent Margaret Garcia Dugan, who was a co-chair of the Proposition 203 campaign—have undertaken efforts to end Native
American immersion programs by threatening to withhold state education funds from reservation schools that do not comply with Proposition 203 (Donovan, 2004). Dugan claims that the AG Opinion says these schools are “subject to Proposition 203” thus they cannot offer an immersion program (i.e., where most of the instruction is in the Native American language, particularly in grades K-3). She suggested instead that these schools should teach everything in English, but then could teach the Native American language as a separate subject for a short amount of time each day. Tribal leaders and educators recognized this weak form of heritage language instruction would be insufficient to reverse the language loss of their children, and have been resisting the efforts of the state to end their programs (Hortsman & Jackson-Dennison, 2005). Other reservation school programs though have been affected, or at least have not made attempts to improve their already weak HL programs given the pressures associated with the federal and state policies.

In the Wright and Choi (2006) study, we surveyed and talked with several teachers at reservation schools. One district in the heart of the Navajo Reservation ended its immersion program at one school, in order to concentrate the program at another school in the district. The immersion program at the first school was replaced with the “Navajo language program” where nearly all classroom instruction is in English, but teachers provide 30 minutes of Navajo instruction a day. One teacher who formerly taught in the immersion program complained “I don’t think it’s effective enough; 30 minutes is not effective.” In another Navajo Reservation elementary school, a system is in place where students (K-6) are pulled out of their classrooms three to four times a week to receive Navajo language and culture instruction. A teacher from this school noted that the curriculum being used is not effective for teaching the language because it is out of date and students’ proficiency in Navajo is too low to benefit from it. Due to significant loss of the Navajo language among these students, teachers are having to create a new curriculum that begins at a much lower level.

A classroom teacher from an Apache Reservation elementary school described a similar program at his school site. He feels the program is important: “Their native language is dying out, so I do feel that if the school can, then they need to try and revive it.” However, the amount of instruction students receive is quite limited. Students are pulled out for 40-minute Apache language and culture lessons, but only for six weeks out of the entire school year. The classroom teacher noted the program “doesn’t cause them to become fluent” due to the short amount of instruction time. He explained that the Apache language teacher “just teaches them basic things like color words and number words, she doesn’t go in real depth with them, but just, you know, keeping a few of the words alive and familiar to them.” The HL program at another Apache reservation school, using a similar pull-out model, is even weaker. There a teacher lamented that the “Apache language teacher” is in name only; she is a “paraprofessional who’s never been given a curriculum and who does not have enough knowledge basically to create her own curriculum.” And what does she do with the students when she pulls them for Apache language instruction? “She gives them color sheets everyday,” the teacher reported.
Even teachers from those schools that claim to have a Native American language immersion or bilingual program described how state and federal mandates made it difficult to provide the amount of Native language instruction needed to help students attain proficiency in their heritage language. One teacher from a Navajo Reservation school explained, “We’re not able to focus on their needs as much as we’d like to because we’re worried about appeasing the state and federal guidelines.” Another teacher at a different Navajo Reservation school explained how low test scores and an “underperforming” school label had impacted the immersion program at her school:

I don’t think it is really producing what we are expecting from the students in terms of being … a fluent speaker in Navajo. I don’t think we are really producing that. Since we’re an underperforming school, we’re concentrating more on improving the school according to the standards, and we’re more focused on the standards than working with the students to learn their own language effectively.

This same teacher noted that she was supposed to have a specific time each day for teaching Navajo, but said “I can’t seem to schedule a time for that,” and “I specifically don’t really have time for it.” Instead, she acknowledges that the “immersion” program now essentially consists of her code-switching between Navajo and English all day, but with instruction predominantly in English.

Many of the reservation teachers adopted the attitude that Proposition 203 was not applicable to their schools. “We’re a sovereign nation,” one teacher declared, “so they really can’t mess around with us here as long as we’re on the reservation.” Another described how her school’s remoteness essentially means they can “fly under the radar.” But even the symbolic nature of Proposition 203 is having an affect on some reservation teachers. One reservation teacher described that emphasis of state policy was to “completely take the [non-English] language(s) out of Arizona.” Another Navajo teacher commented:

For me I just teach the English part, everything is in English, all the work, everything in print, I teach, I’m taught, I’m told by the state department, it is in English, so I feel like, you know, that’s it’s the dominant language and I feel like that’s what I have to do in the classroom.

Curriculum mandates designed to raise test scores have also been discouraging the use of Native American languages in the classroom. One teacher explained that her school has been designated as a “Reading First” school, meaning they are the recipients of NCLB funds specifically targeting low-performing schools to improve reading test scores. Reading First schools are required to adopt new reading curriculum programs, and many adopt scripted programs. The teacher explained that in her school, during the 90 minute reading block in which they are implementing these programs, they are not allowed to speak any Navajo.
Some teachers in the reservation schools have questioned the appropriateness of these reading programs for Native American students, noting that their language needs are much different than those of immigrant students. One Navajo teacher in a Reading First school complained:

How much do you give these poor children to meet those standards, or to meet what they [state education leaders] want? And they are piling more and more stuff on them. And, like I said, these kids are not fluent Navajo speakers, they are not fluent English speakers, they are just right in-between. And they’re just like, you know, they’re just lost, and then on top of that, you’re throwing all these [curricular mandates and scripted reading programs] at them. They just seem to get further and further behind.

Despite federal protections of Native American languages and the right of Native Americans to teach their languages in school (Crawford, 2000b; McCarty, 2002), as the above examples illustrate, state and federal language and education policies are making it difficult for schools to offer the kinds of quality HL language programs to reverse the rapid language loss and impending death of their tribal tongues (Little & McCarty, 2006). Tribal leaders have long been fighting the hegemonic pull of English. Even before Proposition 203, Arizona’s high-stakes testing and accountability program, and NCLB, reservation schools struggled to implement the types of quality HL programs needed to reverse the shift to English and prevent the impending death of their indigenous languages (McCarty, 2002). Benally and Viri (2005) describe this as a crucial time for determining the future of Navajo:

The Navajo language is at a crossroads; it can still be renewed among the growing number of non-speakers so it can be strengthened, or it can continue to decline in its use. On several levels the language appears to remain strong and viable, but on others the telltale signs of impending extinction are becoming apparent. (p. 85)

If Navajo or other Native American languages are to survive, significant changes in language and education state and federal policies are needed that encourage rather than discourage heritage language programs. The issue of NCLB’s conflict with Native American Immersion programs has been recognized nationally. The president of the National Indian Education Association (NIEA), Ryan Wilson, testified before the Senate Committee on Indian Affairs that “while Native cultures and communities are losing immersion-program resources, including many speakers, at lightning speed, they are recovering their languages at horse-and-buggy speed” (Reynolds, 2006, p. 1). The NIEA is advocating federal legislation that will give protection and emphasis to Native-language immersion schools within the era of NCLB.

Texas
While Texas does not have the same restrictions on bilingual education as California and Arizona, and bilingual programs remain common throughout the state, some Texas-based
scholars and bilingual educators are nonetheless deeply concerned about the impact of NCLB on the future of bilingual education in Texas. Angela Valenzuela, for example, expressed her concern:

It is apparent that neither leadership nor policies at the federal level truly seek the betterment of the Latino community. If they did, the highly compatible and indeed, necessary goals of biliteracy, bilingualism, and high academic achievement would constitute an explicit focus. Instead, we witness a 180 degree turn away from the language rights of either indigenous or minority communities. This abandonment at the federal level is itself enshrined in the Office of English Language Acquisition (OELA) where measuring each student’s progress in learning English is its explicit focus. . . . with its near-exclusive focus on children’s rapid acquisition of the English language, Latinos’ rights to biliteracy in their own native, U.S. tongues are scarcely a blip on the OELA screen. (Valenzuela & Jaramillo, 2005, p. 9)

Andrea Greimel, a bilingual educator and Secretary of the San Antonio Area Association for Bilingual Education, testified in 2004 at a hearing on NCLB sponsored by the Public Education Network:

NCLB is running rough-shod over dual language programs. They are being replaced by early-exit transitional programs, which we all know are the worst thing that we can do for our language minority kids (Public Education Network, 2004).

A report on a subsequent Public Education Network hearing on NCLB in 2006 raised similar issues of concerns:

NCLB’s requirement that the test scores of English-language learners (ELLs) be included when rating school performance, are having unintended consequences for many of the 700,000 ELL students in Texas. Testing pressure, according to Elena Izquierdo, vice president of the Texas Association for Bilingual Education, is causing school districts “to implement very, very poor, hurry-up-and-learn-English classes.” (Public Education Network, 2006, p. 3)

Unlike California and Arizona, some Latino ELLs have the option of taking the state test, the Texas Assessment of Knowledge and Skills (TAKS), in Spanish. However, the Spanish TAKS is only available in grades 3-6, and after three years students must take the TAKS in English. And, of course, the Spanish TAKS is of no use for the over 37,000 ELLs in Texas who speak a language other than Spanish (Wright & Li, 2006). Nor is the Spanish TAKS a viable option for Latino ELLs who cannot read or write in Spanish, either due to limited educational opportunities in their home country, or placement in English-only programs in the United States.

Despite the allowance for Spanish TAKS testing, Latino ELLs still must be assessed annually on progress in learning English, and schools are held accountable for the results.
Unlike other states which use a single standardized English language proficiency test, Texas uses a combination of holistic observation measures for listening, speaking, reading and writing called the Texas Observation Protocols (TOP), and a standardized Reading Proficiency Test in English (RPTE). The TOP requires the systematic collection and analysis of several different types of data produced by the students (in English), and thus can be time consuming. The RPTE, like any standardized test, puts pressure on teachers to prepare students for it. This preparation creates a challenge, especially for bilingual teachers in classrooms where ELLs have not yet fully transitioned to English literacy instruction, but nonetheless are being assessed for English literacy.

In summary, despite Texas’ allowances for some testing in Spanish, it is limited to four grade levels (3-6), limited to three years or less, and is only a viable option for students with Spanish literacy skills who are participating in bilingual programs. Given these limitations, it is apparent that most ELLs take the TAKS in English. Because of a lack of tests in languages other than English or Spanish, few schools feel motivated to provide bilingual programs in languages other than Spanish. And even in schools with bilingual programs, there is still immense pressure to ensure that Latino ELLs learn English as quickly as possible given the demands of the TOP and the RPTE, and the limited number of years students can take the Spanish TAKS. Schools with the strongest bilingual programs—late exit developmental bilingual programs and dual language programs—are feeling the pressure to adopt weaker models, which transition ELLs to all English-instruction more quickly. Nothing in NCLB or state policy recognizes and rewards high levels of bilingual proficiency for students in English and their heritage languages; only proficiency and academic achievement in English really counts.

Given this new reality created by NCLB, there have been renewed calls from some state legislators and school board members to place limits and restrictions on bilingual education programs. At a recent school board meeting, one board member invited English-only advocates to come and testify to the state board on the “cutting-edge” technique of instructing ELLs through “sheltered English immersion” (Lacoste-Caputo, 2006). While advocates for bilingual education were successful in countering the claims of the English-only instruction advocates (Elliott, 2006), it is clear that this issue will not be resolved soon in Texas.

Implications for the Future of HL Programs in the United States

Soon after September 11, 2001, the National Security Education Program held a National Briefing on Language and National Security, where speakers from a variety of federal agencies spoke of their unmet language needs and described the urgency to increase the country’s foreign language expertise (National Security Education Program [NSEP], 2002). Richard Brecht, Director of the National Foreign Language Center, echoed the common theme throughout the briefing, “we need more linguists in more languages at higher levels of proficiency than ever before” (NSEP, p. 19). At this same hearing, a staff member from the U.S. Department of State who recruits translators for the government, expressed her frustrations with trying to recruit heritage speakers:
I think that as I look back on the last 30 years of testing interpreter candidates, it’s very clear to me that the attempt made in our private and public schools to annihilate any knowledge of the language spoken at home has been very successful, and I think we’ve got to overcome that. (NSEP, p. 29)

Unfortunately, as the evidence above demonstrates, policies such as NCLB and English-only instruction initiatives are a giant leap backwards in addressing this national need.

In all of the cases described above—the Khmer bilingual program in southern California, the Khmer after-school program in Central California, the foreign-language classes for native speakers at the secondary level, the Spanish bilingual programs and Native American immersion programs in Arizona, and the Spanish bilingual programs in Texas—a common pattern is observed, namely, that good HL programs have been eliminated or weakened, and weak programs have been made even worse.

To sum up, NCLB’s heavy emphasis on high-stakes testing and rapid English learning leaves few incentives for schools to offer quality HL programs. State English-only instruction initiatives make the situation more difficult. Given that most ELLs are expected to pass their state tests in English, and given the threats of failing school labels and sanctions, district and school administrators have made raising test scores their top priority. Some administrators view their HL programs as a source of the problem, as they divert time and resources away from English, test-preparation, remedial coursework, and/or extra tutoring, which they believe is essential in order for students to pass the tests in English.

Despite this pressure and these beliefs, there is no research evidence that shows eliminating HL programs increases academic achievement, or even helps ELLs to learn English faster. With many bilingual programs eliminated in states like California and Arizona, the burden of proof is now on English-only instructional models. To date, the results are not very impressive. In the Wright and Pu (2005) study we found that in Arizona, following the elimination of most bilingual programs, the overwhelming majority of 3rd grade ELLs still fail the state’s high-stakes test, and reading and math test scores actually declined between 2003 and 2004. Furthermore, Mahoney, Thompson and MacSwan (2004, 2005) in an analysis of English language proficiency test data, found no evidence that ELLs in Arizona are learning English any faster as a result of Proposition 203. In California, despite claims by Ron Unz that the elimination of bilingual programs raised ELL test scores (Steinberg, 2000), subsequent analyses of California data from several different researchers have all drawn the same conclusion—these increases cannot be attributed to Proposition 227 (American Institutes for Research & WestEd, 2006; Butler et al., 2000; Thompson et al., 2002). Furthermore, as in Arizona, research on California has shown that the emphasis on English-only instruction has not resulted in ELLs learning English more quickly (American Institutes for Research & WestEd, 2006; Hill, 2004, 2006).
In contrast, a number of schools have worked diligently to develop and preserve quality HL programs, even within the context of NCLB and English-only initiatives (Combs et al., 2005; de Jong et al., 2005; Freeman, 2004; Little & McCarty, 2006; Program Evaluation Unit, 2000). These programs provide evidence that academic achievement and HL development are not mutually exclusive goals. Little and McCarty (2006), for example, in their case studies of effective HL immersion programs for Native American students, found that, “these cases are significant because they show heritage-language immersion to be superior to English-only instruction even for students who enter school with limited proficiency in the heritage language” (p. i). Another significant finding of their study is that “time spent learning a heritage/community language is not time lost in developing English, while the absence of sustained heritage-language instruction contributes significantly to heritage-language loss” (p. iii). Unfortunately, they note that these successes are being threatened by NCLB.

Substantial changes to NCLB are needed if the country is serious about addressing the significant shortage of citizens who can speak the world’s languages with high levels of proficiency. Some simple changes could include exempting ELLs from state tests until they have enough English proficiency to be able to reasonably participate in them (Wright, 2005a). Such exemptions would free schools from the pressures associated with high-stakes testing to enable the implementation of high-quality bilingual programs that not only ensure ELLs learn English well, but also develop and maintain proficiency in their heritage languages. NCLB needs to include the same recognitions of the individual and societal values of bilingualism as appeared in the former Bilingual Education Act, and there needs to be a substantial federal commitment to encouraging and supporting programs based on these principles. Schools should be held accountable—and rewarded—for helping students become bilingual or multilingual citizens rather than monolingual English speakers. With such policies in place, schools would begin to view the heritage language of students as a resource to develop, rather than as a problem to be overcome (Ruiz, 1984).

Notes
1. The terms limited English proficient (LEP) and English language learner (ELL) are used interchangeably throughout this manuscript. I prefer the ELL term, but use LEP when quoting and discussing policies where this is the official designation.

2. Alamitmos did get enough waivers for a few Spanish DLP classrooms. However, these teachers ended up abandoning the program soon after it started, for many of the same reasons Walnut abandoned its DLP program (see below).(back)

3. Subsequent changes to NCLB allow newly-arrived ELLs to be excluded from the state reading test during their first year of enrollment. However, the state English-language proficiency test is used as a substitute, and students must still take the state math test, even if they literally walk in the door on the day of the test. In Arizona, it is unclear if ELLs are afforded the exemption from the reading test as Proposition 203 requires full participation on a norm-referenced test (in English) each year, with no exemptions
allowed. Arizona now has a single state test for grades 3-8 and high school, which combines norm-referenced testing with the state's standards-based test required under NCLB. Thus Proposition 203 takes away the exemption allowed under NCLB.

4. Some of the quotes that follow are from the data collected during the Wright and Choi (2006) study, but those quotes do not appear in the published article and thus appear here for the first time.

References


