

# Bilingualism for the Children: Implementing a Dual-Language Program in an English-Only State

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*In November 2000, Arizona voters passed Proposition 203, a law that replaced bilingual education with a 1-year program known as Structured English Immersion (SEI). Although SEI has little support in the educational or applied linguistics research literature, all English-language learners (ELLs) in Arizona are automatically placed in SEI classrooms. This article examines the effects of SEI on the teachers, administrators, and students at an urban school serving a large number of ELLs. The study found that SEI teachers are largely unaware of the model and unprepared to teach it effectively, that training in SEI strategies has been haphazard, that interpretation of the law's waiver system by State education officials has seriously reduced the number of students eligible for the school's dual-language program, and that forcing English learners into SEI is traumatizing some of them and distressing their parents. The study raises questions about the civil rights implications of the law.*

**Keywords:** Proposition 203; Structured English Immersion; dual language

## *The Social and Political Context for the Research*

In November 2000, Arizona voters approved Proposition 203<sup>1</sup> (English Language Education for the Children in the Public Schools), a ballot initia-

tive that severely limited the use of bilingual instruction and required public schools to adopt a relatively untested program known as Structured English Immersion (SEI). In an SEI classroom, instruction is in English only but modified to accommodate students' developing proficiency in the language. According to the law, SEI will be provided "during a temporary transition period not normally intended to exceed one year," after which most ELLs are expected to "be transferred to English-language mainstream classrooms" (Arizona Revised Statutes [A.R.S.] 15-752). (For a complete historical analysis, see Wright, this issue.)

Although SEI had little support in the educational or applied linguistics research literature, supporters argued that English immersion was the most effective means of teaching English to immigrant students. In spite of research evidence showing that bilingual education is more effective in producing higher academic achievement outcomes for ELLs, Arizona voters appeared to accept the purported benefits of English immersion and approved the measure by 63%.<sup>2</sup> As a result, State policy now places all designated ELLs in SEI classrooms unless they meet difficult waiver requirements. Proposition 203 also exempts no child, regardless of his or her English language proficiency, from yearly standardized testing in English and sanctions administrators who fail to implement SEI in their schools.

Largely a revision of California's Proposition 227 (the antibilingual education law written and financed by software millionaire Ron Unz), Proposition 203 articulates two popular but questionable views about how children learn second languages:

- that "young immigrant children can easily acquire full fluency in a new language, such as English, if they are heavily exposed to that language in the classroom at an early age" and
- that these children can be "educated through Sheltered English Immersion during a temporary transition period not normally intended to exceed one year."

Although these views are intuitively appealing, there is little research evidence to support either view. Young children, in spite of their ability to acquire nativelike pronunciation, are not necessarily the fastest or most efficient learners of a second language (Collier, 1988; Wong Fillmore, 1991b). While children may acquire social or conversational language in a relatively short period, their acquisition of academic English takes much longer. Indeed, if the goal is for students to be academically successful in English in the long term, research has shown that when immigrant students are immersed in their second language, they actually take longer to learn it well than

when they are schooled in their home language and in English. Bilingual schooling through the elementary years is a much more effective approach (Collier, 1987, 1995; Cummins, 1991, 1992; Cummins & Swain, 1986; Ramírez, 1992; Ramírez, Yuen, & Ramey, 1991; Wong Fillmore, 1991a). This finding has been consistent in the second-language-acquisition research literature, though it is likely counterintuitive to many members of the general public.

*A “Good Working Knowledge of English”*

Proposition 203 did not completely outlaw bilingual education. The law allows parents to apply for waivers exempting their children from the default SEI program, but only under the following conditions: (a) the children already know English; (b) are older than 10 years of age; or (c) have “special and individual physical or psychological needs.” Nonetheless, meeting any of these conditions does not guarantee a waiver will be granted; Proposition 203 also allows districts to reject waiver requests “without explanation or legal consequence” and even contains explicit language authorizing districts to deny waivers to children with special psychological needs (A.R.S. 15-753).<sup>3</sup>

The law declares that “once English learners have acquired a good working knowledge of English and are able to do regular school work in English, they shall no longer be classified as English learners and shall be transferred to English language mainstream classrooms” (A.R.S. 15-752).<sup>4</sup> Still contested is what constitutes a “good working knowledge of English,”<sup>5</sup> how mastery of such would enable a student to do regular school work (or indeed, what is meant by “regular school work”), and whether ELLs would be reclassified as fully English proficient after the specified 1 year in SEI. For school districts offering bilingual education to parents as one option among several—including Loma Vista, where the current study was conducted—State interpretation of these phrases determined which students were legally eligible for bilingual instruction, particularly with respect to Type One waivers, that is, those granted to students who already know English.

With a few exceptions, most districts typically use the Language Assessment Scales (LAS) to determine students’ oral and written proficiency in English.<sup>6</sup> The proficiency assessment uses five levels: 1 and 2 indicating limited proficiency in English, 4 and 5 indicating fluency, and a level 3 somewhere in between. Criticism of the LAS’s ability to determine accurate proficiency levels has been raised elsewhere (MacSwan, 2000; MacSwan & Rolstad, 2003).<sup>7</sup> In terms of district-level policy, an operational definition of good English skills that included a LAS score of 3 would potentially allow bilingual instruction to many more students than one that assigned the designation only to students who scored a 4 or 5. It was the broader definition of

this phrase that was applied in the Loma Vista School District and approved by the district's legal counsel. A district administrator explained the decision this way:

[The attorneys] tried to keep us in this middle of the road compliance so that we weren't going off too far. At the beginning of implementation, we went with a 60 point on the LAS, which is almost a level 3, because we looked at the averages that we have in our district, and at the standard error of measurement and it was within a few points. . . . The attorneys seemed to be okay with that. They wanted to ensure just that we put in procedures that would comply with the specifics of the law, such as that parents had to come to the school to ask for a waiver, that the waivers couldn't be sent home, that we had procedures in place for making sure all of those things were taken care of, and how we reported them. Later, we changed the standard to 65 [a level 3] because of State pressure and to be consistent with what other districts were doing. The attorneys thought that was more defensible.

In February 2003, Arizona's recently elected State superintendent of public instruction, a staunch opponent of bilingual education, charged that school districts were "abusing" the Type One waiver by granting them to students who, based on their English proficiency test scores, were actually limited English proficient. He objected to the use of a Level 3 to determine eligibility for bilingual instruction used by some districts, including Loma Vista. As a consequence, the superintendent instituted a policy equating *good English skills* with *fluency* in English, arguing that he had the legal authority to determine what the cut scores would be, in other words, what a student would need to score to be considered fully proficient (Arizona Department of Education [ADE], 2003a).<sup>8</sup> In effect, the State superintendent's new policy more narrowly interpreted the law's definition of eligibility for Type One waivers to include only those students who scored in the fluency range on any of the various proficiency tests in use (i.e., on the LAS, a 4 or 5).

There are some obvious paradoxes in the new policy, principally a State policy that requires ELLs to first demonstrate fluency in English to qualify for a program designed to help them acquire English. As their label indicates, ELLs are students who are acquiring English. SEI, by definition, is a program designed exclusively for students acquiring English. As noted earlier, it has become the default program in the State of Arizona, and all ELLs are automatically placed in SEI unless their parents have obtained waivers. Students who score at the fluency level on proficiency tests are theoretically no longer acquiring English and may be mainstreamed into an all-English classroom. Thus, they are no longer eligible for SEI either because they are then too fluent in English to benefit from it (though ironically they would be legally eligible for placement in a bilingual education program). We make this point not

to engage in a semantic tautology but to underscore the illogic of offering waivers from SEI only to students who are not ELLs. If they are not ELLs, they do not need the program anyway.

### THE STUDY

Given this context, we endeavored to study the effect of Proposition 203 on the teachers, administrators, students, and families at Nopal Elementary School, a school in the Loma Vista school district whose student population is predominantly Mexican American and acquiring English.<sup>9</sup> At its most general level, our research examined whether the approach to reform exemplified by Proposition 203—an educational policy imposed from outside the schools—has delivered the results it has promised. More specifically with respect to Nopal Elementary, we wished to study the effect of the new law on the school's dual-language program.

Our research questions focused on efforts the school made to sustain its bilingual education program, and how various stakeholders (e.g., teachers, administrators, parents, students) perceived and described their own reactions to SEI. The research questions included the following:

- Why have SEI and dual-language teachers worked so hard to maintain the dual-language program?
- What influence did the principal have on the implementation of SEI and dual language?
- How did central administration officials interpret and implement State and district SEI policy?
- Was teacher training in SEI strategies adequate?
- Did Nopal's SEI teachers feel they were able to provide effective instruction, given that most of them were monolingual English speakers teaching students who were predominately monolingual Spanish speakers or occasionally bilingual in English and Spanish?
- How were Spanish monolingual students reacting to the English immersion experience?
- What did their parents have to say about their children's experience in English immersion?
- Would English learners in SEI classrooms learn enough English in 1 year to warrant transfer to a mainstream classroom?

#### *Nopal Elementary School*

Nopal Elementary is located in a large metropolitan area in Arizona and serves a population of approximately 730 children with the following

demographic characteristics: 92% of the students are of Mexican origin, 94% qualify for free or reduced lunches, and of these students more than 6% are homeless. Almost 70% of Nopal students in school year 2003-2004 were designated as ELLs. The school also houses the district's largest bilingual special education program and receives special education students from across the district, with more than 15% of the school's population receiving special education services in self-contained or mainstream classes.

Midyear student intradistrict and interdistrict mobility in the Loma Vista school district is very high, about 37%, but at Nopal in the past 3 years approached 50%.<sup>10</sup> For example, an SEI teacher at the school reported that of 27 students in her class at the beginning of the school year, 15 had left by year's end (though these students were just as quickly replaced by new arrivals from Mexico, other schools in the district, or from other districts in the city and State). This was a phenomenon repeated by other teachers we interviewed.

#### *The Dual-Language Program*

The principal and teachers at Nopal Elementary School launched a dual-language program in 1998.<sup>11</sup> This program replaced an earlier transitional bilingual education model that had provided children who were Spanish dominant with Spanish literacy and content instruction, and English-language development in the first years of schooling before gradually transitioning them to all-English instruction in about the fifth grade. The change to a dual-language program was based on consistent research findings indicating that ELLs are more academically successful (as measured on standardized tests in English) when they continue schooling in first-language literacy and subject matter throughout the elementary years (Cummins, 1991; Ramírez et al., 1991; Thomas & Collier, 2002). Furthermore, research by Thomas and Collier (1996, 2002) comparing a variety of instructional approaches indicates that of all program types administered to language minority students, dual-language programs are the most effective in promoting long-term academic achievement.

Two other areas of research support the decision by the Nopal staff to implement a dual-language program. First, the well-developed bilingualism and biliteracy that are the goals of dual-language schooling have been shown to have significant positive effects on cognitive processing development, and on other aspects of mental functioning (Bialystok, 2001; Hakuta & Diaz, 1985; Peal & Lambert, 1962). Second, studies of immigrant students demonstrate that school language policies that stress English development to the diminishment of the home language may disrupt the development of children's secure social identities later on. Children pressed at school to learn

Table 1  
Study Participants

Number of Participants Interviewed	Location of Interview		Language of Interview		
	Home	School	English	Spanish	
Teachers	14	2	12	14	—
SEI <sup>a</sup>	4	1	3	4	
DL	5	1	4	3	
SPED	5	5	—	5	—
Administrators	4	—	4		—
Support professional	4	—	—	4	—
Parents	19	19	—	—	19
Totals	53				19

Note: SEI = Structured English Immersion; DL = Dual Language; SPED = Special Education.

a. One of the SEI teachers had previously been a DL teacher.

English quickly have a tendency to switch to using English at home as well (Wong Fillmore, 1991b). In homes where the parents know little English, this shift by children challenges parental authority and weakens the atmosphere of intimacy. Ultimately, children's loss or rejection of the mother tongue in these families disrupts the web of intergenerational relationships through which children are raised. That children come to reject identity with their home culture does not necessarily mean they are able to identify with the majority culture either (Commins, 1989; Valenzuela, 1999).

The teaching staff at Nopal was aware of these issues and convinced that a dual-language program held the promise of high and long-term academic achievement in English through respectful and academic development of the home language. They sought to carefully and continuously inform parents about the program and its goals. In keeping with State educational policy, they offered parents a choice about placing their children in the bilingual program or in all-English classrooms. Very few parents selected the latter.

#### *Data Collection and Analysis*

Our data for the current study include semistructured interviews with 36 teachers, administrators, and other school staff, and 27 interviews with parents and children (Table 1). Teachers and administrators were contacted at a school faculty meeting at which the researchers explained the purpose of the study, the research methodologies that would be used, and with respect to participant interviews, the amount of time that each interview might require. Central district administrators were contacted independently, either by phone or through e-mail communication. Parents were contacted at a parent-teacher-community meeting at which one of the researchers explained in Spanish the nature and purpose of the study and asked for volunteers.

Approximately 25 parents signed up to be interviewed, and researchers contacted them later by phone or in person at the school. Nineteen parents were interviewed, representing 17 families, who had a total of 23 children enrolled at Nopal Elementary.

As noted earlier, interviews were semistructured, and each participant regardless of group was asked the same questions about his or her knowledge of Proposition 203, district and State ELL policies, and their perceptions of SEI and dual-language classrooms and instruction at Nopal Elementary. The interview protocols were thus designed to elicit a foundation of information from all participants, though they also contained questions especially designed for each group. For instance, teachers were asked about training opportunities they took advantage of, administrators were asked about implementation and policy issues, parents about their ability to obtain waivers from SEI for their children, and so on. Finally, given the open-ended nature of some questions, the participants were at liberty to determine the direction of the interview and address issues or concerns that might have been absent from the original protocol.

We began interviewing teachers and administrators in the late summer of 2003 and continued to interview parents and children through May 2004. Each individual was interviewed once, with interviews lasting between 1 and 3 hours. Teachers, administrators, and support professionals were interviewed in their respective classrooms and offices, and parents and children were interviewed either at school or at home, as they chose. Interviewees could choose English and/or Spanish as the language(s) of the interview.

The interviews were tape-recorded and later transcribed. We used principles of grounded theory to carry out a systematic analysis of the transcripts (Strauss & Corbin, 1990). We grouped the transcripts by the roles at the school (i.e., administrator, support professional, SEI teachers, etc.), and read and marked excerpts, paying particular attention to within-group commonalities in participant responses to the areas of questioning in our protocol. As we read across the groupings, we looked for consistency of response regarding these areas but, given the highly integrated and changing nature of the roles of administrators and staff, sought to remain sensitive to the somewhat arbitrary nature of the participant groupings. Many of the teachers and staff have or currently work in multiple roles and spoke in our interviews about those multiple experiences. For example, one dual-language teacher served 2 years ago as an SEI teacher. One SEI teacher, and two of the support professionals, had previously taught in dual-language classrooms. Three of the four support professionals, and two of the dual-language teachers, were at the time of their interviews responsible for daily teaching of SEI guided reading groups.



Predictably, some of our themes emerge from the categories anticipated by our questioning. Others, however, emerged only when we read across the sets of transcripts, looking beyond our questions, reading in depth, and looking for major, common themes (Seidman, 1998). In the researcher group discussions that followed, we looked for commonalities, sought to compare and verify support for the themes that had seemed to emerge in individual analyses, and relabeled and recategorized our themes as our group understandings of the data evolved.

## FINDINGS

### *Implementation of the New Law*

As noted earlier, until the superintendent's imposed changes to Type One waiver eligibility, no direction had been given by the State education department as to the definition of "good working knowledge of English," the standard required by Proposition 203 for placement in a bilingual education program. The Loma Vista school district set a requirement of Level 3 on the LAS, and Nopal Elementary followed suit. New students and students who had not achieved this level previously were tested at the beginning of the year. Those who scored a 3 or higher were placed in the dual-language program, provided that their parents had requested this by signing a waiver. Children who were below the required proficiency level were placed in SEI classrooms. Children who were nearing that level were retested on occasion, and if they achieved it midyear, would be moved to a dual-language classroom if their parents desired the transfer. In other situations, a child might remain in the SEI classroom, (after achieving a LAS Level 3) but begin receiving reading instruction in Spanish in a small group setting. In cases in which a large group of students reached the requirement, a classroom and its teacher might be converted from SEI to dual language in the middle of the year.

A concerted effort was made to explain the newly required program changes, and to inform parents of their right to sign a waiver so that their children could be enrolled in the dual-language program when the district's definition of English proficiency was met. An explanation of the dual-language program, of Proposition 203, and of the waiver process was and still is part of the enrollment procedures of every child new to the school. The school's persistent effort to publicize the availability of waivers was acknowledged by the school's principal, who agreed that her staff took a "very proactive approach." She said that when parents came to the office to register their children, school staff did not wait for the parents to ask for a waiver but immediately informed them about all program choices, including dual language and

SEI. “We’re going to let the parents know,” she stated, “and then they can choose.” If their children qualified for dual language, that was the program that most of them selected.

In contrast to Nopal, other schools in the Loma Vista school district did not publicize as strongly the availability of waivers. According to one district administrator, the number of waivers applied for at any school had to do with how they were promoted:

We have a waiver process and parents are supposed to be informed about it. If they aren’t informed, how are they going to ask for a waiver? It makes a big difference as to how they are marketed. I mean, there are principals who say “We not going to do bilingual education here.” And so if parents did ask for waivers, they would have to transfer to another school. . . . And most of the time they don’t want to transfer, because it’s too hard for them to do that.

All of the Nopal teachers we interviewed, whether dual language or SEI, regarded a child’s placement in SEI as a relatively temporary assignment. The SEI teachers, in particular, indicated that they worked hard to teach as much English vocabulary and content as possible to help the child qualify for the school’s dual-language program. Indeed, the goal of eventual placement in the program was uniformly shared by all of the individuals we interviewed at Nopal.

The opportunity to convert an SEI classroom to dual language diminished considerably after the State superintendent raised the proficiency standard for bilingual program eligibility. During the 2003-2004 school year, only one SEI classroom had a sufficient number of students approaching a LAS Level 4 to be considered for conversion to dual language. However, because about five students did not reach this level, the class and its teacher remained SEI. In fact, the higher proficiency standard was difficult for students throughout the school, forcing many more of them into SEI classrooms—according to the principal, about 30, or an entire classroom. These were students who otherwise would have been eligible for bilingual education with a LAS Level 3.

#### *SEI for Non-English Speakers: Schooling as Trauma*

Thirteen of the 18 school site teachers, administrators, and staff interviewed for the current study described or referred to children who cried or were traumatized by being instructed exclusively in a language they did not understand. Again and again, our questions about the impact of the newly mandated changes elicited comments such as this one.

When you see a kinder child coming in crying, the first day of school and they're crying. Some of them have cried all day. And some of them have cried to the point where they throw up. That's so wrenching. It sure doesn't help for them to have English [only]. That's got to be scary—why they're crying all the time. They don't know what in the world is going on. (Ms. B, a K–first grade SEI teacher).

Some children had to be peeled, crying, off of relatives or out of cars, every morning. A few children vomited on a daily basis. The prevention specialist, who speaks Spanish, was often dispatched to sit and calm children.

Even older children who maintained their composure on entering the school often burst into tears during class time because they did not understand what was being said. "I've had kids just break in my class," says Mr. Y, a fourth–fifth grade SEI teacher. Asked to explain, he lamented,

Silent tears. Simply because they didn't . . . they want to do well in school, and they do not understand what I'm talking about and when they see the work, even with the simple stuff, it's just too overwhelming for them. And they just break down because they don't know what to do. Essentially their mind is numb because they're getting a garble of English. And I have had them break down.

Parents were shaken by the effect of the SEI experience on their children. Nopal personnel had convened meetings for parents and described the English immersion approach; however, the change was so abrupt and dramatic that parents were taken aback. Some children who had happily attended a bilingual education classroom the previous year now pleaded for their parents to let them stay home. Twelve of the 15 parents having children in SEI classes either in the current or previous school year described their children's despondency, self-loathing, and bursts of anger. In seven cases, children accused their parents of not understanding what it was like to be in an all-English classroom, and several angrily blamed their parents for not standing up for them. These issues often came to a head when children had homework that they did not understand. Eleven of this same group of parents anguished about the problem of homework. Not knowing English themselves, each described the deep and daily frustration of sitting with their child as he or she tried in vain to do homework he or she did not understand. Parents would try to help, asking the child to explain what he or she understood of the assignment. Eventually, children would cry or become furious at their own inability to answer their parents' questions in Spanish about something they had been taught in English. Mrs. L, mother of a third-grade boy in an SEI classroom, explained,

Nomas en eso que a veces se pone muy, muy corajudo cuando la tarea—cuando no la puede hacer. Lo lee pero él lo entiende pero a mi no me lo puede decir. Dice, “Tu no me entiendes, tu no me puedes ayudar porque no te puedo decir”. Sí, me está echando la culpa, me dice, “Ay, tu no me entiendes, mejor no te voy a decir nada.” Y luego que yo, que yo no entiendo, apenas con un diccionario es lo que le puedo ayudar. Tener un diccionario y estar buscando las palabras es como le puedo ayudar. [Regarding that, it’s just that sometimes he gets very irritable when the homework—when he can’t do it. He reads it and he understands it but he can’t explain it to me. He says, “You don’t understand me—you can’t help me because I can’t tell it to you.” Yes, he places the blame on me, saying, “Ah, you don’t understand, it’s just as well that I not tell you anything.” And then I, who don’t understand, can only help him by using a dictionary. Using a dictionary and looking up the words is the way that I can help him.]

Hours were spent in this futile homework struggle, and then sometimes extended family or neighbors were approached for help, with varying consequences and complications. Homework assistance was offered at the school but scheduled in the morning before children arrived. Because all children at Nopal were bussed in, however, this service had only a limited effect.

The placement of some children in SEI classrooms actually exacerbated emotional problems that predated the placement. Mrs. N. was worried about her son’s conflicted emotions in his SEI classroom:

Se ha puesto más agresivo y dice, “Nunca voy a aprender.” Se desespera. Luego dice, “Yo pronto voy a aprender para que tu estés a gusto, para que no me mortifique.” [He is now more aggressive and says, “I am never going to learn.” He gets desperate. Then he says, “I am going to learn so you can feel good.” He does not want me to worry.]

Mrs. N indicated that her son had in the past expressed a desire to die. Since his placement in the SEI program, however, he more frequently talked about wanting to die.

The parents also expressed distress about their children’s unhappiness and the damaging effect that SEI was having on their children’s self esteem. Mr. D broke down and cried as he described his son’s results on the LAS proficiency exam, which forced him into the SEI classroom:

Es que las cosas que le pasan a nuestro hijos son muy duras. Es que los hijos le duelen mucho a uno. . . . Cuando entró aquí lo pusieron en puro inglés. O sea le hicieron un examen. Allí empezamos malo porque le dijeron, “Te sacaste un zero.” ¿Sabe Usted lo que es sacarse un zero? Especialmente el que venía de sentirse tan bien allá. El todo el tiempo había tenido diplomas de primer lugar. [The things our children go through are very hard. We hurt for our children. . . . When he (my son) entered school here they put him in English only. That is, they gave him an exam. It started badly because they

told him, "You got a zero." Do you know what a zero is? Especially for him, who arrived (at school) feeling so good. He had always had first place diplomas.]<sup>12</sup>

Seven teachers and three administrators spoke sympathetically of a number of parents who came and tried to advocate for their children, pleading, insisting, and one even refusing to leave the main office until the child was moved to a classroom in which he or she could understand the instruction. These parents could not believe that they would not be allowed to choose the educational program for their children. Administrators listened and explained and tried to find legal compromises that would improve the children's situation. Some children tried to advocate for themselves, approaching dual-language teachers and asking if they could be moved to those classes. Ms. P, a fifth-grade dual-language teacher, reported that several students in SEI classrooms had asked to enter her classroom:

They'll come to me and they're not 10 years old, and they're like, "I want to transfer to your class." I ask why, and they say, "because I don't know what's going on in my own classroom."

Because of pressure from the State superintendent's office, direct and through the media, the school district was reluctant to do anything that might be considered "willful" failure to comply with the law.<sup>13</sup> The State superintendent, who had campaigned on an antibilingual education platform, promised to eliminate the so-called waiver abuse he claimed was occurring in districts that offered bilingual education. He dispatched 30 monitors around the state who aggressively challenged the granting of waivers (ADE, 2003b).<sup>14</sup> Monitors visited Loma Vista and found the district out of compliance with Proposition 203 because, among other reasons, it had granted 25 waivers based on the lower LAS score of 65 (a Level 3).<sup>15</sup>

One result of the State superintendent's pressure was the district's wariness of making use of Type Three "special needs" waivers, that is, those allowing children to be placed in bilingual classrooms if intervening psychological circumstances obtained. Since Proposition 203 was first implemented, only three such waivers had been requested, and all three were granted. According to a central office administrator, the district preferred to issue Type One waivers whenever legally possible because of the law's directive that, for Type Three waivers to apply, a 250-word document describing the nature of the child's special needs had to be submitted and would then become a permanent part of his or her school record. This administrator indicated that the district did not want a so-called psychological label to follow the child throughout the school years.

*SEI Teachers: Frustration and Little Training*

When the State ordered that the new law be implemented, it made no effort to prepare SEI teachers for the newly mandated type of classroom. Indeed, teachers often were assigned to SEI classrooms without knowing what they were. Ms. R, a fourth–fifth grade SEI teacher, described her new assignment bluntly:

[At a staff meeting] I raised my hand and said, “Well, I’m glad I’m in SEI, what is it?” And one other teacher said to me, “Oh, that means ‘stupid English instructor.’ ” And boy did I feel like one. I certainly did not know what I was in for. I feel handicapped when I’m handling kids who I know can have a better opportunity than what I can give them. I have empathy for what they’re going through.

Ms. R had 25 years of teaching experience at that point and had taught at Nopal Elementary since 1987, when it opened. The other three SEI teachers we interviewed were also experienced, having taught 11, 9, and 16 years, respectively, at the time of the interview. All four of these expressed a sense of frustration and failure after their years as SEI teachers. Three noted that part of the problem was the lack of training provided; however, just as important, as Ms. B put it, “We know they should be learning in their first language. We know that, and it just irritates the heck out of us that the State won’t allow us to do that.” This latter frustration was echoed by each of the seven teachers or support professionals who had taught an SEI class in a previous year, or who was currently responsible for an SEI-guided reading group.

During the first year, SEI teachers received only what minimal training the district could manage. Ms. B, a K-first SEI teacher, explained,

The first year, we were very much thrown in. I was teaching a new grade, a straight first, which I had never taught before since student teaching, and I had second language learners. I had always traded them for content areas (in previous years), which I could no longer do.

Since that time, the district has offered several half and whole days of training and some summer workshops each year. Still, English monolingual SEI teachers felt particularly handicapped because in addition to feeling unprepared for this sort of teaching, they could not understand or make themselves understood to many of their students. The same Ms. B, one such teacher, spoke of the silent gulf between herself and her students:

When they’re sitting there and they’re not saying anything, and they have a blank look in their eyes, you’re like, this isn’t happening. How can I make it better? Yeah, because

that's not a comfortable feeling. You know, to have a real quiet room and everybody just staring at you. It's not a good thing.

Teachers stated often that children need to understand instruction to learn. As Ms. R stated, "I don't feel like I'm really teaching when I have a child who doesn't understand me." In addition to visuals, realia, gestures, and dramatizations, she and the other SEI teachers referred to their own efforts to make their teaching more comprehensible:

And I got another little boy, and I asked the kids to tell me who felt comfortable in both languages, and then I had them sit together with a student who could speak Spanish. And he relied heavily on that child to translate for him, which meant he wasn't listening at all when I was trying to get anything across. He learned to tune me out and only tune in the other child. So that wasn't working real well.

A more successful practice mentioned by the four current SEI teachers and by four other teachers with SEI experience, was for the teacher to explain a concept in English, and then ask for a bilingual child to reexplain it in Spanish. "I don't translate," several teachers told us with satisfaction, "The children do."

Five of the teachers working in SEI group or classroom situations were bilingual and prepared as bilingual education teachers. Each felt that knowing Spanish was an advantage as an SEI teacher, and that their bilingual and bilingual education experience provided them with strategies for teaching in a second language. However, each spoke of their misery at seeing children who did not understand their instruction and feeling proscribed from using Spanish. After 2 years of teaching an SEI class, Ms. C was ready to leave:

I don't want to go back into the classroom because it's such an injustice. I don't get to do my job, and if I do my job I feel like I'm doing an injustice to these kids because I can't—what am I going to do—shut my door and speak Spanish to them? That's not going to help them [pass the test in English] either.

Similarly, Ms. Z spoke of children in tears on a daily basis and said that although it helped to console children in Spanish, "They don't just want me to *talk* to them in Spanish, they want me to *teach* them in Spanish."

Confusion existed on the question of how much Spanish might be used in SEI classes. Could bilingual education strategies such as preview/review be used? Could homework be in Spanish? Most SEI teachers interpreted the rule very restrictively, assuming homework must be sent home in English, and that Spanish could be used only for explaining a concept to a child in distress.

Fear of being accused of offering SEI children too much Spanish affected library policy as well. SEI children were allowed to check out a book in Spanish only if they simultaneously selected one in English. One SEI teacher even denied her students the option of checking out a book in Spanish. It is ironic to note, district SEI policy regarding the circulation of Spanish language library material was more flexible than at Nopal, whose interpretation of the law in this case appears to be idiosyncratic.

### *English Language Learners and Testing*

State expectations for achievement on State standards and standardized tests apply equally to all students, including those who understand little of the language of instruction. While federal education policy provides some flexibility to districts to temporarily exempt ELLs from national, norm-referenced testing, Proposition 203 mandates the testing—in English—of all but ELLs who were “severely learning disabled” in Grades 2 and higher, every year.<sup>16</sup> The State disaggregates the test data for ELLs but still averages their scores into a school’s overall “achievement profile.”<sup>17</sup> The profiles of all of the State’s schools are then made available to the public on the Arizona Department of Education Web site (and published in State newspapers).

That ELLs will score poorly on standardized tests is not surprising. After all, they are taking the tests in a language they do not know. However, their scores still contribute to a school’s achievement label, and if that label is underperforming, teacher morale is invariably affected. This was a theme echoed in many of our interviews with Nopal teachers. In the fall of 2003, the school had just received its scores from the Arizona Instrument to Measure Standards (AIMS). An unanticipated drop in fifth-grade reading scores put the school at risk of losing its performing label. As a result, the teachers felt frustrated and “deflated,” according to the principal, who also complained that the State education department had changed the formula for labeling schools 3 years in a row. Figuring out how to fit in and meet the requirements of each new formula, she said, was challenging.

While kindergarten and first-grade ELLs are not tested, they too are expected to meet State standards—in English—for their grade levels, and SEI teachers are expected to evaluate their students’ progress. Ms. B explained her frustration:

My children are progressing. They came in, some of them, they don’t know how to hold a pencil, they don’t know how to write their names. . . . Some of them can now write their names. Maybe it’s backwards, but the letters are all there. They start to realize what [they write] has meaning. But that’s nowhere near what the State standard says they need to do. One State standard [asks the children] to draw a picture and tell



me a story. Well, I speak English, and they speak Spanish. Are we ever going to hit that State standard? You know, it's going to be years without the use of that first language.

Ms. B worries that children and parents will be discouraged by report cards that seem to reflect no progress. Six teachers and administrators expressed doubts somewhere in their interview that many children schooled in this way could ever catch up under these circumstances.

#### *Maintaining the Dual-Language Program*

Prior to the passage of Proposition 203, three of the five classrooms for each grade level participated in the dual-language program at Nopal Elementary School. In other words, 18 of 30 classrooms were designated as dual language, and the remaining 12 were English-medium classrooms. By the fall of 2003, however, these numbers were reversed: 18 of a total 29 classrooms were SEI, and only 11 remained dual language.<sup>18</sup> At the same time, the proportion of children in special education in the dual-language program rose. In the wake of Proposition 203, neighboring schools elected not to offer a bilingual education program. Thus, some children from those schools who had an Individual Education Plan (IEP) calling for a bilingual classroom environment were transferred to Nopal Elementary.<sup>19</sup>

Asked why Nopal would persist in its attempt to offer bilingual schooling, 17 of the teachers and administrators pointed to the leadership and commitment of the principal. As one example of her attentiveness, they note that she and her office reviewed each of the school's 730 children to make the right decision about placement.

Eleven administrators and teachers we interviewed commented that in confining ELL students to SEI classes at Nopal, and prohibiting them from joining the dual-language program, Proposition 203 committed these children to inferior pedagogy, and inferior schooling. SEI teachers, in fact, viewed their goal as that of increasing their students' English oral proficiency so that the students could then move into the dual-language program. Similar to other colleagues in the school, they were troubled when the State superintendent raised the proficiency requirement, thereby making the goal of placing students in a better learning environment even more difficult to achieve.

All of the parents we interviewed spoke of the importance for their children of learning English. When asked about how that should take place, 18 of the 19 parents expressed a preference for dual-language programming. No parents wished for their children to remain in an SEI classroom. Mr. S, whose son was in the dual-language program the year before the new law passed, explained,

Yo veía que les era más fácil aprender el inglés en clases bilingües. Cuando se vino esto de que sólo, sólo en inglés, yo principalmente vi que mi hijo estuvo batallando mucho. Porque todo le hablaban en inglés. Todo le escribían en inglés. Las tareas todas en inglés. [I could see that it was easier for them to learn English in bilingual classes. When this came about, the English-only teaching, the principal thing I saw was that my son was really struggling. Because they told him everything in English. Everything was written in English. All his homework was in English.]

Two years later, when his son achieved the required English level, Mr. S was given a choice:

Simplemente, nada mas me dieron escoger, este, cuando ya vine a inscribirlo para el cuarto grado. Me dijeron, “Su hijo, este, pasó la prueba. ¿Quiere que siga en puro inglés o lo quiere pone en bilingüe?” Y, yo, pos no la pensé. Y yo dije, “No, sabe que, lo quiero en bilingüe.” [In short, they gave me a choice when I went to enroll him for the fourth grade. They said, “Your son passed the test. Would you like him to continue in all-English, or would you like to put him in the bilingual program? And I told her, No, you know what? I want him in the bilingual program.]

Children who eventually are transferred to the dual-language program face a double academic challenge. In the SEI classes, they have not been allowed to develop reading, writing, and content knowledge in Spanish. When they become part of a dual-language classroom, one half of the work is expected in Spanish. However, according to the dual-language teachers we interviewed, SEI graduates' academic knowledge in English as well tended to be truncated and uneven because so much teaching of content and literacy had been conducted in English before the students had the capacity in that language to make use of it. In effect, as compared to their peers who had been in the dual-language program from the beginning, children who transferred in from SEI classrooms were behind in both languages. Nonetheless, dual-language teachers were eager to receive these students, and they spoke with pride and excitement about their program. One useful strategy they adopted is that of so-called looping to the next grade or sometimes two grades with their students. In this way, teachers felt knowledgeable and responsible for their students, and students enjoyed a sense of stability and continuous academic challenge.

## DISCUSSION

### *The Role of Research in Education Policy With Respect to ELLs*

Crawford (1999, 2002), in analyses of the election outcomes for California's Proposition 227, observed that research on bilingualism played almost

no role in public policy debates about the proposition and, thus, had a limited impact on voters. Education researchers may agree about the benefits of bilingualism, he argued, but voters did not cast their votes on the basis of scientific evidence. A thorough analysis of voter attitudes toward Proposition 203 is beyond the scope of this article, though such an analysis would undoubtedly shed light on the role that research studies—to the extent they were known—played in influencing voter behavior. Our impression, however, based on a tentative review of media coverage prior to the election, which included letters to the editor in several State newspapers, was that education or applied linguistics research findings had little influence in public policy debates during that time.

We also would argue that the research and practitioner literature on sheltered English instruction—Proposition 203's methodology of choice—was similarly ignored. Sheltered English instruction is an approach to the teaching of English-as-a-second-language (ESL), which uses English as the medium for providing content area instruction to ELLs. It typically is a component of bilingual education programs and serves as a bridge from an ESL class to an all-English academic content class. Sheltered English instructional strategies have evolved from theoretical and practical research in second-language acquisition. They are based on the premise that language is best learned when it is taught as "comprehensible input," or instruction that is understandable. For instruction to be comprehensible, it must be specially designed to make sense to the students and to provide them with opportunities to participate in learning activities. Sheltered English also promotes the idea that language and subject areas are best taught through context-embedded experience. Students acquire second-language skills when these skills are taught in meaningful context and are not isolated from subject matter (Crawford, 1997, 2004; Echevarria & Graves, 2003; Echevarria, Vogt, & Short, 2004; Glendale Unified School District, 1990; Krashen, 1985; Northcutt Gonzales, 1994; Ovando, Collier, & Combs, 2003; Peregoy & Boyle, 1997; Valdez Pierce, 1988). It is an approach that enjoys the support of many in the field of bilingual and ESL education.

Nonetheless, the research and practitioner literature on sheltered English instruction also makes clear that this method is best used with students who have acquired an intermediate or advanced level of proficiency in English, particularly when used in classrooms containing a mix of English learners and mainstream students (Krashen, 1996; Valdés, 2001). Its effectiveness with younger students is diminished unless those students also receive primary-language instruction. Even so, Proposition 203 mandates sheltered teaching for children younger than age 10 years with little to no fluency in

English, in other words the very group for whom this methodology is least useful.

#### *Teacher Preparation for SEI Classrooms*

None of the four teachers we interviewed who had been assigned to SEI classrooms initially were familiar with the program. Although the district attempted to provide training in sheltered English instruction and the SIOP model<sup>20</sup> (Echevarria, Vogt, & Short, 2004), Nopal's SEI teachers felt the training was inadequate and did not prepare them to teach their monolingual Spanish-speaking students. As a result, they all felt discouraged about the quality of instruction they were able to provide the ELLs in their classrooms.

Two of the four SEI teachers in the current study informed us that they had considered leaving the teaching profession because they could not effectively communicate with their students. Both were experienced teachers with at least 21 years of teaching experience between them. One teacher said the job had become too difficult, the other, too sad. While our study is centered on one school, anecdotal evidence suggests a similar scenario in SEI classrooms across Arizona. And there is good reason to fear major teacher attrition. In the 1st year after Proposition 227 passed in California, the number of credentialed bilingual teachers—many of whom had been reassigned to English-only classrooms—fell by nearly one third. They were replaced in many cases by less experienced, even uncertified teachers (Gándara et al., 2000). Demographic trends in Arizona indicate that the ELL population has increased and statewide is about 15.54% (Molnar & Allen, 2004). In some urban and border districts, there is a much higher concentration of students acquiring English as a second language (González & Szecsy, 2004). Clearly, if school districts want to recruit or retain experienced teachers for these students, they will need to provide regular and comprehensive training.

#### *Academic Achievement and ELLs*

Implicit in Proposition 203 is the idea that exposure to English is all that is needed for English learners to rapidly acquire the language. After ELLs have mastered the basics, in 1 year, they should then be ready for academic content instruction in mainstream classrooms. At Nopal Elementary, most of the kindergarten, first-, and second-grade students who began and finished the year in an SEI classroom did not acquire enough English to qualify for the dual-language program. This meant a 2nd year in SEI, and for some of the second graders, a 3rd year. While SEI teachers reported some progress in English vocabulary and reading and writing, they believed their students were not achieving on grade level. Ms. C, a former dual-language teacher but now teaching in a second-grade SEI classroom, noted that many of the

students who had been in SEI since kindergarten had low reading levels. She compared them to other dual-language students with whom she had looped for 3 years: “[The kids] I started in kindergarten and finished in second grade did so much better because they had a resource. . . . By the time we got to second grade, they were reading and writing both [languages] fluently.”

That SEI students after 1 year are unable to acquire the good English skills they need for transfer to the dual-language program is not surprising. However, after 1 year in SEI, students are not ready for placement in a mainstream English classroom either. Indeed, federal law prohibits the premature placement of ELLs in mainstream classrooms where instruction is English only, at least without additional language assistance.

#### *Civil Rights and Simple Justice*

The study at Nopal Elementary is ongoing; however, initial findings raise troubling questions about the broader civil rights implications of post-203 policies for the education of ELLs in Arizona. The most critical is the extent to which State education policy is responsible for making schooling a deeply traumatic event for some ELLs, and for SEI teachers a stressful and frustrating experience. A Loma Vista district administrator reported that an official from the State education department had criticized the district because it was placing too many children in bilingual education classrooms without first letting them “struggle” in an SEI classroom. According to the State official, providing ELLs with primary-language instruction was the same as declaring that they could not possibly succeed in a regular classroom receiving instruction in all English. If Loma Vista placed all its ELLs in English immersion, the official declared, they would “soar.”

The descriptions of trauma we received from teachers, administrators, parents, and children do not correspond to the scenario envisioned above. It is difficult to understand how ELLs can soar if they are upset, hostile, or depressed. That children in SEI classrooms might “fit in eventually” and manage well enough, as a support professional at Nopal indicated, nonetheless raises a related question about how State education policy targets a vulnerable population. Notwithstanding the academic or civic potential of ELLs, they and their families are also geographically, politically, and economically marginalized from the rest of the metropolitan area. As such, they are vulnerable to ideologically motivated mandates such as Proposition 203, and we should add, to the subjective interpretation of the law by State education officials.

We also would argue that the focused imposition of Proposition 203 on this particular population is no accident. If families are undocumented, struggling financially, moving from school to school, district to district to avoid

eviction or “la migra,” they are less likely to complain about the quality of their children’s education. This is the case at Nopal Elementary, where parents of children in the dual-language program are strongly supportive of it; however, parents of children in SEI classrooms are reluctant, even unwilling, to take their complaints beyond the school building.

Parental voices and views are often absent in State education policy debates. However, this absence is particularly true for immigrant parents, who as a marginalized group are frequently excluded from discussions about school curriculum or instruction. As far as we know, the State superintendent of public instruction did not consult the immigrant parents at Nopal Elementary when he made Type One waivers more difficult to obtain, even though the eligibility changes he enforced might prevent the placement of their children in the school’s dual-language program. This is perhaps not surprising as the very group of parents most directly affected by the changes might also provide the strongest opposition to them. Clearly, Proposition 203 and State policies to implement it regard parental choice—if that choice is bilingual education—as inconsequential or misguided. As another central district administrator put it, the message is that Latino parents cannot be trusted to make good educational choices for their children, so it is incumbent on voters, and State education officials, to make the choice for them. Whether other more affluent, empowered, or English-speaking parents would tolerate such heavy-handedness is debatable. However, it is difficult to accept a perspective that disregards the educational choices of a large group of parents.

Thirty years ago the Supreme Court’s decision in *Lau v. Nichols* offered one definition of *simple justice*, namely that ELLs in American public schools must be provided access to the same curriculum provided to their English-speaking peers (Crawford, 1994). Because 2004 was a year of other civil rights anniversaries—*Brown vs. the Board of Education of Topeka, Kansas*, *Lau v. Nichols*, and the Civil Rights Act of 1964—it is also reasonable to ask how SEI—or whatever hybrid version of it school districts are rushing to implement—can possibly represent simple justice.

There may be other incompatibilities between Proposition 203 and federal civil rights mandates for equal access to education for ELLs. The Equal Educational Opportunity Act of 1974, as interpreted in *Castañeda v. Pickard*, prohibits educational agencies from impeding the equal participation of English language learners in instructional programs. Yet, paradoxically, Proposition 203 prohibits the placement of non-English speakers in the very program that is designed to help them acquire English and academic content. Admittedly, oversight of language acquisition programs may be diminishing at State and federal levels; however, school districts that dismantle their bilingual programs in favor of SEI face the legal and curricular challenge of

providing ELLs with full access to the academic core content areas. Anything short of this may result in a watering down of the curriculum, thus denying students the equal education they are legally entitled to (Becijos, 1997).

#### NOTES

1. Incorporated into the Arizona Revised Statutes as Title 15, Article 3.1, Sections 751-756.01. Full text is available at <http://oneration.org>.

2. For detailed discussions about research findings on the acquisition of English through bilingual instruction, see August & Hakuta (1997); Crawford (1997); Cummins (2000); Greene (1998); Hakuta (1986); Hakuta, Butler, & Witt (2000); Ovando, Collier, & Combs (2003); Ramírez, Yuen, & Ramey (1991); Thomas & Collier (2002); Willig (1985).

3. A.R.S. § 15-573 [B1]: “The child already possesses good English language skills, as measured by oral evaluation or standardized tests of English vocabulary comprehension, reading, and writing, in which the child scores approximately at or above the State average for his grade level or at or above the 5th grade average, whichever is lower.” A.R.S. § 15-753 [B2]: “The child is age 10 years or older, and it is the informed belief of the school principal and educational staff that an alternate course of educational study would be better suited to the child’s overall educational progress and rapid acquisition of basic English language skills.” A.R.S. § 15-753 [B3]: “The child already has been placed for a period of not less than thirty calendar days during that school year in an English language classroom and it is subsequently the informed belief of the school principal and educational staff that the child has such special and individual physical or psychological needs, above and beyond the child’s lack of English proficiency, that an alternate course of educational study would be better suited to the child’s overall educational development and rapid acquisition of English.”

4. Students also can be lawfully transferred to a bilingual education program.

5. The law defines a student who already knows English as one who “possesses good English language skills, as measured by oral evaluation or standardized tests of English vocabulary comprehension, reading, and writing, in which the child scores approximately at or above the *state average* for his grade level or at or above the 5th grade average, whichever is lower” (A.R.S., 15-753, emphasis added). Mahoney, Thompson, and MacSwan (2004) pointed out a State ELL average is not currently available. Rather than using district-level data to estimate an average English learner, the Arizona Department of Education instead interprets *average* to mean the average scores for native speakers of English. However, native English speakers do not typically take oral English proficiency tests. If they did take these tests, their average would be far different from that of ELLs.

6. Some districts used the Idea Proficiency Test (IPT), or more rarely, the Bilingual Syntax Measure (BSM). Districts no longer have a choice of proficiency tests; the Arizona State Board of Education replaced all district proficiency assessments with one, State-mandated test, the Stanford English Proficiency Assessment (SELP), a policy that took place in the fall of 2004.

7. Ironically, the LAS’s ability to accurately assess English proficiency was challenged by the principal of Nopal Elementary, who related that her own daughter, a monolingual English speaker, took the test to be placed in the school’s dual-language program. Whether intimidated by the test administrator, or uninterested in the test itself, the child scored less than 4 and was placed in an SEI classroom.

8. The superintendent’s authority to set proficiency “guidelines” has been upheld by the State attorney general, who in the same opinion also asserted that “the minimum test scores for [a Type One] waiver . . . must be supported by facts that establish that the scores are the *average*



[emphasis added] for students at the appropriate grade level” (Arizona Attorney General Opinion, No. I03-001, 2003, p. 1).

9. These are pseudonyms.

10. According to the Loma Vista district Web site, Nopal’s mobility rates were consistently high: 1998 to 1999: 53.5%; 1999 to 2000: 44.3%; 2000 to 2001: 46.6%; 2001 to 2002: 45.8%. Several administrators we interviewed attributed the high mobility to economic distress (unemployment, threatened evictions), immigration concerns (undocumented status, return to Mexico), and the resultant emotional chaos within families.

11. In the United States, dual-language programs most often offer instruction in Spanish and English, although they may feature other heritage languages as well. Students may be dominant in either language; however, the goal is for children to learn academic content and a second language through instruction in both languages (Lindholm-Leary, 2001). Typically in a dual-language program, one half of the instructional time is devoted to English, and one half to another language. Dual-language programs are also known in the literature on bilingual education by various other labels, including *developmental bilingual education*, *bilingual immersion*, *two-way bilingual immersion* or occasionally, *bilingual enrichment* (Soltero, 2004). Because the teachers and administrators at Nopal Elementary use the term *dual language* to describe their program, we are using the label as well.

12. To have a first-place diploma means to be at the top of one’s class academically.

13. The law explicitly sanctions school district personnel for “willful” refusal to implement Proposition 203: “Any school board member or other elected official or administrator who willfully and repeatedly refuses to implement the terms of this statute may be held personally liable for fees and actual and compensatory damages by the child’s parents or legal guardian, and cannot be subsequently indemnified for such assessed damages by any public or private third party. Any individual found so liable shall be immediately removed from office, and shall be barred from holding any position of authority anywhere within the Arizona public school system for an additional period of five years” (A.R.S. 15-754: Legal Standing and Parental Enforcement).

14. ADE’s July 22, 2003, original press release announced that the superintendent’s office would dispatch 45 language monitors to noncompliant districts. As of August 2004, however, the ADE Web site indicated that only 35 were actually monitoring districts ([www.ade.az.gov](http://www.ade.az.gov) [Promises made, promises kept]).

15. An administrator explained that these children had been grandfathered into bilingual education classrooms because their parents had applied for waivers before the beginning of school year 2003-2004, that is, before the State attorney general had upheld the State superintendent’s authority to raise the eligibility standards.

16. A.R.S. 15-755. Standardized testing for monitoring education progress: “In order to ensure that the educational progress of all Arizona students in academic subjects and in learning English is properly monitored, a standardized, nationally-normed written test of academic subject matter given in English shall be administered at least once each year to all Arizona public schoolchildren in Grades 2 and higher. Only students classified as severely learning disabled may be exempted from this test.”

17. States typically use two mechanisms to determine school achievement performance—their own and that of the federal government. The compliance formulae within these mechanisms occasionally conflict, so the decision to use one over the other may mean the difference between a performing or underperforming label. The Arizona Department of Education uses a fairly elaborate formula to determine a school’s achievement label; however, for elementary schools, the formula principally considered test results from the Stanford 9 and Arizona Instrument to Measure Standards (AIMS) assessments. For example, for a school to be in compliance with Arizona Learns (the State’s mechanism for enforcing the accountability mandates of the federal No Child



Left Behind [NCLB] legislation), 100% of its students must meet or exceed State curriculum standards (though a school can escape an underperforming label if it can show that, after 2 years of testing on the Stanford 9, students are making 1 year's growth). Based on these expectations, the State applies an achievement label. In the fall of 2003, ADE initially labeled Nopal as underperforming based on the drop in student test results. However, in December State officials recalculated the data and using the Adequate Yearly Progress (AYP) criteria delineated in NCLB, awarded the school a performing achievement profile label for academic 2003-2004.

18. Excluding self-contained and cross-category special education classes.

19. The law exempts "special education programs for physically or mentally impaired students" from SEI classes (A.R.S. 15-752).

20. SIOP is the Sheltered Instruction Observational Protocol, a curricular tool developed by researchers and teachers affiliated with the Center for Applied Linguistics to help teachers incorporate sheltered strategies into their teaching and lesson plans.

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