

English First Foundation Issue Brief

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**FALLACIES OF BILINGUAL
EDUCATION ADVOCATES**

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Executive Summary

Bilingual education programs have failed to teach children English or reduce dropout rates among Hispanic young people. Given that bilingual education was sold to Congress as a program which would accomplish both of those goals, supporters of bilingual education have a choice. They can admit bilingual education programs have failed and watch legislative bodies terminate the programs. Or they can change the subject.

This paper utilizes a framework in which actual, documented arguments in favor of bilingual education are categorized within nine possible errors common to inadequate program evaluation:

Flaw 1: Assigning general need assessment to committed advocates of a particular approach or method. ('Let's see what sport Mark McGwire prefers.')

Bilingual education advocates argue that they alone know what is best for children. Given that these advocates often reap financial benefits from bilingual education, their recommendations are hardly disinterested.

Flaw 2: Underdescribing the desired outcome. ('I'm not sure what I want, but I'll know it when I see it.')

Is bilingual education supposed to teach children English or to ensure that children remain isolated in a linguistic ghetto while they are indoctrinated in the language and culture of their ancestors? Bilingual education advocates avoid the issue of English competence precisely because these programs have been proven failures at teaching English.

Flaw 3: Failure to develop or make explicit the means by which the technique can meet the need. ('Trust me, that elephant will stop the moment he hits this butterfly net.')

Bilingual education is based on the theory that language arts and subject matter learning transfers across languages. The transfer theory remains controversial and there is good reason to suspect that subject matter learning does not transfer.

Flaw 4: Technique-driven programming. ('If you only have a hammer, everything looks like a nail.')

Bilingual education advocates consider their programs the solution for every student's language problem. The idea that a child who arrives at school with low English skills needs an English class is anathema. Common sense is not their strong suit.

Flaw 5: Failure to reduce overarching goals and objectives to an operationally meaningful and specific level. ('If we just sail west, we have to hit India.')

Bilingual education advocates devote far more energy to explaining away their failures than they do to fixing the programs which produce the failures. While some folks think low achievement test scores indicate a failed program, bilingual education advocates believe low student achievement test scores demonstrate that the achievement test is flawed.

Flaw 6: Failure to define critical mass. ('If two of my neighbors like this, the world can't be far behind.')

The mainstays of most favorable research on bilingual education are a small number of researchers and a handful of success stories. A program supported by three people which may have worked once or twice is not a proven success.

Flaw 7: Financial supply-driven program design. ('Funny how the need works out to exactly what we want to spend.')

Would bilingual education programs continue if there was not so much money involved? Way back in 1977, Congressman George Miller (D-CA) thought kids were kept in bilingual education programs precisely because schools received more money for these students.

Flaw 8: Failure to establish success and performance measures, or to use them to document progress. ('Nothing truly worthy of our investment can be measured.')

Hispanic dropout rates are still high, despite three decades of bilingual education. How bilingual education advocates explain why the problem continues. (Hint: bilingual education is blameless.)

Flaw 9: Non-rigorous evaluation. ('If beans are three cents a pound, how many pancakes does it take to shingle a doghouse?')

When all else fails, change the subject. Bilingual education advocates credit their programs with every success, but blame children, parents and schools for every failure.

Questions or comments may be sent to

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Bilingual education debates are remarkably predictable. These debates tend to be predictable. In fact, they are not really ‘debates.’ Instead, both sides talk past each other and fail to engage in a serious discussion of the merits of bilingual education programs.

In the course of preparing to debate this issue at Columbia University as part of its “Chicana/o Awareness Week” in 1999, I undertook to research exactly why advocates of bilingual education made the arguments they did. Many of these folks were smart people with advanced degrees. Yet presentations on the continued failure of bilingual education programs met with deaf ears.

During the previous year, 1998, the material for a case study of its own occurred during the debate in California over Proposition 227, a ballot proposition written by Ron Unz and supported by his group, English for the Children. Despite being outspent, the Unz initiative passed in June of that year.

Curiously, during the statewide debate on the issue, bilingual education supporters were actually told “DO NOT get into a discussion defending bilingual education.”¹ Perhaps this was a way to avoid what bilingual education supporters consider a complicated argument during a heated campaign.

Generally the argument that an issue is complicated is a nicer way of saying the evidence in favor of this position is lacking entirely. Generally, if there is evidence in favor of one’s position, one does not avoid mentioning it. Rather, one shouts it from the rooftops.

In an attempt to dissect the logic underlying the arguments actually made by supporters of bilingual education, it is essential to compare some common errors of scholarship² with the actual words of bilingual education advocates. In this way, the non-specialist will be able to clearly understand how bilingual education programs continue to engender support even as there are many studies which prove bilingual education has failed to teach children English.

Flaw 1: Assigning general need assessment to committed advocates of a particular approach or method. (‘Let’s see what sport Mark McGwire prefers.’)

Mark McGwire is a professional baseball player who holds the single season record for home runs. Achievement of this kind does not just happen. McGwire has devoted his life to playing and studying the sport of baseball. Given a list of potential favorite sports, would anyone be surprised if Mr. McGuire’s favorite turned out to be “baseball”?

¹Citizens for an Educated America, “Talking Points Against 227,” [http://www.noonunz.org/points/points.html], cited by Crawford, “The Campaign Against Proposition 227: A Post Mortem,” *Bilingual Research Journal*, Winter, 1998.

²These errors are taken from a longer list, “The 13 Deadly Sins of Scholarship/Fellowship,” *Trust*, Fall, 1998, at 16-17.

Yet bilingual education advocates ignore the issues of personal investment and vested interest when they ask their fellow bilingual education specialists to determine the worth of bilingual education. Such people will be loathe to denigrate their expensive educational investment as well as their choice of profession.³ Neither are they given to later introspection on the flaws of their discipline. For them bilingual education is a matter of pure faith:

We knew that native languages in schooling can give English learners greater access to content knowledge and to their own prior knowledge and experiences, offer opportunities for social and academic interaction, and support the development of their English language skills as well as their self-esteem. (Emphasis added)⁴

Kenji Hakuta is a regular source for pro-bilingual education materials. His 1986 book, *Mirror of Language: The Debate on Bilingualism*, remains a source book for advocates. His book contains a dedication to three people for permission to discuss their work. One of those people is Aida Comulada, who turns out to have good reason not to listen to any arguments against bilingual education:

As the principal of a school that has a bilingual program, Aida [Comulada] is constantly in the position of defending the program. And her previous experience has given her ample practice in advocating bilingual education. As Supervisor of the Bilingual Program for the New Haven school district . . . and as President of the Connecticut Association for Bilingual and Bicultural education, she heard just about every accusation about the program . . . Although these arguments are not supported by research, they pointed to the cold realities of an environment hostile to bilingual education.⁵

Another advocate of bilingual education is the journalist James Crawford, whose work is a major resource for both advocates and critics. He too has said that only those who have made bilingual education their profession can properly understand it:

There is widespread public ignorance about second-language acquisition and about programs for English learners. Conversely, this is the major

³Dr. Rosalie Pedalino Porter is an exception. Dr. Porter spent ten years as coordinator of Bilingual and English as a Second Language Programs in Newton (MA) public schools. She is now a vigorous opponent of bilingual education, serves as chairman of the board of READ (Research in English Acquisition and Development) and is the author of the book, FORKED TONGUE (1996).

⁴Tamara Lucas and Anne Katz, "Reframing the Debate: The Roles of Native Languages in English-Only Programs for Language Minority Students TESOL QUARTERLY Vol. 28, No. 3, Autumn 1994, at 537-561 [<http://www.ncbe.gwu.edu/miscpubs/tesol/tesolquarterly/lucas.htm>].

⁵HAKUTA, MIRROR OF LANGUAGE (1986) at 7-8.

disadvantage for the advocates of bilingual education. Virtually nobody outside the field understands it.⁶

The *Los Angeles Times* made note of the remarks of another bilingual education advocate who spoke against Proposition 227:

At a rally attended by more than 1,000 educators, Santiago Wood, superintendent of Alum Rock School District in San Jose, exhorted listeners to defend their bilingual programs. He likened their critics to passengers who critique the operation of a jet--in the process displaying a 'we know best' defiance.

"I dare any of us who have flown in an airplane to try to tell a pilot how to fly that plane," Wood said. "This is my business. This is my field."⁷

Unfortunately for this line of argument, the claim that experts know best runs aground on the established facts (discussed below) that bilingual education programs have failed and are continuing to fail to teach children English. This leads the general public to justifiable suspicion about the motives of bilingual education advocates, a suspicion bemoaned by Mr. Crawford at a post-mortem discussion on Proposition 227:

[T]he motives of bilingual educators – people who have actually dedicated their careers to serving children – were constantly under attack as corrupt and self-serving. Their field was portrayed as an entrenched bureaucracy, an "industry" seeking to protect its financial stake rather than to improve schools, as an obstacle to reform, as a lobby for "failed" programs . . . Then, when the real experts, the applied linguists who have studied these questions for many years, said you can't expect kids to learn a second language for academic purposes in one year, their message was treated as just another opinion. And a controversial one at that.⁸

Other advocates, rather than defend bilingual education programs, prefer to impugn the motives of others, especially those of their fellow teachers who oppose bilingual education:

In education, the situation is exacerbated by the implications that bilingual education holds for employment opportunities. If skills in a non-English language become a prerequisite for employment or advancement in the teaching profession,

⁶Crawford, *Life in a Politicized Climate: What Role for Educational Researchers?* Linguistic Minority Research Institute Conference on the Schooling of English Language Learners in the Post 227 Era Sacramento, California May 14, 1999 [http://ourworld.compuserve.com/homepages/JWCRAWFORD/LMRI.htm].

⁷"Bilingual Classes a Knotty Issue Dispute," *Los Angeles Times*, May 18, 1998.

⁸Crawford, "The Bilingual Education Story: Why Can't the News Media Get It Right?" June 26, 1998 [http://ourworld.compuserve.com/homepages/JWCRAWFORD/NAHJ.htm].

opposition to bilingual education is likely to come from those who do not speak, and do not wish to learn, the Spanish language.⁹

The issue of self-interest is difficult to disaggregate from other possible motives for bilingual education advocates simply because people with a gift for languages tend to major in language issues and then seek employment in their field.¹⁰ In a nation as vast as the United States, the need to learn languages other than English is not as pressing as it is in officially bilingual Canada¹¹ or in one of the many nations of Europe. Accordingly in the absence of mandatory bilingual education programs in the United States, the supply of prospective language teachers will far exceed the demand for them.¹²

Flaw 2: Underdescribing the desired outcome. ('I'm not sure what I want, but I'll know it when I see it.')

But are the (children) who are enrolled in the (bilingual education) program itself today benefiting from it or not benefiting from it because if they are

⁹ Josue M. Gonzalez, *Hispanics, Bilingual Education and Desegregation: A Review of the Major Issues and Policy Directions*, U.S. Commission on Civil Rights, January, 1982, at IV-23.

¹⁰ The notion that 'what I want to do everyone else must do' is not unique to advocates of bilingual education. However: "[Bilingual education] policy needs to make non-English language use and development important for everyone for community, professional, and commercial purposes" (emphasis in original). "Interview with Joshua A. Fishman," Diversity Web Page, California Department of Education, July 8, 1984, [<http://165.74.253.64/iasa/fishman.html>].

¹¹ "I want to tell the member that by 1997 anybody aspiring to the lieutenant-colonel rank of the military will have to be bilingual. That means we are putting on notice anglophones who want to be generals or chiefs of staff that they have to be totally and absolutely bilingual." House of Commons Debates, vol. 133, 35th Parliament, 1st Session, Feb. 25, 1994 (statement of David Collenette).

¹² The numbers demonstrate the problem. "Most foreign language study takes place in Grades 9-12, where over a third of the students study a foreign language. Spanish is the most popular language, studied by about 28% of all secondary school students, followed by French with 11%, and German with 3%. At the primary level, over 6% of the students study foreign languages, again with Spanish leading the list at 4.5% followed by French with 1.5%, and German and Japanese each with 0.2% of enrollments." Nadine Dutcher, *Overview of Foreign Language Education in the United States*, Center for Applied Linguistics, 1995, [<http://www.ncbe.gwu.edu/ncbepubs/resource/foreign.htm>]. Former U.S. Senator Paul Simon (D-IL), a strong supporter of bilingual education, admitted that language majors were generally not in high demand in the American labor market: "People with graduate degrees -- including Ph.D.'s -- sometimes cannot find employment that utilizes their language skills in a meaningful way." SIMON, THE TONGUE-TIED AMERICAN (1988) at 161.

not benefiting from it, then we are obviously wasting the money. So it is a critical point, it seems to me.¹³

Determining the goals of bilingual education is frankly impossible, since its advocates have been all over the map on this topic. When the subject is bilingual education, getting down to specifics is critical, especially since bilingual education advocates have been loathe to disclose specific information in understandable form.

The public tends to think bilingual education programs are a way to teach children English. Proponents of bilingual education have other ideas. In the words of professor Walter Secada:

Proponents of . . . bilingual-education programs [think they] should be evaluated against broadly construed standards of success: development of English and native language skills, development of dual-language literacy, academic achievement in either language, enhanced student self-concepts and understanding of other cultures, lowered drop-out rates, post-secondary education and employment, and other similar criteria.¹⁴

In other words, if a child could read only Spanish, the 'bilingual' program would be considered a success.

Often when I debate this issue, I mention that the Berlitz Spanish-language immersion program takes just 30 days, so why should bilingual education take three years or more? The Center for Applied Linguistics attacked this argument directly in 1995. Their suggested response is instructive:

Fact: There is a great difference between the conversational phrases taught by Berlitz and the high-level academic English needed to succeed in school, college, and high-skills job market. The conversational phrases taught at Berlitz and other short-term language programs permit the student to order food, make hotel reservations, or locate a train station. They do not claim to equip students with the ability to write a high school paper, for example, on the symbolism of the white whale in Herman Melville's *Moby Dick*, at the same level as a native English speaker.¹⁵

¹³ House Committee on Education and Labor, Subcommittee on Elementary, Secondary, and Vocational Education, Reauthorization of Expiring Federal Elementary and Secondary Education Programs: Bilingual Education, 100th Congress, 1st Session, March 24, 1987, at 27 (Inquiry of Rep. Augustus F. Hawkins).

¹⁴ Secada, "Research, Politics, and Bilingual Education," *ANNALS OF THE AMERICAN ACADEMY OF POLITICAL AND SOCIAL SCIENCE*, March 1990, at 81, 87.

¹⁵ Richard V. López, "Bilingual Education: Separating Fact From Fiction," *NABE Report*, National Association for Bilingual Education, September 18, 1995.

Whether bilingual education will equip students to write a term paper on *Moby Dick* in English is debatable at best. After all, there are bilingual education advocates who suggest such programs should not be expected to teach English at all:

The most significant thing about bilingual education is not that it promotes bilingualism -- it does not, as we shall soon see -- but rather that it gives some measure of official public status to the political struggle of language minorities, primarily Hispanics.¹⁶

Students who speak a language other than English deserve to be viewed as linguistic resources. . . . Building a positive self-concept in children and developing a healthy attitude toward schooling rests on valuing what the children bring with them from home -- including the non-English language.¹⁷

Bilingual-bicultural education should not be looked upon as a tool for assimilation, as another form of compensatory education, or as merely a bridge to learning the national language and culture. Likewise, the development of bilingual-bicultural skills should not be considered a process that must be terminated at a specific grade level. Instead, both should be viewed as a continuing social force that must be nourished to sophisticated level (sic) if we are to expect our students to become truly bilingual-bicultural individuals--functional in and appreciative of two cultures and languages . . . Minority groups are demonstrating a desire to have their languages and cultures become integral components of the total school curriculum, not only in grades one to twelve, but also on the college level.¹⁸

In fact, the position of the U.S. Department of Education's Office of Civil Rights has been that English should be the last thing considered in a bilingual classroom. OCR defined bilingual education back in 1975 (when it was still part of the Department of Health, Education and Welfare) as:

A program which utilizes the student's native language (example: Navajo) and cultural factors in instructing, maintaining and further developing all the

¹⁶ HAKUTA, *Id.*, note 5, at 191.

¹⁷ Gustavo Gonzalez and Lento F. Maez, "Advances in Research in Bilingual Education," *Directions in Language & Education* (National Clearinghouse for Bilingual Education), vol. 1, No. 5, Fall 1995 [<http://www.ncbe.gwu.edu/ncbepubs/directions/05.htm>].

¹⁸ Frederico M. Carrillo, *The Development of a Rationale and Model Program to Prepare Teachers for Bilingual-Bicultural Secondary School Programs*, R & E Research Associates, 1977, at 45.

necessary skills in the student's native language and culture while introducing, maintaining and developing all the necessary skills in the second language and culture (example: English). The end result is a student who can function, totally, in both cultures (emphasis added).¹⁹

This 'English last' approach to bilingual education continues today. Another well-known bilingual education advocate has even argued that the most essential thing the United States can do for refugee children is to indoctrinate them in the language of their former homeland and keep these children from assimilating:

Studies of these refugees' adaptation to life in the U.S. and success in school have emphasized the importance of a bicultural schooling context, integrating first language, culture, and community knowledge into the curriculum, as well as the importance of parents' maintenance of home language and cultural traditions.²⁰

Bilingual education advocates avoid discussing whether bilingual education actually teaches children English for good reason.

It turns out that this issue has been resolved since 1986, with the publication of the landmark study by Dr. Christine Rossell and J. Michael Ross, "Evaluations of Current Bilingual Programs."

Rossell and Ross asked if transitional bilingual education (TBE) actually 'worked.' Their definition of 'worked' took bilingual education advocates at their word that the goal of such programs was to maximize "the highest English language achievement of which that student is capable."²¹

Of the 35 sound studies in the field as of the time of their research, only eight found that transitional bilingual education helped students learn a second language quicker than those in submersion-type programs (do nothing, 'sink or swim' all-English environments) and just one found an improvement in math. As Rossell and Ross bluntly put it:

¹⁹ *Task Force Findings Specifying Remedies Available for Eliminating Past Educational Practices Ruled Unlawful Under Lau v. Nichols*, Office for Civil Rights, Department of Health, Education and Welfare, Summer 1975, at 21.

²⁰ Virginia P. Collier, "Acquiring a Second Language For School," *Directions in Language & Education*, National Clearinghouse for Bilingual Education Vol. 1, No. 4, 1995 [<http://www.ncbe.gwu.edu/ncbepubs/directions/04.htm>].

²¹ Christine H. Rossell and J. Michael Ross, "The Social Science Evidence on Bilingual Education," *Journal of Law and Education*, vol. 15, no. 4, 1986 at 386.

Altogether, seventy-one percent (of the studies) show TBE to be no different or worse than the supposedly discredited submersion technique . . . Altogether, ninety-three percent of the studies show it to be no different or worse than the supposedly discredited submersion technique in developing math proficiency.²²

Even more surprisingly:

Although the plaintiffs have been successful in arguing on a "common sense" basis that bilingual teachers are necessary for teaching limited-English-proficient students, the empirical research does not support this.²³

Rossell and Ross's findings would seem to indicate that those who have argued that bilingual education 'works' did not actually mean that it 'works' to increase the English language capabilities of non-English speakers:

Another technique used in research reviews to make transitional bilingual education appear to be superior is to include superior performance in Spanish language arts as one of the research findings demonstrating its superiority. Zappert and Cruz [*Bilingual Education: An Appraisal of Empirical Research*], also do this. Again, while we agree this is important, it is not the goal of government policy nor the stated object of the court decisions. If we examine the findings of the twelve studies reviewed by Zappert and Cruz for their effect on English language achievement, sixty-three percent of the findings show no difference between transitional bilingual achievement and doing nothing.²⁴

When they turned to the debate on bilingual education as conducted in the nation's courtrooms, Rossell and Ross discovered that federal judges in case after case were equally at a loss to find proof of the benefits of bilingual education, even as they were, in some cases, making it compulsory. In *Serna v. Portales Municipal Schools* (351 F. Supp at 1283) for example, the plaintiffs demanded a bilingual program to reduce the difference between the IQ test scores of Hispanic and Anglo children in the school district. Yet the lowest scores were found at the only school with a bilingual education program.²⁵ Despite this almost unavoidable evidence, the court ordered that the program be expanded to the entire school system.²⁶

²² *Id.* at 399-401.

²³ *Id.* at 409.

²⁴ *Id.* at 401-402.

²⁵ *Id.* at 389.

²⁶ *Id.*

Bilingual education advocates have had to resort to all sorts of intellectual gymnastics in order to attempt to justify the continuation of these programs. They redefine educational outcomes to include "attitudes" and measure academic performance in non-English languages.²⁷ They argue that judging bilingual education just on the basis of how well it helps non-English speakers assimilate into English speaking society is unfair.²⁸

They argue that the evidence in favor of other methods is lacking.²⁹ At the same time they argue that it is unfair to expect bilingual education to meet "unreasonably high standards" like demonstrated, regular effectiveness.³⁰ They then lower the standards bar considerably by arguing that bilingual education is better than nothing.³¹

Flaw 3: Failure to develop or make explicit the means by which the technique can meet the need. ('Trust me, that elephant will stop the moment he hits this butterfly net.')

Bilingual education advocates claim that the way to teach a child English is to first teach him Spanish. The technique, bilingual education, is based on the notion of "language transfer." This theory has been articulated by Steven Krashen:

Good bilingual programs have this effect because they supply subject matter knowledge in the students' primary language, which makes the English the students hear and read much more comprehensible. They also provide a rapid route to literacy: It is much easier to learn to read in a language one already understands, and once literacy is developed, it transfers rapidly to the second language.³²

Other supporters of bilingual education agree:

Using students' native languages in schooling can also help them develop English proficiency. Although it may appear contrary to common sense,

²⁷ For example, Ann Willig, "A Meta-Analysis of Selected Studies," as cited by Walter G. Secada, "Research Politics and Bilingual Education," *Id.*, note 14, at 93. Secada aligns himself with the Willig approach at 103, note 106.

²⁸ *Id.* at 90-91.

²⁹ *Id.* at 95.

³⁰ *Id.* at 97.

³¹ *Id.* at 99.

³² Stephen Krashen, "Bilingual Education and the Dropout Argument," *Discover* (National Clearinghouse for Bilingual Education), No. 4, July 1998, [<http://www.ncbe.gwu.edu/ncbepubs/discover/04dropout.htm>].

maintaining and developing one's native language does not interfere with the developing of L2 proficiency.³³

Bilingual education advocates are convinced that the phenomenon of language transfer exists. Unfortunately for them, they are not as certain how “language transfer” actually works. Advocates will even (sometimes) admit that “language transfer” has major problems:

The Center for Applied Linguistics . . . has acted on the conviction held by many linguists and specialists in language teaching that one of the major problems in the learning of a second language is the interference caused by the structural differences between the native language of the learner and the second language.³⁴

The Center for Applied Linguistics did not dwell on the issue, but there is also a good bit of evidence that when the first language learned is not English, the learned structures of that first language may actually interfere with the learning of English.³⁵ Dr. Robert Rossier, a former member of the U.S. Department of Education's National Advisory and Coordinating Council on Bilingual Education, has researched this question extensively.

He notes that the *Longman Dictionary of Applied Linguistics* defines "transfer" as: "(in learning theory) the carrying over of learned behavior from one situation to another," and "language transfer" as "the effect of one language on the language of the other."³⁶ The *Longman Dictionary*, Rossier notes, further defines "negative transfer" as

[T]he use of a native-language pattern or rule which leads to an error or inappropriate form in the target language. Positive transfer is transfer which makes learning easier, and may occur when both the native language and the target language have the same form."³⁷

Dr. Rossier notes that few words in any language have the same form and meaning as that same word in another language. These words, technically known as “cognates,” not only have

³³ *Id.*, note 4, at 537-56.

³⁴ Charles Ferguson, then-Director of the Center for Applied Linguistics, quoted in HAKUTA, note 5, at 116-117.

³⁵ The issue of linguistic nuance is beyond the scope of this paper. Yet nuance is often not apparent, even in context, which can lead to extraordinary translation errors. Debates over the meaning of simple English words consume hours of debate in courtrooms, legislative bodies and on television among lifelong English speakers.

³⁶ Dr. Robert Rossier, *Some Thoughts on the Theoretical Foundations of Bilingual Education*, (unpublished manuscript on file with the author) at 6.

³⁷ *Id.*

“limited value” to the second language learner because of their relatively small numbers, but “false cognates, words that are alike or similar in form but which have different meanings” exist as well.³⁸ “Other language features -- grammar, syntax, phonology -- are also subject to positive or negative transfer.”³⁹

One of the early arguments made for bilingual education for Spanish-speaking children was that Spanish is an easier language to learn to pronounce and read than is English. This ease of learning would, it was argued, allow Hispanic children to learn more quickly in subject matter courses. Dr. Rossier agrees:

Because of the extremely high sound-symbol correspondence in Spanish, children learning to read Spanish are taught to rely on a "one symbol-one sound" approach. This is particularly important with the Spanish vowels: five symbols, five sounds. In English, however, the phonology is different, the correspondence is much lower, and the vowel sounds vary according to stress patterns. There are other differences, too, which add to the conclusion that there would not be a great deal of positive transfer between these two languages but, instead, considerable negative transfer (interference)."⁴⁰

The child who is first taught (and taught in) Spanish who then confronts his first English lesson will have a difficult time. Spanish, English is a difficult puzzle. The words *way*, *weigh* and *wey* are all pronounced the same way but are spelled differently, while the words *though*, *thought*, *through*, and *thorough* are spelled almost the same way but are pronounced quite differently.

A highly motivated adult native Spanish speaker confronted with the English language tends to find it challenging. A child may just throw up his hands and use Spanish as long as possible. Those who argue that instruction for children from Spanish-speaking homes should begin in Spanish and only then turn to English in the name of better English competency ignore this real problem.

When the issue is language transfer from Chinese to English, the issue is not “negative transfer” but rather whether there is a realistic possibility of any transfer. Consider this description of the Chinese language from a person fluent in both tongues:

Chinese is a difficult language for any Westerner to master, with its four different tones giving different meanings to the same sound, a mind-boggling

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ *Id.* at 7.

number of synonyms and the meaning of each word, or written character, discerned only from the context in which it is used.⁴¹

There is also the question of whether subject matter knowledge learned in one language can be readily transferred to classes conducted in a second language. Subject matter transfer is an essential theoretical underlying bilingual education programs:

Time spent learning in well designed bilingual programs is learning time well spent. Knowledge and skills acquired in the native language — literacy in particular — are "transferable" to the second language.⁴²

Yet the question of subject matter transfer was open at best as early as 1975. The U.S. Commission on Civil Rights could blithely argue on one page of a 1975 report on the issue that, "once the child has learned to read in the native language, learning to read a second language should present no great problem because basic reading skills are transferable."⁴³

Yet, a mere eleven pages later, this same publication would rebut studies which showed that bilingual children did less well on achievement and IQ tests, by suggesting that knowledge was not really transferable: "verbal and reading skills achieved in one language do not reflect verbal and reading ability in another language."⁴⁴

Part of the reason for the difficulty is that subject matter concepts learned in one tongue may simply not translate at all into another tongue.⁴⁵ Consider the question of mathematics.

⁴¹ Seth Faison, "Not-so-Ancient Chinese Proverb: Glib Truisms Gloss Over Reality," *New York Times*, November 14, (The Week Section), at 7.

⁴² Crawford, "Ten Common Fallacies About Bilingual Education," *Digest for the ERIC Clearinghouse on Languages and Linguistics*, November 1998.

⁴³ United States Commission on Civil Rights, *A Better Chance to Learn: Bilingual-Bicultural Education*, publication no. 51, 1975, at 55.

⁴⁴ *Id.* at 66.

⁴⁵ Anti-official English activists will make this argument so long as the issue under discussion is not bilingual education, e.g. "Every language carries with it a particular history, culture, philosophy, and ultimately an ideology. . . . Progress and creativity depend on the confrontation of ideas, cultures, ideologies, etc. . . . Monolingualism tends to eliminate such necessary conflict," *The Threat of Monolingualism to the World Council of Churches* (1972), cited by HAKUTA, *Id.*, note 5 at 190-191; "Rosemary Christensen (Ojibwe) . . . suggested simultaneous translation at conferences to help demonstrate that some ideas cannot be voiced in English." Jon Reyhner, "Language Activists Panel Summary," *Stabilizing Indigenous Languages*, Center for Excellence in Education, Northern Arizona University (1996) [<http://www.ncbe.gwu.edu/miscpubs/stabilize/iii-families/activists.htm>].

Many people believe mathematics can be taught in any tongue. Yet a sentence in a defense of the famed Ramirez study (which endorsed all forms of bilingual education, especially late-exit bilingual education programs) stands out:

There is evidence in this study, for example, that changing the language of instruction abruptly, as happened in late-exit site G. is detrimental to students' learning, especially in mathematics.⁴⁶

The question begged here is why language transfer does not apply to students who have more years of bilingual (late-exit) instruction in mathematics. Bilingual education theory suggests that the more time spent learning in a child's first language will yield greater comprehension of subject matter in that child's second language. What happened?

Bilingual education experts have now decided that mathematics is not a universal language after all:

[I]t seems evident that the belief that inability or limited ability to speak English has a minimal effect on the learning of mathematics is actually a myth. Why is this myth so widely held? The chief justification given is that mathematics is a universal language, and, therefore an individual's knowledge of it is not tied to a particular cultural language. The following brief analysis of the universality of mathematics reveals a few interesting facts.

Secada (1983) and Norman (1988) demonstrated that numerals themselves are not universally the same. Arab or Asian students could easily have trouble translating numerals in their American classroom to meaningful numbers. For example, the numeral 70 will most likely be interpreted by an Arab student as a number other than seventy.

Even those countries which use Arabic numerals do not necessarily use the same written notation (Secada, 1983). To elaborate on this, 1,539 means one and five hundred thirty-nine one thousandths in the United States. However, in most of Europe and Latin America, 1,539 means one thousand five hundred thirty-nine. Why the large discrepancy? In these particular countries, the period (.) is used in numbers over 999 much as we use the comma(.). The comma is used to indicate decimals much as we use the period (Moeller & Leidloff, 1988).

Even the simple reading of a numeral comes into play. Recall the numeral 70 which was previously stated to have a strong chance of being interpreted differently by an Arab student than by an American student. . . . [A]n American teacher might expect that the confusion would result in the student internalizing the number 65, but in actuality, the student would probably be thinking of the

⁴⁶ Cazden, "Language Minority Education in the United States: Implications of the Ramirez Report," *Educational Practice Report*, National Center for Research on Cultural Diversity and Second Language Learning, 3, 1992, [<http://www.ncbe.gwu.edu/miscpubs/ncrcdsl/epr3/>].

number 56. Why? For the simple reason that Arabic readers, like Chinese readers, read from right to left (Secada, 1983). Obviously, this could cause a student difficulty in an American classroom.

Culture can also interfere in the learning of mathematical concepts in the classroom. One Native American culture does not have a concept for line (Lovett, 1980), and one South American culture does not have a concept for such numbers as 4 and 5. Instead they have conceptualized numbers 1, 2, and many, and the Hmong culture does not have a concept for fractions (Kimball, 1990). These instances demonstrate how culture can interfere with the learning of mathematical concepts.⁴⁷

This identical issue arose during a 1983 Congressional hearing on the Foreign Language Assistance for National Security Act. There a bilingual education expert waxed eloquently about how bilingualism helped a person comprehend mathematical theory more fully precisely because the student had to learn each concept twice:

[I]t enhances it [the learning process] because the concepts, the concept, if I may give you an example, the word in mathematics that we use a great deal, sets, in Spanish, its Spanish counterpart has no similarity at first.

The word is *cojunto*. As the children progress in mathematics through the elementary school curriculum, the repetition of this basic terminology in math, in Spanish and in English, kind of meshes together. And so, the children have a greater understanding, greater depth perception in these very, very vital areas.⁴⁸

Now for a child who is linguistically inclined,⁴⁹ or a budding mathematical theorist, this sort of understanding is a great help to him. But most children in the Spanish mathematics class (or the English-language version for that matter) are unlikely to choose careers demanding deep

⁴⁷ Jeanne Ramirez, Corpus Mather; John J. Chiodo, "A Mathematical Problem: How Do We Teach Mathematics to LEP Elementary Students?," *The Journal of Educational Issues of Language Minority Students*, vol. 13, at 1-12, Spring 1994 [<http://www.ncbe.gwu.edu/miscpubs/jeilms/vol13/math13.htm>].

⁴⁸ House Committee on Education and Labor, Subcommittee on Elementary, Secondary, and Vocational Education, *Foreign Language Assistance for National Security Act*, 98th Congress, 1st Session, May 9, 1983, at 31.

⁴⁹ When the question is the effectiveness of English immersion, it is bilingual education advocates who are quick to note that not all children are equally gifted as language learners, e.g. "Actually what these studies show is that it is possible for some children to acquire a second language rapidly. But it does not follow that this finding can be extended to all children. . . . Policy must take into consideration the incidence of children who do not acquire a second language easily." HAKUTA, *Id.*, note 5, at 216.

concern with mathematical theory. The children who learn their set theory first in Spanish and later in English will have heard *cojunto* well before the term *set*. They will be mentally retranslating *set* into *cojunto*-equivalents such as “group” or “ensemble” for the rest of their years in math class.

Retranslation will be done quickly by some students. Others will not be so fortunate. And the longer children are in bilingual classes, the more likely they will have to relearn great swaths of technical vocabulary. Imagine having to relearn subjects like geometry or some of the more mathematically oriented social sciences like economics almost from the beginning just because the language and terminology are different.

Bilingual education may harm children in another, more insidious way. If a child knows neither English nor another language, bilingual education theory requires him to be taught English only after he first learns another, and to him almost equally foreign, language.

There is also the issue of language variation. There is no one form of Spanish, Chinese or English. The Department of Spanish at the University of California at Davis was embroiled in a dispute over which Spanish should be taught to Spanish speakers enrolled there: “[P]owers in the department had `an unjustified attitude that Castilian Spanish is the preferred regional variety'. . . and that Chicano pronunciation and usage are unacceptable.”⁵⁰

The Edgewood, Texas, bilingual education program was sued on precisely these grounds. Its Spanish classes taught traditional Spanish instead of the Spanish of the various neighborhoods in town, which plaintiffs claimed, was different from either proper Spanish or from the Spanish in other neighborhoods.⁵¹

Flaw 4: Technique-driven programming. (‘If you only have a hammer, everything looks like a nail.’)

Bilingual education is a program that continues to search for reasons to justify its continuation. Advocates of the program consider it the solution to any language issue in the nation’s schools.

A reasonable person might think that if a five-year-old child comes to school and speaks neither English nor another language well, the thing to do is to teach that child to speak proper English. One might also think that if a child doesn’t have a long history of education in another language, it certainly should not take long to get him into an all-English classroom. These notions though are considered merely the naive views of ignorant laymen by bilingual education advocates:

⁵⁰ Schrag, “Department of Spanglish?,” *Sacramento Bee*, March 28, 1990.

⁵¹ Denis P. Doyle, *Bilingual Education in the Private Sector*, American Enterprise Institute, 1983, note 18.

[A] majority of the recent immigrants come to this country with little skills, and because of their lack of formal education in their country, they do not have an adequate command of their primary language which is Spanish. In many such instances, these families come to our Los Angeles county schools faced with the double jeopardy in that they must now learn how to first speak Spanish correctly before they begin the transition into mainstream English courses, which may take four or more years.⁵²

A child at the age of five years, even if he speaks Spanish, does not have much of a vocabulary. He certainly does not have a knowledge of grammar, which is an important basic part of any language structure in learning and going beyond, or going up to certain levels.⁵³

In addition, notes the American University linguist William Leap, many Native American children speak a hybrid version of English that incorporates the native language -- an evolved form of communication he calls an "Indian English" code. 'You find these kids floating between two nonstandard languages,' explains Dick Littlebear, president of the Montana Association for Bilingual Education, "a population growing up without a linguistic home. They haven't had the basis to develop reasoning skills."⁵⁴

In fact, since to these people bilingual education is the correct way to empower immigrants who do not speak English, any arguments to the contrary are dismissed as so much racism. From 1986-1987, the Modern Language Association, the Linguistic Society of America, the National Council of Teachers of English, the National Association for Bilingual Education and the organization for Teachers of English to Speakers of Other Languages all passed resolutions condemning the movement to make English the official language of our country.⁵⁵

⁵² House Committee on Education and Labor, *Oversight Hearing on the Educational, Literacy and Social Needs of the Hispanic Community*, 100th Congress, 1st Session, March 20, 1987, at 25.

⁵³ *Id.* at 36.

⁵⁴ "The High Cost of Endurance" (A Special Report on the Education of Native Americans), *Education Week*, August 2, 1989, at 3.

⁵⁵ The Modern Language Association and the Linguistic Society of America condemned English first legislation as "based on misconceptions about the role of a common language in establishing political unity" (December 29, 1986). The National Association for Bilingual Education's resolution opposed "any legislation -- federal, state, or local-- which restricts the civil rights, civil liberties, or life opportunities of language-minority Americans," particularly constitutional amendments. Nancy H. Hornberger, "Bilingual Education and English-Only: A Language Planning Framework," *ANNALS, Id.*, note 14, at 13, note 3. The ability of well-paid teachers, whose economic self-interest is at stake, to characterize as bigoted efforts to give non-English speakers the broadest possible opportunity in an English-speaking society by encouraging them to learn English is truly astounding. ö

Yet the racist label they hurl about with such abandon might more properly belong on their position. Consider the remarks of the principal of New York City Spanish-English bilingual school, Sidney Morison: "English, as a majority language, is acquired naturally by children living in the United States. Spanish, on the other hand, has to be nurtured, developed and protected."⁵⁶

What future will these children have in English-speaking American society once they have missed their best chance to learn English? Treating human beings as so many linguistic redwood trees is a grave mistake for our nation's future.

Advocates take this position even when the children in their classrooms want to learn English, as the *Los Angeles Times* reported:

Opponents of bilingual education point to places like Santa Barbara's Adams Elementary School.

Half of the students have limited English skills; half receive subsidized meals; and a tiny fraction each year achieve English fluency.

Latino children in Santa Barbara have for years been routinely placed in bilingual classes even though 90% were born in this country, most right at the city's Cottage Hospital. In Adams' kindergarten class this year, only two of the children with limited English skills were born outside the United States.

In her bright, airy bilingual kindergarten classroom, Sela Viscarra was teaching upper- and lowercase letters.

"*D mayuscula, d minuscula,*" chanted the children surrounding her feet. N was the letter of the day, so it got special treatment, with the chant leading to flash cards of N-words for which no English translation was provided, though they all began with N in English as well--*numeros* (numbers), *nariz* (nose), *nido* (nest), *nueces* (nuts).

One kindergartner finishing an art project at her desk interrupted.

"Teacher, I don't know how to do this," she said in clear English. The response came in Spanish.

⁵⁶ Sidney H. Morison, "A Spanish-English Dual-Language Program in New York City," *ANNALS, Id.*, note 14, at 166.

Viscarra was not being stubborn; she was adhering to the educational theory that switching from one language to the other confuses students. She would teach in English on other days, but this day's plan called for Spanish.⁵⁷

Flaw 5: Failure to reduce overarching goals and objectives to an operationally meaningful and specific level. ('If we just sail west, we have to hit India.')

Given that the goals of bilingual education advocates tend to be amorphously defined and the results of the programs generally poor, one might wonder how advocates continue to avoid specific reforms. One of their major excuses is that bilingual education programs just don't go on long enough:

Another study of studies (Collier, 1992) concludes that the greater the amount of first language instructional support, combined with balanced second-language support, the higher the second language academic achievement in each succeeding academic year, when compared with matched groups schooled monolingually in the second language. Studies of language minority students schooled in bilingual education programs for more than three years demonstrate that such students outperform their comparison group and begin to reduce the distance between their performance and norm-group performance. Monolingually-schooled children appear to do well in the early grades, but the gains are reduced as they reach the upper elementary and secondary grades. The test scores reported are for English reading and English math, as these are the most commonly-reported scores across all studies (emphasis added).⁵⁸

The notion that more bilingual education is better than less bilingual education is the latest argument made by bilingual education advocates. They point with pride to new 'studies' of late-exit bilingual education programs.

Research over the past two decades has determined that, despite appearances, it takes children a long time to attain full proficiency in a second language. Often, they are quick to learn the conversational English used on the playground, but normally they need several years to acquire the cognitively demanding, decontextualized language used for academic pursuits.⁵⁹

⁵⁷ "Bilingual Classes a Knotty Issue," *Los Angeles Times*, May 18, 1998.

⁵⁸ Gonzalez & Maez, *Id.*, note 17.

⁵⁹ Crawford, "Ten Common Fallacies," *Id.*, note 42. It is worth noting that if a late-exit program fails a child, he or she has much less time for remedial education. "Late-exit" bilingual education programs will have fewer failures precisely because the children involved have fewer chances to be identified as failing prior to their turning 18.

However there are other factors which suggest that the benefits these advocates find in late-exit programs are more a product of motivated teachers, concerned parents and traditional education methods, three basics which would make any education program more effective:

There is one other clue to a possible factor influencing the success of the children in the late-exit program. Late-exit teachers report assigning more homework (Vol. I, p. 224).⁶⁰

One would think that “bilingual” teachers would in fact be fluent in both English and Spanish. It turns out that in many bilingual programs, this is not the case:

Moreover, the late-exit teachers were more proficient in Spanish than the other teachers, and were as proficient as the others in English.⁶¹

It was not until 1994 that federal bilingual education programs required that any bilingual education teacher be fluent in English, and then the requirement applied as few as one teacher in the program. This emphasis on fluency in every language save English led the Houston Independent School District to import illegal aliens from Mexico, give them a test in Spanish and then send these ‘bilingual’ teachers off to a classroom.⁶²

There remains a problem with late-exit bilingual education advocates may not wish to face. Late-exit programs keep children in bilingual programs who could benefit more from an all-English curriculum. The difference in practice between a Spanish-language maintenance program and a late-exit Spanish bilingual program is small indeed.

Of most serious concern to me was that HEW's bilingual program had become captive of the professional Hispanic and other ethnic groups, with their understandably emotional but often exaggerated political rhetoric of biculturalism. As a result, too little attention was paid to teaching children English, and far too many children were kept in bilingual classes long after they had acquired the necessary proficiency to be taught in English. Due in part to the misguided

⁶⁰ Cazden, *Id.*, note 46.

⁶¹ *Id.*

⁶² “Bilingual Certification Under Inquiry in Houston,” *Education Week*, vol XIII, no. 28, April 6, 1994 at 1, 10. The question of testing teachers remains extremely controversial in both the pro-bilingual education community and among some education activists: “[W]e need to ask whether calls for more testing of teachers are part of a broader pattern of blaming teachers and schools for failed economic and social policies over which they have no control,” Michael Apple, “Why Assess Teachers?,” *Rethinking Schools*, vol. 13, no. 4, Summer 1999 [http://www.rethinkingschools.org/Archives/13_04/assess.htm].

administration of bilingual programs, 40 percent of students whose first language is Spanish dropped out of school before earning a high school diploma.⁶³

Flaw 6: Failure to define critical mass. ('If two of my neighbors like this, the world can't be far behind.')

Bilingual education research masquerades as disinterested scientific inquiry but studies which support bilingual education cite the same advocates in every bibliography. Each of these people believes bilingual education to be effective. Thus James Cummins quotes Kenji Hakuta who quotes Virginia Collier. Sometimes each of these advocates issues a new study which cites much of his or her previous work as supporting documentation.⁶⁴

In this way, the academic literature on bilingual education and the more popularized texts used to explain the issue are generally the products of a closed shop -- a veritable herd of independent minds.

Studies in favor of bilingual education tend to use the same handful of examples as well. The first major implementation of bilingual education was a Ford Foundation-sponsored project in Coral Gables Elementary School in Florida's Dade County.⁶⁵ To this day, Coral Gables is referred to as a model bilingual education program. A few such 'successful' programs at any given time are cited as proof that every bilingual education program is successful or at least has the potential for success.⁶⁶

⁶³ CALIFANO, *GOVERNING AMERICA* (1981) at 312-313.

⁶⁴ See Hakuta, "Bilingualism and Bilingual Education: A Research Perspective," *NCBE Focus* (National Clearinghouse for Bilingual Education), Number 1, Spring, 1990 [40 references listed, five to other works by Hakuta, two to papers by Jim Cummins, one to Stephen Krashen]; Krashen, "Bilingual Education: A Focus on Current Research" *NCBE Focus*, Number 3, Spring 1991 [46 references listed, six to other works by Krashen, two to works by Jim Cummins, one to Hakuta], Thomas and Collier, "School Effectiveness for Language Minority Students, National Clearinghouse for Bilingual Education, December, 1997 [71 total references listed, seven to other works by Collier, two to works by Thomas and Collier, one to Thomas, five to works by Jim Cummins, two to works by Hakuta].

⁶⁵ It is of interest that the head of this project was the former director of English Programs in Puerto Rico and the person who wrote the curriculum had worked in Puerto Rico as an ESL specialist (HAKUTA, *Id.*, note 5, at 194). Puerto Rico's schools were not known then and are not known now for producing students fluent in English: "[T]est scores last year indicat[ed] that 90 percent of the island's 650,000 public school students lack basic English skills by the time they graduate from high school." "Puerto Rico Teachers Resist Teaching in English," *New York Times*, May 16, 1997, at A12.

⁶⁶ As this study was being concluded, I attended a Heritage Foundation briefing on education issues and raised the question of ineffective bilingual education programs. A representative from the Brookings Institution on the panel referred to yet another new study, which he said found bilingual education effective, but even he admitted the sample size was small. Bilingual

However, any education program can work *somewhere* so long as that school and its community are entirely in support of the program. It is for this reason that the issue of repeatability, so important in the hard sciences, becomes moot when the question is on the merits of a particular education program. Neither students nor teachers nor communities nor schools are identical. The chance to have an experimental versus a control group is unlikely.⁶⁷

Some advocates even admit this point:

Modern research on bilingual education is mixed. It's difficult to control for background factors, so no study is conclusive. Bilingual advocates point to case studies in Calexico, Rock Point (Arizona), Santa Fe, New Haven and elsewhere, showing children advance farther when transition to English is slow.⁶⁸

Not only do bilingual education advocates use a quite narrow set of examples to prove bilingual education “works,” they couple this narrow data set with a quite expansive view of the meaning of “success.” Coral Gables has been defined as a success because students “were broadening their understanding of other people, and they were being prepared to live satisfying lives.”⁶⁹ The National Association for Bilingual Education has defended the program before Congress on the basis of “increased community involvement in education and enhanced student self-esteem.”⁷⁰

Yet the applicability of one to many is not stressed by advocates when a school system uses methods other than bilingual education and students do well. In these cases, bilingual education advocates are quick to identify the local factors which make the success impossible elsewhere.

Flaw 7: Financial supply-driven program design. (‘Funny how the need works out to exactly what we want to spend.’)

education advocates always point to a forthcoming study which mentions one or two examples of success somewhere in the United States (or in some other country) whenever they are challenged.

⁶⁷ It is for precisely this reason that federal or even state attempts to dictate educational methodology generally produce failure.

⁶⁸ Richard Rothstein, “Bilingual Education and the 'Sink or Swim' Myth,” *Los Angeles Times*, October 26, 1997, [http://epn.org/rothstei/bilingual_ed.html].

⁶⁹ Mackey and Beebee, *BILINGUAL SCHOOLS FOR A BICULTURAL COMMUNITY* (1977), cited by HAKUTA, *Id.*, note 5, at 197.

⁷⁰ HAKUTA, *Id.*, note 5, at 208.

Local school districts are offered the carrot of increased federal and state funding for every student they keep in bilingual education programs. Rep. George Miller (D-CA) figured out this rather perverse incentive system (we will pay you more if you fail to teach children English) and tried to get the then-Director of the Office of Bilingual Education to admit it without success:

Mr. Miller. "What happens when a student is transferred from a bilingual class to a monolingual class, as to funds?"

Dr. Molina. "The intent of Congress is once a child begins to learn academic studies in the English language then that child is no longer qualified for Title VII funds." . . .

Mr. Miller. ". . . But if in the following term the student is transferred to a mono-speaking (sic) class the funds are removed and the student falls on the burden of whatever funds are available on the district level?"

Dr. Molina. "That is correct."

Mr. Miller. "Would that tell you something as to why students are not transferred?"

Dr. Molina. "No."

Mr. Miller. "Would it give you a hint?"

Dr. Molina. "No. I would be surprised if the school district didn't have other students they could move into bilingual classes."⁷¹

This funding issue was also investigated in detail twenty years later by the *Los Angeles Times*:

School districts receive extra state aid based in part on their count of students with limited English. And they face no penalty if those students fail to advance.

Explaining why many schools statewide year after year fail to move any students into English fluency, Lois Tinson, president of the California Teachers Assn., said: "School districts see the bucks coming in."⁷²

⁷¹ Committee on Education and Labor, Subcommittee on Elementary, Secondary and Vocational Education, *Hearings on H.R. 15*, 95th Congress, First Session, 1977 at 66.

⁷² "Bilingual Classes a Knotty Issue Dispute," *Los Angeles Times*, May 18, 1998. The article also mentioned some other costs of bilingual education: as much as \$5,000 extra per year to bilingual education teachers, "thousands of bilingual teaching assistants, bilingual school

Flaw 8: Failure to establish success and performance measures, or to use them to document progress. (‘Nothing truly worthy of our investment can be measured.’)

Bilingual education advocates are alarmingly quick to explain away the dismal achievements of bilingual education. They argue that achievement tests can’t be trusted:

Standardized tests are designed to provide the best match possible to what is perceived to be the "typical" curriculum at a specific grade level. Because a bilingual education program is built on objectives unique to the needs of its students, many of the items on a standardized test may not measure the objectives or content of that program. Thus a standardized test may have low content validity for specific bilingual education programs. In such a situation, the test might not be sensitive to actual student progress. Consequently, the program, as measured by this test, would appear to be ineffective.⁷³

They note that evidence in their favor need not exist:⁷⁴

coordinators and other staff” and “supply industries . . . at the convention of the California Assn. for Bilingual Education, [p]romoters filled an exhibit hall with new bilingual textbooks, computer software,” etc. Bilingual education advocate James Crawford took issue with this particular article but in the course of his complaint revealed an interesting fact: bilingual textbooks lose money for textbook publishers, which would mean that losses on Spanish textbooks in California will be made up for by textbook buyers elsewhere in the United States: “The *Los Angeles Times* . . . cited the book publishers who exhibited their Spanish-language wares at the California Association for Bilingual Education conference. . . . In fact, if the *Times* writers had been inclined to do a little reporting, they might have learned that Spanish-language textbooks are a loss leader for publishers. The state of California requires them to offer these editions if they want to sell their lines of English-language books.” Crawford, “The Bilingual Education Story,” *Id.*, note 8.

⁷³ Cecilia Navarete; Judith Wilde; Chris Nelson; Robert Martínez; Gary Hargett, *Informal Assessment in Educational Evaluation: Implications for Bilingual Education Programs*, NCBE Program Information Guide Series, Number 3, Summer 1990, [<http://www.ncbe.gwu.edu/ncbepubs/pigs/pig3.htm>].

⁷⁴ Bilingual education programs are allowed to continue until they are proven ineffective. Alternatives to bilingual education are not allowed to begin until they are proven effective. In this way, bilingual education advocates have set the rules as ‘heads, I win, tails, you lose.’ This pattern has been part of the history of federal mandates in this area since 1975, when the federal government’s Office of Civil Rights *Lau Remedies* [*Id.*, note 19] stated that any school district which decided to do something other than what these "guidelines" suggested should be done (bilingual education) would be required to prove that their alternative would be "effective to cure the violation.” Why this imposition of a burden of proof on school districts amounted to a *de facto* policy of mandatory bilingual-bicultural education was best explained by Dr. Paul McRill, a coordinator of bilingual programs for the Seattle, Washington school system who signed a voluntary compliance agreement with OCR based upon the •Lau Remedies: “How can

"The opportunity to develop balanced or full bilingualism is another factor in determining the success of a language program. Though there is no conclusive evidence to establish a definite correlation, there are indications that second language skills can be more effectively developed if an individual is afforded the full opportunity to develop the native language" (emphasis added).⁷⁵

Bilingual education advocates even argue that factual research is unnecessary:

Linguistic democracy is more likely to reduce than to increase social tensions . . . (The argument that cultural bilingualism will create a divided society) is almost impossible to overcome without analyzing the potential for divisiveness that is inherent in a mass denial of opportunity to a sizable, and growing, student population. . . . In brief there is no research evidence to show that the concept of transitional bilingual education is unworkable. There are only evaluation studies of specific programs, some successful and some not. . . . the debate over bilingual education is not a base, pedagogical. . . . It makes little difference which approach is theoretically superior or best supported by the research literature; the decision is a cultural one.⁷⁶

Some advocates claim that even if bilingual education is ineffective, racism is to blame:

Fillmore (1992) shows how the educational establishment, which reflects the prejudice against minorities characteristic of society in general, is responsible for setting up bilingual programs that are inadequate and geared to failure.⁷⁷

you prove something is equally as good as something else which nobody has proved the worth of? You come to a logical dead end on that one immediately." Noel Epstein, who interviewed Dr. McRill, amplified upon his comments: "If the national government has spent more than half a billion dollars without demonstrating the effectiveness of bilingual-bicultural education, it seems fair to ask how a local school district can be expected to prove that another approach would be 'effective.' As often happens in civil rights cases, the issue is decided by which side must prove the unprovable." Epstein, *Language, Ethnicity and the Schools*, Institute for Educational Leadership, 1977 at 15-16.

⁷⁵ United States Commission on Civil Rights, A Better Chance to Learn: Bilingual-Bicultural Education, May, 1975 at 74.

⁷⁶ Gonzalez, *Id.*, note 9, at IV-22-24.

⁷⁷ Susan J. Dicker, "Ten Official English Arguments and Counter-Arguments: TESOL's Recommendations for Countering the Official English Movement in the US," *Teachers of English to Speakers of Other Languages*, 1996 [<http://www.ncbe.gwu.edu/miscpubs/tesol/official/arguments.htm>].

Bilingual education advocates also suggest that when it comes to student failure, bilingual education cannot be blamed:

Hispanic dropout rates remain unacceptably high. Research has identified multiple factors associated with this problem, including recent arrival in the United States, family poverty, limited English proficiency, low academic achievement, and being retained in grade.⁷⁸

This sweeping agnosticism when it comes to requiring success or performance results for bilingual education is often coupled with yet another flaw, non-rigorous evaluation.

Flaw 9: Non-rigorous evaluation. ('If beans are three cents a pound, how many pancakes does it take to shingle a doghouse?')

In the case of bilingual education, much of the rigor of evaluation is devoted to explaining away failures apparent to anyone without a vested interest in continuing bilingual education programs. One might fairly characterize their arguments as “bilingual education produces only success. Everything else is to blame for students in the bilingual program who fail.” This line of argument was characterized by the tale of prison warden questioned about problems in his prison. His response: we need a better class of prisoner.

The major reason for the implementation of bilingual education programs was the tremendous school drop-out rate of Hispanic young people. After three full decades of bilingual education programs, Hispanic drop-out rates remain high. Bilingual education advocates have a problem. Their solution is to micro-analyze student data for excuses:

Some factors predicting dropout rates have been identified: low English language ability, poverty, length of residence in the U.S., the print environment, and family factors. The important finding from the research is that when these factors are controlled statistically, the dropout rate among Hispanics is the same or nearly the same as that of other groups. There is no "Hispanic dropout mystery".

There is no evidence that bilingual education results in higher dropout rates. A minority of Hispanic children in California is in bilingual programs, and the reported dropout rates refer to all Hispanic children. In fact, because well-designed bilingual programs produce better academic English (Krashen, 1996), bilingual education is part of the cure, not the disease, as Curiel, Rosenthal, & Richek's (1986) study shows.⁷⁹

Still another way to change the subject is to insist that dropout rates are caused by the failure of schools to adjust their curriculum to the beliefs of their students:

⁷⁸ James Crawford, “Ten Common Fallacies,” *Id.*, note 42.

⁷⁹ Stephen Krashen, “Bilingual Education and the Dropout Argument,” *Id.*, note 32.

Another contributor to LEP dropout is alienation from the curriculum. Alienation may result when beliefs expressed in the mainstream curriculum differ from those held by minority students. Often teachers or texts assume a common value structure for all students and the acceptance of certain sociocultural myths. Myths promulgated in many public schools some of which are undergoing scrutiny, include Columbus' discovering America and proving that the world was round. In fact, America was here all the time, and the Mayans, a civilization that developed here, knew not only that the world was round but had calculated its rate of rotation with an accuracy close to that achieved by modern scientific instruments and may have done so some 900 years before Columbus' voyage.⁸⁰

You can also blame everybody else for the failure of bilingual education to reduce school drop-out rates for Limited English Proficient (LEP) children:

Alienation from the school as a social institution can precipitate dropping out. Social ostracism, often subtle, may be perpetrated by peers or teachers. Though ostracism is rarely directed specifically at LEP students, the link between LEP and ethnic/racial minority status, plus a tendency for some to reject those who don't speak their language, make LEP students likely targets. "Oh, we don't sit with them," or, "you can't understand them, even when they talk English," are typical of peer comments. Ostracism may result from well-meaning attempts to include language/ethnic minority students. These attempts may backfire due to a teacher or administrator's lack of cultural awareness. A statement such as, "for our international fair, we'll all bring a typical food of our family, and, Rosa, you can make tortillas," could be innocent and sincere. However, Rosa may see it more as a slight than as a welcome invitation.⁸¹

Meanwhile, bilingual education programs are subject to fewer and fewer objective measures of their value. Objective measures, such as English literacy, are replaced with far more subjective achievements which are virtually impossible to measure, let alone dispute:

Native language use and development have psychological benefits in addition to serving as a practical pedagogical tool for providing access to academic content, allowing more effective interaction, and providing greater access to prior knowledge.

Using and valuing students' native languages in schools and classrooms supports and enhances the students' learning because they themselves are

⁸⁰ Charles Cornell, "Reducing Failure of LEP Students in the Mainstream Classroom and Why it is Important," *The Journal of Educational Issues of Language Minority Students*, V. 15, Winter 1995, [<http://www.ncbe.gwu.edu/miscpubs/jeilms/vol15/reducing.htm>].

⁸¹ *Id.*

indirectly valued (see Lucas, Henze, & Donato, 1990). The use of students' native languages can also increase their openness to learning by reducing the degree of language and culture shock they are encountering (Auerbach, 1993). Because “relations of power and their affective consequences are integral to language acquisition” (p. 16), student learning can also be enhanced by integrating students' native languages into their educational experiences, thus giving their languages a status more comparable to that of English.⁸²

Ultimately, bilingual education advocates know that it really does not matter how they manage to justify the continuation of these programs so long as the programs continue.

Peter D. Roos, the director of educational litigation for the Mexican American Legal Defense and Education Fund (MALDEF), admitted as much in a 1978 article:

The author [Roos], however, is of the deeply pessimistic view that educational research is not likely to shed much light on the subject. The author agrees with the opinion expressed at a meeting on October 5, 1977, which the author attended, by Vice-President Mondale, who as Senator had been a prominent advocate for progressive education policies. He stated that when all the research results were in, one had to trust one's instincts. And it was instinctive knowledge that children learn best in a language they understand.⁸³

While “one’s instincts” may ultimately be good enough for bilingual education advocates, the children they are teaching deserve better.

⁸² Lucas and Katz, *Id.*, note 4.

⁸³ Peter D. Roos, “Bilingual Education: The Hispanic Response to Unequal Educational Opportunity,” *Law and Contemporary Problems*, vol. 42, no. 4, Autumn, 1977, at 125, note 64.