DOCUMENT RESUME

ED 135 910 UD 016 784

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TITLE Report on Bilingual Education; A Study of Programs for Pupils with English Language Difficulty in New York City Public Schools.
INSTITUTION Community Service Society of New York, N.Y.
PUB DATE Jun 74
NOTE 83p.; For a related document see UD 016 783

EDRS PRICE MF-$0.83 HC-$4.67 Plus Postage.
DESCRIPTORS *Bilingual Education; Bilingualism; *Bilingual Students; Bilingual Teachers; *English (Second Language); Language Handicaps; Program Content; *Puerto Ricans; *Spanish Speaking
IDENTIFIERS New York City Public Schools

ABSTRACT

This report, prepared for the Committee on Education of the Community Service Society of New York describes and evaluates the available programs for pupils with English language difficulty in New York City public schools. The committee's methods of investigation included site visits to programs in operation, interviews with personnel involved with language-problem students, and analyses of reports, records and data available. Two types of programs were studied: English as a second language (ESL) programs and bilingual programs. Among the major findings of the study are the following: (1) between 1961 (first published report of Board of Education's language survey) and 1973, the proportion of pupils with English language difficulty increased from 8.9% to 12.9% of the total school enrollment; (2) in 1973-74 only about half of those children with language problems were receiving special language instruction; (3) no systematic methods have been devised by the Board of Education to assess the needs of pupils with English language difficulty, the adequacy of services provided or the effectiveness of these services. (Author/AM)

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REPORT ON BILINGUAL EDUCATION

A STUDY OF
PROGRAMS FOR PUPILS WITH
ENGLISH LANGUAGE DIFFICULTY
IN NEW YORK CITY PUBLIC SCHOOLS

Prepared for the
Committee on Education
by
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U.S. DEPARTMENT OF HEALTH,
EDUCATION & WELFARE
NATIONAL INSTITUTE OF
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UD016784

Department of Public Affairs
Community Service Society of New York
105 East 22 Street, New York, N.Y. 10010

FEB 1 5 10

June 1974

Price $1.00

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PREFACE

This report explores what is being done, as well as what is not being done, for students who enter New York City schools with little or no understanding of English.

"Non-E" -- Some classroom teachers write this abbreviation next to the names of students who have language problems.
"Pupils with Language Difficulty", either "severe" or "moderate" -- The Board of Education's Bureau of Program Statistics so labels these pupils.
"Limited English-speaking Ability" -- This term was used by the Federal Government in the Bilingual Act of 1969.
"Pupils who, by reasons of foreign birth, ancestry or otherwise, experience difficulty in reading and understanding English" -- Such is the description found in the New York State Education Law.

All of the above labels refer to the same students, those who either do not understand English or who comprehend it to such a limited degree that they cannot follow instruction provided in English.

In recent decades a majority of students in this category have been Puerto Rican and increased awareness of their low reading scores and dropout rate has led to an assumption that the city school system has made little effort to help them.

An attempt to develop a city-wide approach to the education of Puerto Rican pupils in New York was undertaken in 1946 by the Association of Assistant Superintendents. Before that time programs for non-English speaking pupils were developed by local school principals. A comprehensive plan for Puerto Ricans and other non-English speaking pupils was based on the Puerto Rican Study conducted from 1953 to 1957.[1]

The evidence on achievement levels for Puerto Rican students, however, suggests that this plan was either ineffective or not implemented. Since no one has yet collected achievement data on pupils from other language groups the plan may or may not be working for them. However, the facts required to determine what is happening to these students are hard to come by.

The Community Service Society began to gather the available facts in connection with legislation introduced in the 1973 session of the New York State Legislature. Legislation dealing with bilingual education programs came to the attention of the Society's Committee on Education. The issue was of interest to the Committee because of CSS's established commitment to the disadvantaged, specifically the economically deprived and those who suffer from discrimination.

Consideration of the proposed legislation required information on the kinds of programs the New York City Board of Education and Community School districts are providing for these pupils, the number of students being served, and the effectiveness of these programs.

The study undertaken by the Committee would not have been possible without the cooperation of a great many administrators in various offices of the Central Board of Education and the supervisors, teachers, and paraprofessionals in the programs visited in several school districts. Many of these educators expressed appreciation that a "neutral" organization like the Community Service Society was interested in this problem. They all shared our concern for the affected pupils.

The need to increase public awareness of language problems and to clarify issues related to bilingual education and language policy was first pointed out to the Committee on Education by Marjorie Martus of

the Ford Foundation. For their assistance in providing background information on these issues we wish to thank Hernan LaFontaine, David Krulik, Philip Bolger, Frederick Shaw and Margaret Langlois, New York City Board of Education; Raymond Sullivan, Harcourt Brace Jovanovich, Inc.; Rudolph Troike, Center for Applied Linguistics; Jose Vazquez and Marietta Shore, Project BEST; and Father Joseph Fitzpatrick, S.J., Fordham University. And for his research assistance, George Morales.

This report aims primarily at increasing public understanding and discussion of the problems involved in educating the pupil with limited English speaking ability. We hope that it may be useful to parents and other laymen responsible for decisions related to providing appropriate educational programs for these children.

MAJOR FINDINGS

These findings were derived from the following data: Board of Education reports, interviews with administrators of programs for non-English speaking pupils in the New York City public schools, a content analysis of evaluations of selected bilingual programs, and observations of bilingual programs in city schools.

1. Between 1961 (first published report of Board of Education's language survey) and 1973, the proportion of pupils with English language difficulty increased from 8.9% to 12.9% of the total school enrollment. Although a majority of the 143,504 pupils in this category in 1973 come from Spanish-speaking homes, there are a large number from homes where the dominant language is Italian, French, Chinese, Greek, other foreign languages and English.

2. Until recently, only a small number of these students were enrolled in ESL or bilingual programs. This number has more than doubled since 1970, but according to data obtained from Board of Education sources, by 1973-74 only about half of those with language problems were receiving special language instruction.

3. No systematic methods have been devised by the Board of Education to assess the needs of pupils with English language difficulty, the adequacy of services provided (in relation to the total number of students in need) or the effectiveness of these services.

4. Neither the Central Board of Education nor the community school boards have developed guidelines or standards for bilingual programs.

5. In the Spring of 1973 the Office of Bilingual Education did not have the resources to analyze the results of a survey to determine the number of pupils being served in a language program and methods utilized to diagnose language fluency and achievement. Key administrators at the Central Board of Education could not tell us who is responsible for analyzing the methods utilized in funded programs or their effectiveness.

6. Almost $29-million was spent on "bilingual" programs that were reported to serve 71,946 pupils in the 1973-74 school year. However, there were indications that students were counted more than once, and the Board of Education could not provide data on how many of these students were in the language handicapped category. Most of these programs were funded by state and federal grants, with the largest share (over $15-million) from Title I of the federal Elementary and Secondary Education Act (ESEA). The average additional per pupil allotment provided by these funding sources ranged from $210 (State Urban Education) to $615 (city tax levy).

7. There are schools with one bilingual program receiving Title I, Title VII, State Urban Education and tax levy funds, indicating double, triple and quadruple counting of the same students.

8. A variety of programs are operating under the bilingual education rubric and there appeared to be little agreement among educators on the goals of bilingual programs or the methods for implementing them.

9. It has been charged that Title I bilingual programs, although labeled as such, were not bilingual programs, but in 1973 we were not able to gain access to these programs in order to verify this. All requests to observe Title I programs were rejected.

10. Our analysis of 20 evaluations of selected 1971-72 Bilingual and ESL programs, conducted by independent consultants, indicated positive achievement gains in most programs despite major program weaknesses. In addition, several evaluators indicated weaknesses in the evaluations due to timing problems and inability to obtain quantitative achievement data. Only one of the eight "bilingual" programs funded by Title I and state funds included in this sample conformed to the accepted definition of such a program: instruction in two languages.

Most frequently mentioned inadequacies indicate the need for improvements in:

a. program development and planning

b. supervisor and teacher training -- many districts appear to have ESL and bilingual teachers with no special training

c. curriculum development

d. teaching materials

e. appropriate testing instruments

f. evaluation procedures

Less frequently mentioned problems included:

a. the assignment of bilingual teachers to other programs

b. ineffective use of paraprofessionals

c. use of bilingual and ESL classes as a "dumping ground" for behavior problems

d. reports that bilingual teachers feel discriminated against in comparison to regular teachers

e. ineffective strategies to involve parents or to meet parents' needs

f. the need to relate university-based bilingual training programs to the teachers' classroom experience

g. inadequate facilities for ESL classes

11. Observation of 13 bilingual programs by CSS two years after the above evaluations were conducted, indicate that major program weaknesses identified by the evaluators persist in 1973. This suggests that the Board of Education has not taken appropriate action to remedy these defects.

12. Interviews with program administrators revealed the following additional problems which indicate the need to develop flexible language programs:

a. a lack of articulation between elementary and secondary school programs

b. New York City schools are receiving pupils of all ages with little or no understanding of English

c. indications of an increase in older students with no previous schooling

d. high residential mobility of families with children who have English language difficulty

13. With the exception of Title VII programs, in which guidelines specify inclusion of English dominant pupils, it appears that the funded bilingual programs tend to foster segregation of students from the regular school program. Eligibility for Title I bilingual programs, for example, is based on English language deficiency.

14. There is a need for schools to have clearly stated policy on student placement and credits earned for schooling outside of the United States.

15. We find many defects in the conception and implementation of language programs currently operating in New York City schools. We believe that many of these defects can be remedied by the policy recommendations that follow.

LANGUAGE POLICY RECOMMENDATIONS

1. The Committee on Education of the Community Service Society supports bilingual instruction in the public schools. The primary goal of bilingual instruction should be to develop in the child proficiency in English language skills at the same time he is provided academic instruction in his native language and in English. When the child has mastered English to the extent that he can participate on an equal basis with English speaking students, he should be transferred to classes instructed in English.

2. Participation in bilingual programs should be voluntary and require written permission of the parent. It is the responsibility of local schools to explain the purpose of bilingual instruction to parents and to provide for parent participation in the implementation of the program.

3. State law should mandate the provision of bilingual instruction for non-English speaking students.

a) The Central Board of Education in New York City should be responsible for developing standards and guidelines for bilingual programs at all levels.

b) The method of bilingual instruction should be determined by the local educational authorities.

c) Bilingual programs should be evaluated to expand our knowledge of the effectiveness of different bilingual methods. This information should be analyzed by the Central Board of Education and results disseminated to community school districts.

d) It is the responsibility of the local school district to provide appropriate curriculum materials for bilingual program within guidelines set by the Central Board.

e) The school census sho[illegible]n on students' language dominance.

4. Special emphasis should be given to ensuring that bilingual programs do not segregate pupils whose language dominance is other than English from English-speaking pupils.

5. Teachers who provide English language instruction in bilingual programs should be proficient in the English language and have special training in the teaching of English to speakers of other languages. Teachers who provide instruction in a subject area should be tested for proficiency in the language of instruction as well as subject area.

6. There is a need to develop appropriate instruments to measure the child's achievement during the period in which he participates in a bilingual program. Such instruments should measure achievement in subjects taught in the native language, as well as programs in mastering English, to ensure that the student will be capable of competing with his peers in a regular program.

STUDY METHODS

The Committee's methods of investigation included site visits to programs in operation; interviews with personnel involved with language-problem students; and analyses of reports, records and data available. Two types of programs were studied: English as a second language (ESL) programs and bilingual programs.

Programs visited included:

1. ESL programs in 4 New York City high schools
2. Bilingual programs in 13 New York City elementary and intermediate schools

Material analyzed included:

1. Board of Education reports/evaluations
2. Selected 1971-72 Bilingual and ESL program evaluations conducted by independent consultants
3. 1973-74 bilingual components of Title I proposals
4. New York State education law
5. Federal Bilingual Act
6. Reports on bilingual education hearings published in the Congressional Record
7. Legislation enacted in other states

Personnel and others interviewed included:

1. New York City Board of Education and State Education Department administrators
2. Bilingual educators and researchers
3. Community School District personnel
4. Personnel of Massachusetts school system

While the Committee's original intent was to study comparative data on the effectiveness of bilingual and ESL programs operating in New York City schools, this was discovered to be impossible because of the dearth of longitudinal data, variations in program goals and the inconsistent research methods utilized in evaluating these programs. It soon became apparent that, based on an inadequate amount of information, the Committee could not recommend one program over another. Consequently, it decided to focus on the problems related to educating the non-English speaking student and the student with limited English-speaking ability. This report is aimed at clarifying some of the complex issues that have been raised in connection with proposed solutions for New York City pupils.

DEFINITIONS: BILINGUAL AND ESL PROGRAMS

Bilingual Programs

For the purpose of this discussion, bilingual education will refer to instruction in two languages: the child's native language and English. A bilingual program will mean one in which a pupil receives instruction in academic subjects in both his native language and English.

Most authorities agree that an adequate bilingual program should include an English as a second language component in which the student is provided with intensive instruction by a teacher trained to teach English to speakers of other languages.

Four categories of bilingual education are described by the Regents:[2]

1. Transitional: Fluency and literacy in both languages are not equally emphasized. Initial instruction, however, is in the native language. The ultimate objective is for the pupil to attain fluency in the second language.

2. Monoliterate: Listening and speaking skills are developed equally in both languages, but reading and writing skills are stressed in the pupil's second language only. The objective is to get the pupil to think directly in the second language.

3. Partial bilingualism: Subject matter to be learned in the native language is limited specifically to the cultural heritage of the ethnic group. Other subject areas are considered to be within the domain of English. Competence in listening, speaking, reading and writing in both languages is sought.

4. Full bilingualism: The equal development of competencies in speaking, reading and writing both languages, and an understanding of both cultures are the ultimate learning objectives.

(Based on program descriptions in evaluations analyzed for this study, variations of all four methods are operating in New York City schools. Two types of bilingual programs were observed by the Commitee on Education: transitional and full.)

ESL Programs

The ESL approach has been practiced in the New York City schools for the past two decades. Under this method, the non-English speaking child has been placed in English-speaking classes on the theory that this experience will enable him to

learn English more quickly. The pupil is removed from the classroom for instruction in English (as his second language), but all subject matter is taught in English.

THE PROBLEM

"The most distressing incidence of academic failure...occurs among a group of children who are handicapped by a language barrier in the classroom - those 160,000* children whose native language is not English and whose difficulty comprehending English significantly impedes successful school performance."[3]

Based on 1970 data, 84% of these children with English language difficulty were enrolled in the New York City public school system. Although large numbers of these pupils come from homes where the dominant language is Italian, French (mostly Haitian), Chinese or Greek, the overwhelming majority are Puerto Ricans from Spanish speaking homes. (An additional category, "others" includes several different language groups.) Data on the extent of academic failure and academic retardation among Puerto Rican students was summarized in the New York State Regents Policy Statement on Bilingual Education.[4] Comparable data on other language groups is not available.

Puerto Ricans comprised almost a fourth (259,879) of the New York City public school enrollment in 1970. One third of the group (94,800) had difficulty speaking and understanding English. In 1970 English as a second language instruction was provided for one fourth of these students (25,000). An additional 6,000 pupils were enrolled in bilingual programs.

"The results of the English language difficulties of Puerto Rican pupils in New York City," in the opinion of the Regents, "are tragically clear." Puerto Rican pupils are lowest in reading, highest in dropouts, and weakest in academic preparation of all pupils in New York State.[5]

*This number refers to the total number of pupils in New York State who have difficulty understanding English.

A study by the Puerto Rican Educators Association (presented to the Fleischmann Commission), reported that "The most outstanding characteristic of reading achievement compared to ethnicity is that schools with a predominant number of Puerto Rican students have the worst reading scores in the City."[6] Their analysis of Board of Education reading score lists and enrollment in 1971 revealed:

1. "a preponderance of Puerto Rican pupils in the schools ranked lowest on the City's elementary school reading score list...
2. a high correlation between Puerto Rican school population, non-English speaking pupil school enrollment; and the large number of pupils reading below grade level...
3. failure to provide special English language instruction to meet the needs of these non-English speaking pupils...
4. reading score percentages do not include pupils with severe language difficulties. They are not even tested."[7]

Results of an in-depth analysis of the reading scores in these schools are described as "chilling."[8] Eighty-one percent of the 5th grade pupils scored below grade level, with two thirds characterized as "critically below grade level."[9]

Almost one third of the pupils enrolled in 24 intermediate and junior high schools with Puerto Rican majorities were 4 years and more below grade level. Fifty percent of these pupils ranged from 3 years to more than 5 years below grade level in reading.[10] Only 14 percent were found to be reading above grade level.

"The single most incriminating factor illustrating the failure of the New York City public high schools in educating their Puerto Rican clients is the appalling dropout rate," according to this same study.[11] A comparison of 10th and 12th grade registration in academic high schools (1969 and 1971), indicates a dropout rate of 53 percent (for blacks the figure is 47 percent, for "others" 27 percent).

A close look at the Regents examination scores and graduation records for Puerto Rican pupils enrolled in selected high schools showed that "large numbers of Puerto Rican and other Spanish speaking students are ineligible for a quality diploma."[12] Almost one fourth of the total Puerto Rican high school enrollment in 1970 was classified as having difficulty with the English language.

Another study, Bilingual Education in New York City, prepared by the Board of Education,[13] reported that high schools with a large percentage of Puerto Rican

students have a higher truancy rate than other schools. The rate ran as high as 45 percent at Benjamin Franklin High School.

These studies, based primarily on 1970 and 1971 data, were reviewed in 1973. Subsequently, the Committee on Education attempted to obtain more recent data on the pupils with language difficulty.

BACKGROUND

Up until the time that the New York State Bilingual Act was passed in 1970, the schools in this state were prohibited by law from providing instruction in any language but English. Although the federal Bilingual Act had been approved by Congress in 1968, most New York City school districts did not receive funds for programs until 1970-71.

The decentralization law, establishing a New York City Community School District System, was passed in 1969. The reorganization of the school system and the fragmentation of responsibility, as well as the embryonic nature of the bilingual programs, made it extremely difficult to obtain the facts and data we were seeking for our study.

Under decentralization, programs for high school students with English language difficulty are the responsibility of the Central Board of Education while elementary and junior high programs are the responsibility of Community School Districts. Theoretically, these programs are administered through the Office of Bilingual Education which was established in 1972-73. Interviews with administrators at this office in the Spring of 1973 revealed that this responsibility was limited to bilingual programs funded by Title VII of the Elementary and Secondary Education Act. At that date, this involved approximately 13,815 students (a small proportion of the total listed as having difficulty with English). Except for ascertaining that the program proposals conformed to Title VII guidelines, the Office of Bilingual Education had no direct role in the development and implementation of these programs. This was left to the Community Schools Districts.

A survey was conducted among the then 31 Community School Districts to determine (1) the number of pupils being served in language programs and (2) methods utilized to diagnose language facility and achievement. It was conducted by the Office of Bilingual Education in 1973, but there were no resources to analyze the data returned by the districts.

We were referred to the Bureau of English for information on English as a second language (see page 2 for definition of ESL and bilingual education) and bilingual classes conducted in the high schools. Here too, according to our informants, the role of the Central Board is advisory, with primary responsibility resting with the high school principals.

These preliminary interviews revealed that no systematic methods had been devised to assess the needs of pupils with English language difficulty, the adequacy of services provided (in relation to the total number of students in need) or the effectiveness of these services. Programs supported by Federal and state funds require evaluation. However, when asked who at the Central Board is responsible for the analysis of the methods utilized in these funded programs and their effectiveness, several key administrators said they did not know. For an outside group to obtain information on the various language programs would require the collection of data from individual high schools as well as each Community School District. This task was beyond the resources of the Committe on Education.

Many educators who recommend bilingual education for pupils with English language difficulty have based their position on theory and the results of a few programs conducted in other parts of the United States or other countries. Interviews with researchers who have specialized in this subject suggested that much of this research was not systematic and that studies reported in the literature were based on bilingual programs conducted in communities that might not be comparable to New York City. Research findings are contradictory, thus providing evidence to question the necessity of instruction in the child's native language.[14] In addition, these studies typically involved short term programs, many of which were

provided to younger elementary pupils with no follow-up or longitudinal data. We were not able to find any research on bilingual programs in multi-language communities similar to some New York City districts.

An additional problem emerged from our interviews with bilingual personnel and observation of four bilingual programs in the Spring of 1973. A variety of programs were operating under the bilingual education rubric, and there appeared to be little agreement among educators on the goals of bilingual programs or the methods for implementing them.

All of the above factors led to the Committee's decision not to focus on bilingual education per se but the problems related to educating the non-English speaking student and those with limited English speaking ability in New York City.

Formulation of language policy recommendations, committee members agreed, required answers to six basic questions:

1. How many pupils in New York City need special language programs and what language groups are represented?
2. What kinds of programs are currently offered?
3. How adequate are these programs in terms of the number of students being served and their individual needs?
4. How effective are these programs?
5. What do educators think about these programs?
6. What do parents think about these programs?

IDENTIFYING THE PROBLEM STUDENTS

Information on the Board of Education's procedures for identifying pupils with English language difficulty was obtained from the Bureau of Educational Program Research and Statistics in June 1973. Interpretation of statistics from year to year should take into account differences in testing procedures. Before 1971, the language survey was conducted by classroom teachers who had not had training in either ESL or bilingual education. In 1971, when more teachers with this kind of training were giving the language test, there appeared to be a decrease in the number of students in the categories indicating language difficulty (see Table I below). This finding was related to reports of teacher bias in several experimental

programs where pupil achievement was evaluated by teachers involved in the development and/or implementation of a program. Bilingual teachers, it was concluded, were inclined to perceive that pupils had made progress and therefore tended to rate them at a higher level than a teacher who had not worked with the pupils in such a language program.

Table I

Pupils Rated According to Ability to Speak English on a City-Wide Basis, 1961-1971

Year	Total Register	Number of Pupils				% of Pupils			
		No English Difficulty	Eng. Lang. Diff.		No Eng. Diff.	Eng. Lang. Diff.		Total %
			English as Sec. Language	Eng. Speak.		English as Sec. Language	Eng. Speak.	
1961	1,004,265	915,361	88,904	--	91.1	8.9	--	100.0
1962	1,027,426	940,351	87,075	--	91.5	8.5	--	100.0
1963	1,045,554	957,772	87,782	--	91.6	8.4	--	100.0
1964	1,054,201	965,487	88,714	--	91.6	8.4	--	100.0
1965	1,065,920	973,134	92,786	--	91.3	8.7	--	100.0
1966	1,084,818	982,358	102,460	--	90.6	9.4	--	100.0
1967	1,109,664	999,217	110,447	--	90.0	10.0	--	100.0
1968	1,121,922	961,073	118,492	42,357	85.7	10.5	3.8	100.0
1969	1,123,165	961,840	121,733	39,592	85.7	10.8	3.5	100.0
1970	1,141,075	980,260	135,425	25,390	85.9	11.9	2.2	100.0
1971	1,146,460	998,328	122,515	25,617	87.1	10.7	2.2	100.0

Source: Board of Education of the City of New York, Survey of Pupils Who Have Difficulties with the English Language, Educational Program Research and Statistics, Publication No. 351, P.N.S. 5418, July, 1972.

Researchers in the Bureau of Program Research, therefore, are aware of the subjective aspect of the language test, but their job is to work with whatever statistics have been provided by the classroom teachers.

The language survey, conducted annually on the last day of October, includes an ethnic survey and a language ability survey which consists of two rating

instruments. A "Performance Scale for Evaluating Oral Communication" (used and recommended by the New York State Education Department) includes five sub-ratings on language patterns, pronunciation, vocabulary, intonation and a summary evaluation. The second instrument tests ability to understand spoken English.

According to the October 1972 language survey there were, city-wide, 102,440 pupils in Category #1 (moderate difficulty), 41,064 pupils in Category #2 (severe difficulty) giving a total of 143,504 pupils with language difficulty. About two thirds (100,906) come from Spanish speaking homes. The remaining third are divided as follows:

		% of Total School Enrollment
Chinese speaking	5,223	0.5
Italian	4,052	0.4
Greek	1,885	0.2
French	3,784	0.3
Other Foreign Languages	4,036	0.3
English	23,618	2.1

Tables prepared by the Bilingual Resource Center provide data on the number of pupils from each language group in the language difficulty category by borough, district and centralized school districts (schools run by the Central Board of Education). Brooklyn has the largest number of pupils in the language difficulty category (40,616), closely followed by the Bronx (33,809) (see Table II below). There is no breakdown, however, of the total number of pupils in each language group by district or school. (That is, the number of pupils in the language group categorized as having no English language difficulty as well as those with language difficulty.)

Table II

Number of Pupils with English Language Difficulty by Borough, 1972

Borough	Total Number of Pupils in Category #1 and Category #2
Manhattan	26,330
Bronx	33,809
Brooklyn	40,616
Queens	13,288
Richmond	752
Centralized School Districts	28,709
Total	143,504

Source: Board of Education of the City of New York, Office of Bilingual Education, August, 1973

The Committee on Education was interested in data on different language groups to assess the feasibility of implementing bilingual educational programs in communities with multi-language populations. Bills had been introduced in the 1973 New York State Legislature which would require districts to provide bilingual programs if there were 20 or 25 pupils in a language group. The proportion of students from each language group is an important consideration in developing bilingual programs in a multi-language community. In most districts, Spanish dominant students represent the majority of pupils in the category with English language difficulty. There are schools with more than 25 pupils in other language groups but they represent tiny minorities in relation to the pupils from English and Spanish speaking homes.

The language survey data suggested several questions that should be explored:

1. Is it realistic to ask public schools to provide bilingual programs for more than two language groups?
2. Where pupils from language groups other than English and Spanish represent small minorities, will bilingual programs be able to achieve the desired social and psychological goals (self-esteem and positive group identification)?

3. Will the social action often required to promote bilingual education foster polarization within the community?
4. What about the pupil whose parents reject bilingual education?
5. Since the needs of students from English speaking homes who do not speak standard English (approximately 16 percent of the total number of students classified as having language difficulty) seem distinct from those of the child from the non-English speaking home, should programs for these students be considered separately?

PROGRAMS IN NEW YORK CITY PUBLIC SCHOOLS

The 20 evaluations of 1971-72 ESL and bilingual programs analyzed for this study reported positive achievement gains in a majority of cases, based on the results of standardized tests or teacher ratings. There were, however, frequent references to the need for improvements in program planning, teacher training, teaching methods, curriculum development and testing instruments.

Many of our interviews with supervisors and teachers of 13 selected bilingual programs operating in 1973-74 indicate that the problems which were identified by evaluators of programs in effect in 1971 still persist. In our opinion, these weaknesses reflect the tendency of school administrators to develop "instant" programs in order to qualify for federal and state grants.

We found some evidence to suggest, tentatively, that these weaknesses are less likely to appear where there is a positive long range commitment to programs for pupils with English language difficulty at the level of the community school board and superintendent.

Despite the need for better teacher training and teaching methods, many of the evaluations described teachers as having a positive attitude toward the bilingual program and the students. There was evidence that many teachers volunteered for these programs and were designing their own curricula.

The impressions received from our observations and interviews were similarly positive. We found evidence in a majority of our visits that supervisors and teachers were genuinely interested in helping their pupils and willing to discuss problems openly.

The following four sections are reports prepared during the course of the Committee's investigation. They contain specifics not mentioned in this section.

NUMBERS OF STUDENTS SERVED

It is extremely difficult to obtain dependable information from the Board of Education on either the number of pupils classified as having English language difficulty who are provided with special services, or on the adequacy of these services. In part the problem is the result of decentralization and the diffusion of responsibility; but it is also attributed to inadequate funding and inadequate resources for program development.

Based on data obtained from a number of sources, the Committee on Education estimates that the number of pupils currently enrolled in ESL or bilingual programs in 1973 has more than doubled since 1970 from 31,000 to 72,000. However, this figure represents only half of the total number of pupils classified as requiring these services (143,000). Indications that the pupils being served in each funded program have been counted more than once suggests that the total number may be less than what appears on paper.

The 1972 State Education Department policy statement estimated that 31,000 pupils with English language difficulty in New York City were receiving ESL (25,000) or bilingual instruction (6,000) in 1970.[15] That year, 1970, the New York State Legislature enacted a law permitting school districts to provide instruction in the native language of the pupil and in English for those pupils "with difficulty in reading and understanding English."[16]

By the 1972-1973 school year, despite the change in Education Law, the number of pupils enrolled in bilingual programs in New York City had increased to only 13,815 from the 6,000 enrolled in such programs in 1970.[17] It should be pointed out, however, that 3,737 of these pupils were English dominant. The bilingual programs therefore served only 10,078 pupils with English language difficulty.

It was also reported that there were an additional 58,347 pupils enrolled in ESL programs throughout New York City.[18] Thus the system was providing some form of language program for less than half of the total number of students categorized as needing such assistance in 1972-1973.

By the 1973-1974 school year, according to Board of Education statistics, approximately half of the city's students with language difficulty were enrolled in a language program.

FUNDING SOURCES AND COST OF PROGRAMS

Most of these programs are funded by the Elementary and Secondary Education Act (ESEA) (Title I, III and VII) and State Urban Education. Some are supported by city tax levy funds. The combined cost for these programs comes to almost $29 million. However, these funds are not devoted exclusively to language instruction. A letter from the Office of Urban Education, accompanying the list of programs funded by this source, advised us to "note that in some cases only a portion of a program may involve a bilingual and/or ESL component."[19] The list of programs received from the Title I Office designated the programs as "bilingual," but ESL and other programs were also included. There was, for example, a "Strengthening Early Childhood" program serving 3,112 students and a "Reading Remediation and ESL" program serving 2,440 students.[20] We included all of these programs in our estimate.

As Table III indicates, the average additional per pupil cost for these programs covers a wide range, from $210 for State Urban Education programs to $615 for Tax Levy programs.

Table III

Funded Bilingual Programs 1973-1974
Funding Source, Total Amount per Program and Average per Pupil Cost

Funding Source	Total Amount	No. Pupils Served	Per Pupil Cost (Avg.)
Title I	$15,002,302	29,459	$497.
State Urban	4,238,532	20,105	210.
Tax Levy	4,093,473	6,646	615.
Title VII	4,108,854	13,582	302.
Title III	445,417	375	*
Chap. 720, New York State Laws of 1973	929,000	1,779	522.
	$28,817,578	71,946	

Although Board of Education figures indicate 71,946 pupils were served by these programs, several informants (including a regional HEW official) have suggested that students enrolled in these programs have been counted more than once. The data provided by the Board of Education lists each source of funding separately, and the number of students served by each funding source, giving the impression of separate programs for groups of students under each funding title. When Committee on Education staff interviewed administrators and teachers at individual schools, they were frequently informed that a program was funded by more than one source and in some instances by three or four. In other words, there are schools with one bilingual program receiving Title I, Title VII, State Urban Education and Tax Levy funds, indicating double, triple and quadruple counting of the same students.

To determine the number of students currently being served by either an ESL or bilingual program for the New York City school system, it would be necessary to analyze the number of students enrolled in programs on a school by school basis.

*Title III funds support resource centers for the entire school system or district.

Adequacy of Current Programs

A similar process is required to determine the adequacy of the current programs. As mentioned earlier, in 1973 the Central Board's Office of Bilingual Education sent a questionnaire to Community School Districts in an attempt to assess pupil needs but this office had no resources to analyze the data.

The number of pupils enrolled would also have to be correlated with the number of ESL teachers and/or bilingual teachers provided in a program. For ESL programs it would be necessary to know the level of the pupil's language difficulty (severe or moderate) and the number of hours of language assistance provided per week.

Several attempts were made to obtain information on program adequacy. Administrators at the Central Board of Education and the local distric levels told us that this is a "complicated" matter and requires knowledge of the pupil's language development and other "individual characteristics."

Absence of Guidelines

Finally, there appears to be no evidence of any guidelines or systematic methods for developing programs to meet student needs either in ESL or bilingual programs. We had anticipated that the educators responsible for writing the proposals for obtaining program funds and those required to implement the programs would have formulated some basic requirements. Here, too, we were told that the question is complex and related to the "pupil's individual needs." We have found no Central Board or Community School District administrator who would give us an estimate of how long it might take to teach English to a non-English speaking student; how many hours of instruction per day or per week are required, etc.

When such questions are asked in relation to bilingual education programs, they are often answered in terms of a formula for full bilingual programs. That is, one is told that in the first grade of such programs, 85 percent of instruction is provided in the child's native language and 15 percent in English. The percentage of instruction in English is increased each year with the goal of providing equal

time for instruction in both languages by the sixth grade. This formulary answer does not take into consideration the needs of a child who might enter a bilingual program at the third or fourth grade. In fact, the formula assumes that all of the children in a bilingual program will have entered at the beginning of the program.

Shortage of Trained Teachers

The report of the Fleischmann Commission estimated that 2,700 ESL teachers were needed for an "effective ESL program" to serve the pupils with English language difficulty. In 1970 there were approximately 560 ESL teachers in New York City. The Board of Education report estimated 1,676 ESL teachers to implement a "moderate program of English instruction."[21] A moderate program would provide a 1/2 hour period each day in groups of 10 or 12 for pupils with "severe" language difficulty. For pupils with "moderate" language difficulty, it would provide a 1/2 hour period each day in groups of 25.*

ENGLISH AS A SECOND LANGUAGE PROGRAMS IN NEW YORK CITY HIGH SCHOOLS

Information on English as a Second Language (ESL) programs operating in New York City high schools was obtained through the cooperation of the Bureau of English, now a division of the Office of Bilingual Education. Interviews were conducted with the program director, supervisors and teachers of ESL programs in four high schools (located in Manhattan, the Bronx and Queens). A research associate in the Board of Education's Bureau of Educational Research who had evaluated several ESL and bilingual programs was also consulted.

*A request to the Board of Education sent in early April 1974 asking for the number of ESL and bilingual teachers in 1973-74 has not been answered. In a phone interview with a staff member from the Office of Bilingual Education, we were told that no information would be available until after the ASPIRA lawsuit was resolved. See section on Litigation for a description of this lawsuit.

At the time of our interviews (Spring 1973), Title VII and State Urban Education grants funded 106 ESL teachers in 50 schools in New York City. To qualify for this aid, a school had to have a minimum of 60 students whose dominant language was other than English and who had difficulty understanding English. The program began in 1970 with 59 teachers in 32 high schools.*

According to the director of the ESL program there are approximately 20,000 high school students who need program services.** He stated that the present program is reaching "almost all" of these students. ESL is a two-year program for most students and consists of 90 minutes of instruction in English each day. It is supposed to have a 20:1 pupil-teacher ratio but from records at the schools visited by the Committee, class size appears to vary considerably with classes ranging from 15 to 27 students.

While this program may be "reaching" almost all of the students with English language difficulty who come from non-English speaking homes the services do not meet the standards described by the program director.

Based on the 20:1 ratio, the 1972-73 staffing would service only 10,600 students. With a 25:1 ratio it would serve only 13,250 students. The 59 teachers in 1970-71 were reported to have served 8,000 students. (On the basis of five classes a day this would give an average pupil-teacher ratio of 27:1.)

The ESL program varies in each school and may be directed by the chairman of the Speech Department, Foreign Language or English Department. Building principals are responsible for the assignment of this supervisor. During the first two years in the program, the student is advised to take math, science, art and other electives which are considered to be less dependent on proficiency in English. When

*Before decentralization one administrator and two coordinators were responsible for the ESL program in the entire New York City school system. In 1973 there was no one at the Board of Education who could provide background on the history of this earlier program.

**The report on the October 1971 language survey results listed 26,472 high school students with English language difficulty. However, since 6,813 of these students were from English speaking homes, their needs would not be served by an ESL program.

speaking and reading ability in English has improved, the student is advised to complete other more verbally-oriented requirements for the diploma.

Variability in the quality of ESL programs, reported in a 1972 evaluation,[22] is attributed to:

1. Experience. The number of years a particular high school has been serving non-English speaking students.
2. New immigration. Originally newcomers were Spanish language dominant but now include other language groups: Spanish, German, Slovakian, French and Italian. (The present most rapidly increasing new population groups are coming from Haiti and Italy.)
3. Curriculum and methodology. ESL is a discipline of recent vintage and there is a need to coordinate methods and curriculum materials. There is some question whether the methods developed primarily for Spanish background students are universally applicable when teaching other language groups. This is corroborated by two studies of ethnic differences in mental abilities.[23]
4. The bilingual factor. The recent demand for social and educational recognition of a language other than English has raised questions about the role of bilingualism vis-a-vis ESL programs.
5. Organization. While department chairmen in the high schools normally are highly trained in their discipline and licensed to supervise the subject teachers in their department, ESL supervision is provided by a variety of personnel, many of whom are not specialists in this field.

Some of these factors were also mentioned by ESL personnel interviewed by the Committee. It is highly probable that the same issues are pertinent to the implementation of a bilingual program in city high schools.

In addition, most of the people interviewed expressed serious reservations about the feasibility of the bilingual approach at the secondary level. They share the view that it takes a "good" high school student about one year to learn English sufficiently to comprehend instruction in English dominant classrooms. However, follow-up data on student achievement has not been collected on students after participation in the ESL program. Two of the schools visited indicated that they had just begun to compile such information.

Teachers interviewed give the impression that the most "successful" students are those who, because they are a small minority in a school, are forced to learn English in order to communicate. Where there is a large ethnic minority in a school, it was suggested that there is less "pressure" to learn English.

Some teachers commented on the correlation between student background and achievement. Those from European countries, particularly if the home is middle class oriented, are reported to learn English faster than those from poorer homes and South American countries, but objective data to support this claim were not provided. Teachers also observed that most students are motivated and well behaved on arrival but go "downhill" thereafter, a phenomenon which they attribute to assimilation into the ethnic sub-cultures of New York City.

The primary objection to the bilingual approach, voiced by most high school administrators and teachers we interviewed, is based on the belief that it will take the student longer to master English. It is assumed that instruction in the bilingual classes will be predominantly in the native languages.

Another problem identified by several teachers relates to the student's previous schooling or lack of it. They maintain that many of the incoming students are illiterate in their native language. A special bilingual program to teach reading skills to these students was instituted in the 1972-1973 year in two of the four schools visited. Teachers questioned the ability of these students to function in academic courses at the high school level. Some teachers also reported student resistance to this program because the students want to learn English, and are "insulted" at being taught in their native tongue.

These views contrast sharply with those of a high school teacher who is a grade advisor for incoming Spanish speaking students. She teaches Spanish and is not part of the ESL program in her school. (She is not Spanish dominant.) She stated that the bilingual classes were a "must" for the Spanish speaking students because the ESL program did not prepare them to function adequately in the "mainstream." Spanish speaking students, she reported, tend to be shy and afraid when they enter the school and need to communicate with teachers who can understand them. In her opinion, the atmosphere of the school and the treatment accorded these students is a primary factor in alienating them from the educational system.

Testing Instruments Needed

The 1971 evaluation of the high school ESL program discussed several problems related to guidance, placement and programming. "There is a serious need for test or battery of tests that will give the guidance staff the type of information they require to make the most appropriate decision," the researcher noted. The program was described as operating on judgmental validity.

Our interviews in 1973 indicate that this need for appropriate tests persists. In one school we were told that students are screened by grade advisors or a foreign language teacher who speaks the student's dominant language. However, this procedure is beyond the resources available in another school we visited which currently enrolls students from thirty different countries.

According to the research associate from the Bureau of Educational Research, Board of Education personnel are aware of the need for appropriate instruments for screening, placement and growth, but no resources had been allocated for their development.

Bilingual instruction in subject areas is recommended for high school students by this researcher. He estimates that it would take one and a half years, or more, for a student to become facile in English at this level. This is almost half of the high school career. Without bilingual instruction the important subjects "pile up" and the last two years become too difficult for the average student.

Shortage of Qualified Teachers

There appears to be a growing recognition of the need to combine ESL with bilingual instruction in subject areas, but there is some doubt about the capability of high schools to provide bilingual instruction for pupils of several different language groups. At the most it would be limited to Spanish, Italian and French (Haitian) since these are the dominant languages of the majority of non-English speaking students at the present time.

Few high schools currently have licensed bilingual teachers. New York City instituted a secondary ESL teacher license only four years ago. The number of applicants for high school licenses in this category is small, according to a member of the Board of Examiners staff, because few teachers have met the training requirements which demand not only proficiency in a specific discipline, but the ability to teach the subject in both English and a second language.

Supervisors of ESL programs appeared concerned that their programs would be "phased out" with the revised guidelines for categorical aid requiring concentration on remedial reading, math and bilingual instruction. (It had been announced in Spring 1973 that Title I funds would be allocated only for these three programs.)

ESL Workshop

A workshop for approximately 100 ESL coordinators and teachers conducted by the Bureau of English was attended by a Committee representative at the invitation of the program director.

Students' Views

Six students who had participated in high school ESL programs were asked to discuss what they liked and did not like about the program. This presentation was followed by a question and answer period and a general discussion about problems encountered in implementing ESL programs. The students came from Greece, Hong Kong, Equador, Haiti, Puerto Rico and Italy and all reported favorable experiences in the ESL program and subsequent experiences in classes instructed in English. In answer to questions about what they would like added to the program, students mentioned: more speech and conversation so that they could learn to express themselves better in English, role playing, more trips, more instruction in note-taking rather than writing on the blackboard.

Responses to a question about receiving instruction in subject areas in their native language were varied. Some students reported that it took only a few months

for them to be able to function in classes instructed in English; for others the process took a year or more. There was consensus on how teachers should treat students. They want teachers who make them work hard and treat them as adults. One student mentioned that some teachers treat non-English speaking students like "babies."

Several issues emerged in the general discussion:

Pupil placement. One teacher mentioned students who had completed math and other subjects in their native country but were required to repeat courses because the principal refused to give credit for them. Authority in this area rests with the high school principal. There appears to be no formal procedure for evaluating a transcript from another country and the need for schools to have clearly stated policy on student placement and credits earned for schooling outside of the United States was evidenced in several questions and complaints. An Italian-American teacher reported that even children who have had advanced classes in their native country are placed in low classes here. He cited a case where a boy was held over in an English class for three years and could not graduate, despite having fulfilled all other high school requirements.

Articulation. Articulation between junior high and high school needs improvement. Some high school ESL teachers said they visited junior high schools to obtain information on students' language ability before entry but the ensuing discussion indicated that this was not done routinely. The program director stated that this procedure is properly the responsibility of the ESL teachers and suggested further that they should explain the program to students in the feeding junior high schools.

Inadequate resources. The problem of insufficient resources to meet student needs results in students being placed in the "mainstream"* before they are ready. George Washington High School was described as "overwhelmed" with 650 ESL students. While class size should be limited to 20 students, many have 28 and one is reported to have 42 because the teacher wants to help as many students as possible. An ESL coordinator from a district with several language groups (Spanish, Italian, Greek, Hindu, Japanese) complained about the lack of trained teachers for ESL classes and claimed that there was no support from the Central Board for teacher training, thus the school ends up being a "baby sitting service" for most foreign-born students.

Organization and responsibility. The ESL program director explained that his staff cannot go into the districts without the superintendent's permission. Invitations to the ESL workshop had been sent to all 31 districts but a show of hands revealed that only five district offices were represented at this workshop. Not all community school districts welcome assistance from Central Board personnel and one district has requested that its coordinator not be invited to any more ESL workshops.

*The regular school program with classes instructed in English and no special language help.

Inadequate training. Despite the division of authority, referred to above, it was pointed out by teachers that the districts still have to take people "sent" by the Central Board even if they are not qualified. It was frequently stated that teachers were designated as ESL teachers without reference to their qualifications and without appropriate training.

Contractual problems. A major problem, according to the ESL program director, is that principals are reluctant to employ ESL teachers because they do not provide teacher "coverage." The union contract requires that the principal provide 5 free periods a week for each teacher. Principals are reported to prefer "OTP's" (Other Teaching Positions) to ESL teachers because the nature of the ESL program, in which children are "pulled out" of class for small group instruction, does not lend itself to full class coverage.

Summary

An open discussion at this ESL workshop attended by about 100 teachers and coordinators reinforced several observations discussed in the previous section and raised some new issues. In the former category, the discussion stressed the need for testing and diagnostic instruments for pupil placement, teacher training and program supervision. Included in the latter were the inadequacy of ESL programs to serve the large number of students with language difficulty, a need for improved articulation between schools, and the necessity for clarification of policy on graduation requirements for foreign born students. There also appears to be some confusion about who is accountable for programs for high school students. Although the Central Board is responsible for high schools, Central Board administrators report that they have no authority beyond supervising ESL teachers.

ELEMENTARY AND JUNIOR HIGH SCHOOL PROGRAMS FOR PUPILS WITH ENGLISH LANGUAGE DIFFICULTY

Information on programs provided for elementary and junior high school students with English language difficulty was obtained from interviews with ESL and Bilingual Coordinators in several Community School Districts, a content analysis of the evaluations of 20 programs conducted in 1971-72 (provided by the Division of Funded Programs), a review of Title I proposals for 1973-74 and observations of 13 bilingual programs.

Interviews with Program Coordinators

In June 1973, a letter was sent to superintendents of districts with high percentages of pupils classified as having English language difficulty, explaining the purpose of our study and requesting information on programs provided for these students. We were usually referred to the district's ESL or Bilingual Coordinator, but discovered that their knowledge was limited to a small number of funded bilingual programs for which they were responsible. They could not provide statistics on the total number of language programs operating in the district, or the students served in each program. (To obtain this information we were usually advised to call each school principal, who is responsible for determining the number of students in need of special language programs.)

Nor are these Coordinators responsible for ensuring that schools with non-English speaking pupils provide special language instruction at all grade levels in a school. They are also not responsible for the articulation of elementary and junior high school language programs.

Coordinators described the Title VII bilingual programs as being "phased in," starting in the early grades. Thus most programs in 1973 were operating K-3. They had begun in 1970-71 with a bilingual class at the K-1 levels. Each year another bilingual class is added. If there is a bilingual class beyond the third grade it is probably funded by Title I or tax levy monies.

Three programs operating in one district will illustrate how the process operates. In one school there is a K-6 program, in another school a K-3 program, both for Spanish dominant pupils. A K-2 French bilingual program for Haitian children is housed in a third school. The early primary classes are funded by Title VII. In the K-6 Spanish bilingual program, classes above grade 3 receive Title I and tax levy funds. (When programs are funded by Title I, the Coordinator reported, there is "no commitment" on the part of the school board since Title I programs are funded on a yearly basis. Title VII funds, on the other hand, continue for five years and are earmarked for bilingual programs.)

There were indications that in some schools where bilingual programs are being phased in, there is no ESL program for the non-English speaking pupil who enters above the third grade level.

Inadequacy of Teacher Training and Bias Against Bilingual Education Cited

Evaluations of bilingual programs in this district have recommended more teacher training. "The colleges," according to the district Coordinator, "don't prepare teachers to teach." She stated that the problem is compounded by the lack of acceptance of bilingual education and "reluctance to hire experienced bilingual teachers. Poor teachers who cannot handle regular classes are often put in the ESL position because the classes are smaller and they think it will be easier for the teacher."

This Coordinator is experimenting with bilingual "open education" under the direction of Lillian Weber. She received her secondary education in Puerto Rico, her B.A. at Teachers College, Columbia University (summa cum laude) and is currently studying school administration at CUNY. Her argument for bilingual instruction is based on her personal experience at Columbia: "If I could not get the textbooks in Spanish, I never would have passed my courses," she stated. "I taught myself English so that I could understand what was said in the classes and so that I could communicate with people. Most of the time I learned in Spanish."

Interviews with other coordinators revealed similar experiences and attitudes. Criticism focused on the inadequate or inappropriate training of most teachers responsible for teaching the pupil with language difficulty, and the reluctance of administrators and others to accept bilingual education. Almost all of the coordinators we interviewed are advocates of bilingual education who are pursuing graduate studies in this field.

Evaluations of Selected Bilingual and ESL Programs 1971-72

Thirty evaluations of bilingual and ESL programs conducted by independent consultants in 1971-72 were received from the Board of Education's Division of Funded Programs. The following data were revealed by a content analysis of 20 of these which described programs operated in public elementary and junior high schools.* (For a list of the evaluations included in this analysis see Appendix A.)

The 20 programs included 6 ESL and 14 programs designated as "bilingual." The distribution of these programs by funding source is indicated in Table IV.

Table IV

Selected ESL and Bilingual Programs, 1971-72 by Funding Source

Funding Source	ESL	Bilingual	Total
State Urban	2	3	5
Title I	4	5	9
Title VII	--	6	6
Total	6	14	20

Evaluators reported positive gains in academic or linguistic achievement in most programs despite major program weaknesses. They also indicated weaknesses in several evaluations due to timing problems and inability to obtain quantitative achievement data. Program weaknesses will be discussed first.

*Ten evaluations of resource centers and programs in non-public schools were not included in the analysis.

Inadequate Training

The need to train teachers and paraprofessionals was mentioned in 16 of the 20 program evaluations. The success of the programs despite this need, was often attributed to the positive attitude of the teachers towards the program and the students. Their need for more training most often was identified by the teachers themselves.

Inadequacy of Curriculum Materials

The next most common program weakness, curriculum materials, was mentioned in 13 evaluations. References were made to the lack of, or inadequate number of bilingual textbooks, audio-visual aids and other teaching materials. Where evaluations reported student gains, teachers were often praised for their ingenuity in developing their own materials.

Bilingual Program Weaknesses

Program weaknesses tend to predominate in the bilingual programs included in this sample, as shown in Table V. Nine of the 14 programs in this category were criticized on the basis of program development and administration. These weaknesses, along with inadequate teacher training and the need for appropriate curriculum materials, were characteristic of the bilingual programs funded by Title I and State Urban Aid.

Table V

Results of Analysis of Selected Bilingual and ESL Program Evaluation (1971-72)

	Bilingual Programs		ESL Programs	
	YES	NO	YES	NO
Major Program Weakness	11	3	3	3
Major Evaluation Weakness	7	5	1	5
Pre-Test/Post-Test Design	8	5		
Instruments to Measure Achievement				
Standardized test score	9		2	
Teacher ratings	2		3	
Teacher tests	3			
Paraprofessional ratings	1			
No achievement data	1			
Results - achievement goals				
Positive gain	9		6	
No difference between control and experimental groups	2			
Partial (gains in one objective)	2			
No data	1		1	

Eight programs funded by these two sources were designated as "bilingual." Only one, however, conformed to the accepted definition of such a program: instruction in two languages. The other 7, based on program objectives or description of instructional methods, were actually ESL programs.

Criticism focused on the need to train supervisors, teachers and paraprofessionals in bilingual philosophy and methodology and to develop program objectives:

> "There seemed to be a need for a more concentrated effort in training or orienting the program staff in the theory and practice of bilingual education...a structured teaching pattern was not in evidence in these classes..." (Dist. 14 Evaluation, p. 11)

> "During the observation it appeared that each teacher was operating quite independently of any district supervision. The teachers were giving what they and the school administrators assumed was a bilingual program, but in most cases instruction was similar to TESL instruction (Teaching English as a Second Language). All teachers were bilingual; they used Spanish in varying forms, usually to give explanations or clarification of directions." (Dist. 15 Evaluation, p. 8)

> "Both the objectives and the target groups in this program have been stated in such general and ambiguous terms that it becomes virtually impossible for anyone to determine what services specifically are going to be rendered and what specific groups are to receive them." (Dist. 19 Evaluation, p. 125)

An evaluation of programs operating in 3 schools reported that in two schools:

> "...teaching practices did not capitalize upon the dominant language of the child as an instructional tool...the practice of removing one or two children from each classroom to receive drill in English could hardly be said to be educationally sound. Instead of creating a positive image of his own language and seeing it as worthy of being kept, the child is further stigmatized by the need to leave his regular classroom." (Dist. 5 Evaluation, p. 74)

Evaluators found similar program weaknesses in 4 of the 6 Title VII funded bilingual programs although instruction was provided in two languages.

> "Substantial administrative difficulties caused the project to be substantially revised." (Dist. 1 Evaluation, p. 1)

> "Most of the instruction given through the medium of Spanish is given by the Bilingual Professional Assistant, who although typically a trained teacher from another country, has not yet had the opportunity to receive training in early childhood education as formulated in the United States... In order to achieve the goal of normal grade progression for Spanish dominant children who will learn through the medium of Spanish, it will be necessary to insure that pupils are taught by individuals trained in bilingual education." (Dist. 6 Evaluation, p. 31)

"Another practice observed throughout the program was using English and Spanish elements in one sentence or alternating English and Spanish in one paragraph. Teachers were not always conscious of doing this...The practice can result in great confusion and the development of undesirable linguistic habits that are not consistent with the underlying principles of bilingual education." (Dist. 3 Evaluation, pp. 33, 34)

Teacher training, when provided, is not always relevant to the needs of the classroom teacher, as evidenced in the following.

"It seems clear that the courses are not uniformly successful in meeting the needs of the P.S. 25 staff members." (Dist. 7 Evaluation, p. 22)

"They [the teachers] felt they needed more relevant courses which dealt with day-to-day situations in the Bilingual and Open Corridor set-up, instead of courses dealing with theoretical aspects of the field, which they found hard to apply to the classroom situation." (Dist. 3 Evaluation, p. 37)

ESL Program Weaknesses

Criticism of 3 of the 6 programs in this category referred to inadequate teacher training, program planning, pupil placement and facilities.

"The average ESL teacher in the district would not meet the requirements for the ESL license at either the elementary or the secondary level. Most District #24 ESL teachers do not have the required two points of course work in ESL methodology, 30 semester hours in either English or a foreign language, 6 semester hours in linguistic courses for the secondary level, or the 12 semester hours in ESL including a minimum of 6 semester hours in linguistics and a minimum of 2 semester hours in ESL methodology. Furthermore, the average ESL teacher is not a member of TESOL (Teachers of English to Speakers of Other Languages) and thereby misses a major source of information about new developments in classroom techniques, texts, audio-visual aids and the theoretical implications of the current research." (Dist. 24 Evaluation A, p. 83)

Rating of teacher's performance in one evaluation placed 41% of teachers (N=39) as doing a "less than acceptable job." Though all were listed as ESL personnel, only two had majored in ESL and one had minored in this field. Seventy percent had 5 or more years of teaching experience, but only 25% had taught ESL for 5 years or more. (Dist. 24 Evaluation B, pp. 123-125)

"Participating students on the elementary level did not receive enough ESL instruction to insure optimal progress in language acquisition. In some schools students were seen only two to three times a week for 45 minute lessons." (Dist. 17 Evaluation, p. 30)

"A test is needed to differentiate pupil proficiency levels. Administrators should make every effort to provide means for pupil grouping in ESL classes to be as homogeneous as possible. The primary criterion should be English proficiency, with some mixing of grade levels if necessary to maintain homogeneity in English language facility." (Dist. 24 Evaluation B, pp. 132-133)

"The consultant noted that most of the participating schools lacked physical facilities. Many classrooms were overcrowded because too small a room was provided. This situation minimized opportunities for individual or small-group work to take place." (Dist. 17 Evaluation, p. 29)

Evaluation Methods and Standards

Deficiencies in evaluation methods or inability to implement the original evaluation design were found in 10 cases. Nine were bilingual programs. Lateness in awarding the evaluation contract or inception of the program and lack of quantitative achievement data or an appropriate control group were most usual explanations for failure to utilize a pre- and post-test or experimental design.

Positive gains reported in 5 evaluations are open to challenge or question. Of the 5, there were 2 cases where positive results were based on pre- and post-data for extremely small samples (N=20, N=5); one program with pupil progress rated by paraprofessionals; one program where pupils improved but did better on the pre-test and one with positive results based on standardized tests but negative results on teacher tests.

Inconsistency in instruments to measure pupil achievement

While most (N=9) evaluation of bilingual programs utilized standardized tests (either the Metropolitan Achievement Test or Inter-American Test of General Ability) to measure achievement gains. The rest used teacher tests or ratings. There were several references to the inappropriateness of standardized tests for students from non-English speaking homes. One project director refused to permit the use of standardized tests.

"There is a paucity of standardized test materials specifically for the Puerto Rican child and in many instances the child is compared to children from completely dissimilar ethnic and economic groups." (Dist. 4 Evaluation, p. 16)

"The testing of Spanish dominant children on an adaptation of the MAT especially prepared by the Institute for this program was prohibited by the Project Director." (Dist. 10 Evaluation, p. 5)

This refusal, to permit the use of standardized testing for non-English speaking pupils reflects the increased awareness of the questionable validity of such tests for these pupils. For example, a Task Force on Testing sponsored by the National Education Association passed the following resolution on this issue:

> "Testing of children whose language is other than standard English with instruments that were developed for users of standard English violates the norm and standardization of these instruments and makes the results questionable. We contend that the use of these instruments with children whose language is other than standard English is invalid.
>
> "Sufficient evidence now exists to direct us to the development of criterion-referenced assessment systems as a means of improving the accountability of educational programs. These evaluation processes must correspond to local performance objectives.
>
> "The development of valid test instruments for bilingual and bicultural children must be directed by qualified bilingual and bicultural personnel in the educational field or in similar fields, to assure that the test instruments will reflect the values and skills of the ethnic and cultural groups being tested.
>
> "Whereas currently used standardized tests measure the potential and ability of neither bilingual nor bicultural children and yet are so used and relied upon to count, place and track these children, we resolve that such use of standardized tests be immediately discontinued."[24]

All of the above issues, inability to implement the evaluation design, lack of access to achievement data and inconsistencies in measuring this achievement clearly indicate the need to develop guidelines for program evaluations and appropriate evaluation instruments.

These problems do not apply to ESL programs which, with one exception, utilized a scale developed by the Board of Education to measure fluency in English. (Reliance on observation and interviews in the exceptional case was not explained.) There was however, one reference to a need to develop a test to "differentiate pupil proficiency levels" for placement purposes.[25]

SUMMARY

Although evaluators reported positive achievement gains for a majority of participants in programs included in this analysis, they identified major weaknesses in most programs and deficiencies in the evaluation methods utilized in half of these programs.

An overwhelming majority of the evaluations discussed the need for more training in bilingual and ESL methods, the need for a structured curriculum and for curriculum materials appropriate for different language groups.

The development and administration of most bilingual programs were criticized. Seven of the 8 programs designated as bilingual funded by Title I and State Urban Education were in fact ESL programs.

Less frequently mentioned program weaknesses were: ineffective methods for involving parents, inadequate utilization of paraprofessionals, reassignment of bilingual teachers to other duties, discriminatory licensing procedures for bilingual teachers, and mis-assignment of pupils. There were indications of a need to improve university-based teacher training courses.

Deficiencies in evaluation methods, in most cases, reflect problems beyond the evaluators' control.

Variability of evaluation instruments reflect differences in program goals as well as a lack of agreement on the appropriateness of standardized tests for pupils from non-English speaking homes and inability to obtain quantitative achievement data.

The results of this analysis of selected evaluations suggests the need for more rigorous evaluation standards. The differences in evaluation procedures - with some programs relying on objective measures of performance and others using more subjective data - as well as criticism of existing standardized tests, indicates the need for the funding sources or the Central Board to develop appropriate guidelines for evaluating these programs in the future.

ON SITE OBSERVATIONS OF BILINGUAL PROGRAMS

Thirteen bilingual programs in elementary and intermediate schools were visited by Committee on Education volunteers and staff in May and December of 1973. The primary purpose of the visits was to get firsthand impressions of what these programs were like through classroom observations and interviews with program staff.

The May visits, made by the staff researcher, covered four bilingual programs. Three were recommended by a Community School Board member and the fourth by a bilingual educator. One half day was spent in each of three schools, and three half days at the fourth. Interviews were exploratory and aimed to find out how the programs were developed and implemented. There were several indications that these programs functioned as models for bilingual educators. Two were funded by Title VII and thus had to conform to federal guidelines.

Nine other programs were observed by teams consisting of Committee on Education volunteers and staff in December. These were selected because of their diversity and because they were located in districts known to have large numbers of students with English language difficulty.

Initially we had decided to focus on programs funded by Title I of ESEA since a change in Title I guidelines specified that funds be earmarked for bilingual programs, remedial reading and math. Because Title I is the source of the largest appropriation of special funds, we anticipated that a majority of students classified as having English language difficulty would be served by these programs. This proved to be the case. (See Table III page 14)

Before attempting to make arrangements to visit the Title I bilingual programs, we obtained background information from the Board of Education personnel responsible for reviewing Title I proposals. (This included a review of 1973-74 programs in decentralized elementary and intermediate schools.) Of special interest to the Committee on Education was the discovery that the Title I office at the Board of Education primarily reviews proposals to ensure that the programs conform to Title I guidelines. Analysis of program content and effectiveness is beyond the authority of this office which merely transmits the proposals to the State Education Department. We have attempted to find a division of the State Education Department responsible for this type of review. So far every official interviewed at the state level has reported that the state's role is "advisory."

This inquiry to track down responsibility for program content was pursued because of several reports that many of the Title I funded programs, although labeled as such, were not bilingual programs. It was alleged that the labels on the existing programs for pupils with language difficulty were changed to "bilingual" in order to receive Title I funding. When this issue was raised in a recent interview (May 1974) with an HEW administrator, he said that the federal office has become aware of the matter. We were unable to gain access to Title I programs to verify this charge. Title I programs in 10 schools identified from the Board's language survey as having large numbers of pupils with language difficulty were selected for our sample. However, none of the principals would permit the Committee to observe these programs. Rejections were usually based on the claim that the programs had just started in September or later and that the teachers lacked experience. It was suggested in some cases that observing such a new program would not be helpful to our study.

One principal said that he did not believe laymen were capable of observing without evaluating, and since his program had just started he felt it was "unfair" to evaluate a program "before it even gets off the ground." Another principal told us that the program had not begun because he could not find teachers.

"You've got to have a hidden agenda," was given as the reason for another rejection. In several instances, Title VII bilingual programs were recommended since they had been in operation longer.

Because of this resistance, the Committee decided to put aside the Title I program data and simply visit bilingual programs to which we could obtain access. To accomplish this, staff contacted Bilingual Coordinators in districts with high enrollments of pupils with language difficulty or multi-language populations. Arrangements were made to visit schools in 6 districts. Committee members and staff observed bilingual programs in 9 schools in the first two weeks of December 1973.

The programs are so varied that it is difficult to make generalizations. As one observer wrote: "each school district had its own idea of what a bilingual program is, should be, or how it should be practiced." The fact that most of the observation sites were recommended by bilingual personnel suggests, of course, that they are considered exemplary. Nevertheless, problems emerged, similar to those raised in the evaluations, and these will be discussed at the conclusion of this section.

Of the 13 programs visited, (one early childhood, 9 elementary and 3 intermediate) 5 were completely bilingual with classes taught in both the native language and a second language at every grade level contained in the school. Five were bilingual mini-schools or an annex to a "regular" school. Two elementary schools had bilingual "tracks" or components. There was one school

in which the "bilingual program" was really part of a training program for paraprofessionals who are recent arrivals. (They work with monolingual English teachers to develop vocabulary for Spanish dominant students.)

Fully Bilingual Schools

Methods of instruction differ in the completely bilingual schools. However, they all provide subject matter instruction in the students' native language and English as a second language instruction for non-native pupils. For pupils from English speaking homes, subject matter instruction is provided in English and instruction in a second language (with one exception the second language was Spanish). There was evidence that resources had been allocated for curriculum development, including a bicultural component, although in most schools this was still an on-going process. Most significantly all of the children attending these schools were participating in the bilingual program. Three schools were attended by pupils residing in the immediate neighborhood, two received pupils from throughout the district in which they are located. All are elementary or early childhood programs. Two of the schools with upper elementary classes indicated that it has been necessary to make accommodations for students who arrive in the United States with no previous schooling. In the third school, not a neighborhood school, an informant indicated that such a student would not be admitted because he would not have the preparation to function in a bilingual setting.

Mini-Schools

One of the elementary mini-schools with a K-3 program, is administratively separate from a regular elementary school but its classes are not. The other, a K-2 program, is an annex of a regular school located across the street in

a separate building. There is consequently a greater likelihood that pupils participating in the latter will have no contact with pupils in the regular school.

In the school with the K-3 bilingual program there is no bilingual or ESL class for older pupils. A teacher described a boy who had been in the fifth grade in Puerto Rico. He was considered "very bright" by the bilingual teachers who tested his reading in Spanish. Because the boy did not understand English he was placed in the 4th grade. Even here he could not understand instruction and in a short time was reported to be a "behavior problem."

The other three mini-schools were located in intermediate schools, one with a Haitian and the other a Spanish bilingual program which were established for pupils from these language groups only; the third served both Spanish and English dominant students. In all programs students were grouped by ability. A small number (100-150) of students was served in each of these programs. Program supervisors indicated that all students in need of their programs were being served, however there was no evidence that the bilingual program supervisor had access to the language survey data which would be required for an objective assessment.

Intermediate bilingual schools provide instruction in the pupils' native language in science, math, social studies and language arts. Industrial arts, music and gym are taught in English. In the Haitian program, two educational assistants translate into Creole lessons taught in French by licensed teachers. In the other programs which we observed classes are taught in both Spanish and English by licensed bilingual teachers. When asked about the chances for integrating the bilingual program participants with students in the mainstream program, supervisors usually mentioned that the opportunity was provided in art classes and gym.

Supervisors of intermediate bilingual programs are not responsible for the articulation of their programs with high school programs or the student's high school achievement. One supervisor told us that her program was a "success" because the children "do well" when they transfer to high school. However, she could provide no data on students' high school achievement and there was no communication between this supervisor and the high school personnel. Data on reading scores of students currently enrolled in this bilingual program indicated that most are reading below grade level. The supervisor's judgment was based on the fact that a few students have revisited the school and reported that they were "doing well."

Bilingual Tracks

One of the schools with bilingual "tracks" serves Chinese and Spanish dominant students who entered the school three years ago. The bilingual component follows these children who are now in the second and third grade. Instruction in reading and writing is provided in English and cultural material which appears to focus on national holidays is presented in Chinese, Spanish and English. Bilingual educational assistants spend most of their time developing instructional materials for classes. The four bilingual teachers assigned to the classroom are used to "cover" teacher absentees in the rest of the school. According to the principal, the program will close down when the Title VII funds run out unless there is a new funding source. He indicated that although he felt the program helped pupils, he was not personally committed to the bilingual concept.

Description of One Bilingual Program

This bilingual program operates in two schools which opened in 1971. One, School A, is a primary school K-3, the other, School B, houses grades 4-6. Most of our information was collected in School B.

All of the teachers in both schools were picked by a team including the two building principals and a coordinating principal. Before opening in September 1971, the teachers and administrators participated in a 5-week training session conducted by Dr. Caleb Gattegno whose reading method is used in all classes. The school was designed to be a bilingual school but a shortage of bilingual teachers necessitates that the bilingual program be phased in gradually. At present, five of 57 teachers in School B are bilingual (Spanish-English). The fifth bilingual teacher is a Spanish cluster teacher who teaches Spanish as a second language to English dominant students. Another 10 who are English dominant have mastered Spanish. The remaining teachers are actively involved in learning Spanish. The principal describes himself as "monolingual."

The neighborhood is highly transient. Fifty-five percent of the students who entered in September 1971 had left by June 1972. About 10% of the students came straight from Puerto Rico. Another 30% have been in New York for less than two years. The principal attributes most of this movement to relocating for job purposes. There has been a sharp decline in the number of black residents and an increase in Puerto Ricans in recent years.

A Spanish dominant class is conducted on each grade level for the non-English speaking students and those who have not mastered English sufficiently to function in the English dominant classes.

In the Spanish dominant classes, about 90% of the instruction, to begin with, is in Spanish. Some ESL is provided by the same teacher. The same procedure is used in English dominant classrooms where teachers who have learned Spanish teach Spanish as a second language. (There is no teacher who specializes in ESL for the Spanish dominant students.)

The emphasis at School B, the principal stated, is on "attitude." He is trying to "set a tone" so that both languages will have equal emphasis. "There has to be an acceptance that literacy doesn't mean just English," he said. He encourages monolingual teachers to learn a second language and attributes the success of this effort to the teacher's "faith in what the Hispanic culture has to say."

Caleb Gattegno has developed bilingual methods to teach reading to Spanish, English and French dominant students. The district superintendent specifically hired the administrators for this school to implement Gattegno's methods, according to the principal. During the interview, he made several references to this method, the training program and his interpretation of Gattegno's philosophy of education: "Awareness is the only thing educable in man."

Students are tested in a variety of ways. Some teacher-made instruments are used since materials in Spanish have not caught up with the movement toward bilingualism. A "Pan American Diagnostic" test which is a translation of the Metropolitan Achievement Test is considered a poor instrument and rarely used.

Evaluation of the program, for the principal, is based on feedback from parents, some standardized achievement tests, teacher feedback, Gattegno consultants (who are still working in the school) and his own "prying." Since the school has only been operating for 1-1/2 years, he suggests that it is too early to expect feedback on junior high school experience. He did say that there have been some pro and con reactions to the junior high school from the parents whose children have been promoted, but not in regard to the academic program. Rather, he claimed that parents dwell on the "safety factor," and seem particularly worried about teenage gangs in the junior highs. Puerto Rican parents, in this principal's opinion, foster dependence in their children and tend to be overprotective. These remarks were in response to a question about

the coordination of elementary and junior high school, but the principal said he had "so much to do just running his school" that he has to leave articulation to someone "over" him.

Classroom observations: Three Spanish dominant classes were visited: a 3rd and a 6th grade math lesson, and a fourth grade language arts lesson. The math lessons were taught by bilingual teachers, the other by an English speaking teacher. The bilingual teachers spoke in English most of the time that the observers were in the room. They appear to have established a pattern of speaking in Spanish to the class primarily when a student does not seem to understand the English explanation or is not paying attention. In the 3rd grade class the teacher appeared to have grouped children on the basis of language proficiency. Although not all of the students could understand English in the language arts class, they were paying attention to the teacher and seemed to be involved in the lesson (he read them a story and asked questions related to their own personal experience).

The Coordinating Principal of the two schools is participating in a bilingual teacher training program. She was asked about the goal of a bilingual program. In her view, a bilingual education is as important for the English speaking child as it is for the non-English speaking. It enables the non-English speaking child to gain something without losing his first language. The English dominant child gains another culture and another language. She sees it as a "broadening experience." This administrator grew up in Brazil and is fluent in Portugese, Spanish and French, as well as English.

Conclusions

Since classroom observations usually lasted 10 to 15 minutes, and only a few classroom teachers were interviewed, our conclusions will be limited to program development, organization and implementation.

The completely bilingual schools are concentrating resources on teacher training and curriculum development. While some of the mini-schools and track programs are working on these, they do not have comparable resources. In addition, administrators in the completely bilingual schools were all selected specifically to implement a bilingual program and seem to have more autonomy than supervisors of bilingual mini-schools or tracks who operate under the supervision of a building principal. The latter supervisors must function within the constraints of an existing administrative hierarchy. In most cases our findings indicate that the programs were able to function because of administrative support. There was, however, one obvious example of lack of such support.

Most of the supervisors of the mini-schools and track programs cited the same weaknesses that were identified in the bilingual evaluations: 1) inadequate curriculum materials and textbooks, 2) inappropriate testing instruments, 3) the need for more experienced bilingual teachers and more effective teacher training, including training English dominant teachers in the native language spoken by the district's children.

Our interviews with supervisors in all types of programs revealed the following additional problems:

1) Articulation (within and between schools) - the manner in which the bilingual programs are being phased in may create problems for pupils attending completely bilingual schools or elementary schools with no bilingual program in the upper grades. Some of the totally bilingual schools do not "feed into" intermediate, junior high or high schools with bilingual programs. Administrators at the lower level are not responsible for this problem.

2) Mobility - Several reports of high mobility rates in neighborhoods surrounding bilingual programs suggest the need for flexible programs. When P.S. 25, the first completely bilingual school, opened in 1969 it was described as "integrated" with both English and Spanish dominant students. An urban renewal project which demolished several housing developments near the school resulted in a 93% Hispanic enrollment by 1973. In another area, the principal reported more than a 50% turnover in students between September and June.

If, as also indicated, many of the newcomers in upper grades are non-English speakers or illiterate in their native language, the ideal K-6 bilingual program is unrealistic. This ideal program is based on the assumption that students enter at the K or first grade level when, in fact, non-native pupils are being transferred from one district to another at all ages. This high mobility rate suggests that these pupils should be taught to speak English as soon as possible. It also emphasizes the need to combine ESL with bilingual methods.

3) Problems Attributable to Funding Regulations - In most of these programs, except for completely bilingual schools, the nature of federal and state funding regulations have fostered segregation of students, establishment of separate administrative and teaching staffs and a sense of insecurity about the future of bilingual programs if these sources of funds are reduced or eliminated.

Title VII guidelines require separate administrative staff. Title I guidelines create segregated classes since eligible pupils must have an English language deficiency.

LEGISLATION

The Federal Bilingual Education Act

The Bilingual Education Act passed by the federal government in 1968, provides funds directly to local school districts to develop and implement "imaginative" programs to meet the needs of pupils with "limited English-speaking ability between the ages of 3 and 18." In addition to the language criterion, eligible schools must have a "high concentration" of pupils from welfare homes or homes with incomes below $3,000.

The most significant aspect of the Bilingual Education Act is the declaration of federal policy not only to provide special programs for pupils with limited English ability but that the programs include bilingual instruction and "impart to students a knowledge of the history and culture associated with their language."[26]

At the time of this writing, Congress is considering extension of the Elementary and Secondary Education Act. Different versions have been passed by the Senate and the House. The Senate bill includes Title VII amendments that deal with several problems identified by this study: the need for comprehensive goals and directions for bilingual education programs, teacher training, teaching methods, curriculum, research and evaluation. A letter was sent to the chairman of the special conference committee set up to consider the two bills requesting that these amendments be endorsed by the committee. (Appendix B.)

The Massachusetts Transitional Bilingual Education Act

Five states: Colorado, Illinois, Massachusetts, New Jersey and Texas, have enacted legislation mandating bilingual education. Eight other states: Alaska, California, Louisiana, Maine, Michigan, New Mexico, New York and Pennsylvania have laws on this issue.[27]

Since Massachusetts is the first state to mandate bilingual education,[28] many people look to this state for direction in the implementation of such programs. An interview with an administrative assistant in the Massachusetts State Education Department, however, revealed that although the number of pupils in Massachusetts with language difficulty is small (approximately 13,000) compared to New York City, program administrators have encountered some of the same problems we found in New York City bilingual programs.

The Massachusetts law, which requires transitional bilingual programs, was passed in November, 1971, and put into effect on February 4, 1972. Current programs are paid for from local tax levy funds with the state reimbursing costs which exceed regular per pupil expenditures (between $250 and $500). Bilingual instruction must be provided in any community or school district where there are more than 20 students who are non-English speaking and belong to one language classification. The law places a 3 year limit on bilingual programs but the child can remain in the program longer if necessary. However, the local school committee reserves the right to keep the child in the program.

Also required by law are: a language proficiency test; criteria for pupil placement and a limit on age span in a particular program. No child can be placed in a classroom that has children three years older or younger. Classes are formed on the basis of ability level and age with a teacher pupil ratio of 1:15 or 1:20 with an aide. There is a trend toward "open" classrooms with mixed age levels.

It is mandatory upon the school system to place the non-English speaking child in the transitional bilingual program. The school district is required to notify parents by letter in both English and the child's native language within 10 days after the child is enrolled in the program. The

letter is required to explain the program to parents. If a parent does not want the child in the program he must write and inform the district within 30 days. The duty lies with the school system to place the child. If the parent objects, the child is withdrawn.

The transitional bilingual program includes:

1) Instruction in both languages in all courses mandated by Massachusetts law and in all courses mandated by the district. (In Massachusetts the state mandates only one course, American history.)

2) Reading and writing in the child's native language, and oral comprehension, speaking, reading and writing in English.

3) Courses in the history and the culture of the country of origin as well as the history and the culture of the United States.

At the time of our interview, July 1973, the administrative assistant could not provide information on the evaluation of bilingual programs or their cost. Students from seven language groups are served by these programs: Spanish, Portuguese, Italian, Greek, French, Chinese and Armenian. The state had insufficient resources to develop standardized tests to determine pupil placement and progress. In the absence of valid tests, they have concentrated on developing criteria for placement which includes: a) the child's anecdotal record (usually not available for a child from Puerto Rico), b) criterion-referenced tests and teacher made tests, and c) teacher recommendations. The emphasis, according to the administrator, was on the subjective judgment of the teachers.

New York State Legislation

Until 1970 the New York State Education Law required English as the only language of instruction in the public schools and the use of textbooks written in English. In 1970[29] the State Legislature passed a "permissive" bilingual act which enabled local school districts to provide instruction in the native language and in English for those pupils with "difficulty in reading and understanding English."[30]

Under this law school districts in New York State were permitted to provide instruction in the child's native language for a period limited to 3 years but the district was not required to do so. The legislation also enabled districts to implement bilingual education programs that conformed to Title VII of the Elementary and Secondary Education Act.

Bilingual education was endorsed in a New York State Regents policy statement in 1972. The primary purpose of the Regents' program is "to provide equal educational opportunity for non-English speaking children through activities capitalizing on their proficiency in their native language and developing competence in English. The program affirms the importance of English and at the same time recognizes that the native language and culture of a child can play a major role in his education."[31]

In the 1974 session of the New York State Legislature, two different bilingual education bills were passed by both houses and sent to the Governor for executive action.

The Senate bill, which permits the Commissioner of Education to extend instruction in a bilingual program for individual pupils (to a period not in excess of six years), was signed into law.[32]

No action was taken on the Assembly bill which would: extend the period of bilingual instruction from three to four years, permit districts to establish continuing bilingual programs for each language, enable a

pupil whose school does not have a bilingual program in his language category to attend classes in a school having such a program with parental consent and require districts to develop a "comprehensive plan for the evaluation" of bilingual programs. It would also require districts to include information on language dominance of each child in the school census.

The Committee on Education sent a memorandum to the Governor supporting the Assembly bill since it contained several of the Committee's recommendations. (The text of these bills and the Committee Memorandum are reproduced in Appendix C.)

Recommended Legislation for Bilingual Education in New York State

After analyzing the bills introduced in the 1973-74 sessions of the New York State Legislature and the Massachusetts Bilingual Act, the Committee on Education reviewed "A Model Act Providing for Transitional Bilingual Education Programs in Public Schools."[33] The drafting of this model statute was a project of the Center for Law and Education at Harvard.

In addition to the recommendations presented at the beginning of this report, the Committee on Education endorsed the following provisions for bilingual education legislation in New York State, (most are based on the model statute):

1. Every school district which has in any school children whose dominant language is other than English, shall establish, for each such language classification, continuing bilingual education programs for such children, which utilize both languages as media of instruction. A pupil whose dominant language is other than English and who attends a school where bilingual education programs are not available, may, with the consent of his parents or guardians, attend classes in schools having such programs.

2. Any parent or guardian who has a child enrolled in a bilingual program may either at the time of notification of enrollment or at the end of the semester have the child withdrawn from the program. Parents or legal guardians of children enrolled in a bilingual program must be notified by registered mail no later than 10 days after enrollment. "The notice shall contain a simple, non-technical description of the purposes, method and content of the bilingual program. It shall inform parents that they have the right to visit classes in which their child is enrolled and to come to the school for a conference to explain the nature of the bilingual program,"[34] and it shall inform the parents of their right to withdraw their child from the program. "The notice shall be written in English and in the language of which the child of the parent so notified possess a primary speaking ability."[35]

3. All children in the bilingual program shall have their English proficiency tested annually. A child shall not be transferred out of the program unless according to said test, he has English language skills appropriate to his grade level, except upon the request of the child's parent or guardian.

4. English-speaking children should be enrolled in bilingual programs, to the fullest extent possible.

5. Children "shall be placed in classes with children of approximately the same age and level of educational attainment"[36] and student assignment should not have the effect of promoting segregation of students by race, color or national origin.

6. Qualifications for bilingual education teachers. State certification shall be granted to persons who "a) possess a speaking and reading ability in a language other than English and communicative skills in English, b) possess a bachelor's degree or other academic degree approved by the state board, c) meet such requirements as to course of study and training as the board may prescribe."[37]

7. Every school district in which instruction is given bilingually shall develop a comprehensive plan for the orderly evolution of such programs to be submitted to the commissioner for his approval.

8. Language studies. If there are 20 or more students in a grade of an intermediate or secondary school who wish to pursue further study in a language other than English, such language courses may be provided.

9. Department of Education. "In addition to the powers and duties prescribed in previous sections, the department of education shall promulgate rules and regulations and take any other actions which will promote the full implementation of provisions of this act,"[38] including construction of validated testing instruments to adequately measure academic achievement of pupils enrolled in bilingual programs for the purpose of proper placement when transfer out of the bilingual program is deemed to be in the best interests of the pupil.

LITIGATION

The San Francisco Case: Lau v. Nichols[39]

A great deal of attention has been paid to the recent United States Supreme Court decision, Lau v. Nichols, decided January 21, 1974. This class action suit on behalf of 1,800 non-English speaking students of Chinese ancestry against the San Francisco school district, claimed that the school's failure to provide English language instruction to the class was a denial of equal educational opportunity. The claimed denial of an equal educational opportunity was based upon alleged violations of the Equal Protection Clause of the Fourteenth Amendment and §601 of the Civil Rights Act of 1964,[40] which bars discrimination in federally assisted programs on the basis of race, color or national origin and the HEW guidelines issued thereunder.

The Supreme Court unanimously reversed the Eighth Circuit Court of Appeals, which had upheld the lower District Court's dismissal of the claims against the school district. However, the Court, in finding for the plaintiffs, grounded its decision on violations of §601 of the Civil Rights Act and the HEW guidelines duly promulgated thereunder, and thereby avoided determination of the Constitutional Equal Protection claim.

Justice Douglas, writing for the Court, held the HEW guidelines, mandating local school districts to take "affirmative steps to rectify the language deficiency in order to open its instructional program to these students,"* were binding upon all local school districts receiving federal financial assistance. These guidelines, he said, were properly

*"While inability to speak and understand the English language excludes national origin-minority group children from effective participation in the educational program offered by a school district, the district must take affirmative steps to rectify the language deficiency in order to open its instructional program to these students." 35 Fed. Reg. 11595 (1970).

issued pursuant to §601 of the Civil Rights Act of 1964.[41] In mandating affirmative steps to rectify English language deficiency, the Court specifically rejected the Eighth Circuit Court of Appeals' finding that "every student brings to the starting line of his educational career different advantages and disadvantages caused in part by social, economic and cultural background, created and continued completely apart from any contribution by the school system." (483 F.2d, at 497)

The Court did not rule on the appropriateness of any particular language program since it was not presented with that issue. Instead it said:

> "No specific remedy is urged upon us. Teaching English to the students of Chinese ancestry who do not speak the language is one choice. Giving instructions to this group in Chinese is another. There may be others. Petitioner asks only that the Board of Education be directed to apply its expertise to the problem and rectify the situation."[42]

The New York City Case: ASPIRA of New York, Inc. v. Board of Education of the City of New York[43]

In New York City there is presently pending in Federal District Court a lawsuit similar to Lau v. Nichols. It is ASPIRA of New York, Inc. v. Board of Education of the City of New York, filed in October, 1972.* "The plaintiffs, Aspira of New York and Aspira of America, are nonprofit corporations organized 'to develop the intellectual and creative capacity of Puerto Ricans.....by motivating (them) to continue their education in the professions, arts and technical fields so that such persons may offer their skills for the betterment of their community.' The individual

*Plaintiffs are represented by the Puerto Rican Legal Defense and Education Fund, Inc., which also filed an amicus brief in the Supreme Court in Lau v. Nichols.

plaintiffs are New York City public school children and their parents in families recently arrived from Puerto Rico for whom Spanish is their predominant or only language."[44] The suit is pleaded as a class action on behalf of 182,000 children said to be similarly situated. The complaint alleges "that the plaintiff children speak little or no English; that the schools they compulsorily attend offer instruction mainly or only in English; that the results for these children are inadequate learning, lowered educational achievement and test scores, a poorer rate of promotion and graduation, and a train of attendant consequences for college entrance, employment, civic participation, and the quality of life generally."[45] The defendants' motion to dismiss the lawsuit for failure to state a cause of action was denied by Judge Frankel in January, 1973.[46] He then appointed a magistrate to oversee pretrial discovery, but shortly thereafter the entire case was held in abeyance pending the Supreme Court's determination in the Lau case.

After the Supreme Court's decision in Lau was handed down on January 21, 1974, the attorney for the plaintiffs in ASPIRA moved for summary judgment. In response in a memorandum decision dated April 30, 1974, Judge Frankel directed:

(1.) the defendants, with plaintiff participation, to prepare a survey to determine "with all feasible precision the number and locations of affected children, the varieties and scope of existing programs and the availabilities of instructional personnel."

(2.) each party to prepare and exchange "detailed statements of the educational programs they deem necessary to comply with the HEW regulations enforced in Lau," and subsequently comments and criticisms to the other sides' proposals.

These exchanges of plans took place in May, and the Court indicated a desire to reach a decision by July 15, 1974.[47]

The Board of Education in response to the Court's request, listed eleven programs and services provided in the New York City schools which "the Board believes are appropriate to comply with the HEW guidelines."[48] These programs include bilingual programs, English as a second language, reading programs in English, "orientation" classes and various supportive services.[49] "Budgetary constraints," the Board claims, have limited the extent of these services.[50] The variety of programs offered, according to the Board, is based on the importance of "flexibility with the delivery of these programs"[51] and need for "experimentation".[52]

ASPIRA claims that only one of these programs, bilingual education, meets the standards of the Lau and the HEW guidelines.[53] English as a second language instruction as the sole component of an education program to rectify English language difficulty is rejected since it does not enable the child to participate effectively in regular classroom instruction.[54] As evidence of discrimination against Spanish dominant pupils, plaintiffs cite the Board's failure to develop sound goals based on the educational needs of pupils with limited English speaking ability.[55]

The bilingual educational program requested by the plaintiffs incorporates four elements:

1) "Language arts and comprehensive reading programs which are introduced and taught in Spanish;

2) "Curriculum content areas which are taught in a language which the child fully comprehends;

3) "English as a second language, which is taught through a sequentially structured program which includes understanding, speaking, reading and writing skills (the ESL component);

4) "Puerto Rican culture, which is reflected in all aspects of the curriculum program".[56]

Plaintiffs argue that the variety of programs in New York City schools do not provide flexibility and experimentation to "address the needs of affected students." Their response is noteworthy:

> "Any assertion that defendants have determined the specific needs of plaintiffs, or that programs have been arranged throughout the City's schools in a systematic way to meet these individual needs, is untrue. Twice in the course of this lawsuit, defendants have attempted to discover by ways of surveys what happens to Hispanic children in their schools. They do not know where programs are in operation, the substance of those programs, and who is receiving them. Whether a child receives a particular one of the eleven programs is not based upon his particular needs, but rather on the fortuitous availability of that program in the child's school."57

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1. Board of Education, City of New York, The Puerto Rican Study, 1958, pp. 4-11.

2. The State Education Department, "Bilingual Education: A Statement of Policy and Proposed Action by the Regents of the University of the State of New York," August, 1972, p. 8.

3. Report of the New York State Commission on the Quality, Cost and Financing of Elementary and Secondary Education, Vol. II, Section 6, p. 35.

4. The State Education Department, op. cit., pp. 5-6.

5. Ibid., p. 6.

6. Puerto Rican Educators' Association, The Education of the Puerto Rican Child in New York, Report to the New York State Commission on the Quality, Cost and Financing of Elementary and Secondary Education, 1971, p. 75.

7. Ibid., pp. 77-81.

8. Ibid., p. 83.

9. Ibid., p. 86.

10. Ibid., p. 87.

11. Ibid., p. 88.

12. Ibid., p. 91.

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16. Education Law, §3204. See Historical Note, Bilingual Programs. Section 1 of L. 1970, c. 967.

17. Letter from Office of Bilingual Education, Board of Education of the City of New York, April 11, 1973.

18. Ibid.

19. Letter from Office of Urban Education, Board of Education of the City of New York, November 27, 1973.

20. Memorandum from Director, ESEA Title I Program Development Section re Title I ESEA Bilingual Programs, November 7, 1973.

21. Office of Personnel, Board of Education of the City of New York, op. cit., p. 21.

22. Philip A. Bolger, "Improving the Teaching of English to Speakers of Other Languages in High Schools: Interim Evaluation Report." Bureau of Educational Research, Board of Education of the City of New York, March, 1971, pp. 4-10.

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24. National Education Association, Task Force and Other Reports, Presented to the 52nd Representative Assembly of the National Education Association, July 3-6, 1973, Portland, Oregon, p. 32.

25. District 24 Evaluation B, p. 132.

26. 20 U.S.C. §880(b) (1968).

27. ASPIRA Memorandum re ASPIRA v. Board of Education of the City of New York, May 20, 1974. Appendix.

28. Education U.S.A., National School Public Relations Association, Washington, D.C., October 8, 1973.

29. Education Law, §3204, Historical Note.

30. Education Law, §3204:2.

31. State Education Department, op. cit., p. 7.

32. Chapt. 1052 of the Laws of 1974.

33. Jerome W. Kobrick, "A Model Act Providing for Transitional Bilingual Education Programs in Public Schools." Harvard Journal on Legislation, 9:260 (1972), pp. 260-300.

34. Ibid., p. 280.

35. Ibid., p. 280.

36. Ibid., p. 284.

37. Ibid., p. 296.

38. Ibid., p. 295.

39. ___U.S.___, 94 S.C. 786, 39 L.Ed. 1 (1974).

40. U.S.C. §2000(d).

41. Ibid.

42. 94 S.C. 786(1974).

43. 58 F.R.D. 62(1973); Civil No. 72-4002 (S.D.N.Y., April 30, 1974, memorandum decision).

44. ASPIRA v. Board of Education, of the City of New York, 58 F.R.D. 62, (1973).

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47. cf. ASPIRA v. Board of Education, of the City of New York, Civil No. 72-4002 (S.D.N.Y., April 30, 1974, pp. 5-6, slip opinion).

48. Memorandum of Board of Education and the Chancellor, May 23, 1974, p. 4.

49. Ibid., pp. 3-7.

50. Ibid., p. 9.

51. Ibid., p. 8.

52. Ibid., p. 3.

53. Plaintiffs Reply Memorandum, May 31, 1974, p. 20.

54. Ibid., p. 11.

55. Ibid., p. 16.

56. Plaintiffs Memorandum, May 20, 1974, p. 3.

57. Plaintiffs Reply Memorandum, op. cit., pp. 16-17.

Appendix A

BILINGUAL and ESL PROGRAM
EVALUATIONS 1971-1972

District #		Author/Agency, Title
1		Teaching & Learning Research Corporation, "An Evaluation of the ESEA Title I Programs," July, 1972.
2		Fox, David J., et al, "1971-72 New York State Urban Education Programs in Community School District 2", August 31, 1972.
3		Intelicor, Inc., "Title VII Bilingual Program, 1971-72."
4	A.	Teaching & Learning Research Corporation, "An Evaluation of the Bilingual Mini-School J.H.S. 45," July, 1972.
	B.	Greenleigh Associates, Inc., "An Evaluation of Title I ESEA 1971-72 Programs for Community School District No. 4."
5		Greenleigh Associates, Inc., "An Evaluation of 1971-72 ESEA Title I Decentralized Programs for Community School District No. 5," July, 1972.
6		Intelicor, Inc., "An Evaluation of the Title VII Bilingual Education Program," Bilingual Focus for the 1970's in District 6, 1972.
7		Urban Ed, Inc., "Final Evaluation Report of the District #7 Winter 1971-72 Title I Decentralized Programs."
8		Urban Ed, Inc., "Final Report of the District #8 Winter 1971-72 Title I Decentralized Programs."
10	A.	Haffly, John E. and Oxman, Wendy, Evaluation of the Title VII Bilingual Program "Bilingual Mini-School at P.S. 59," District 10, July, 1972.
	B.	Travers, Jerome and Oxman, Wendy, Evaluation of State Urban Education Programs, District 10, "Bilingual-Bicultural Programs," June, 1972.

District #		Author/Agency, Title
14		Institute for Educational Development, "An Evaluation of District Decentralized Projects New York State Urban Education Programs, in District 14," July, 1972.
15	A.	_____, "An Evaluation of District Decentralized Projects - ESEA Title I Program in Community School District 15," August, 1972.
	B.	_____, "An Evaluation of District Decentralized Projects New York State Urban Education Programs in Community School District 15," July, 1972.
17		_____, "An Evaluation of District Decentralized Projects ESEA Title I Programs in Community School District 17," August, 1972.
19		Intelicor, Inc., Title I ESEA Umbrella 1971-72.
24	A.	Cullinan, Paul A., and Jaggar, Angela M., "Evaluation Report District 24 Queens, State Urban Education Programs," July 31, 1972.
	B.	_____, "Evaluation Report, Title I District Umbrella and Title I Open Enrollment Educational Services for Disadvantaged Pupils," July 31, 1972.
30		Fox, Louise, W., "Final Evaluation Report 1971-72 New York State Urban Education Program in Community School District 30," August, 1972.

Appendix B

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Staff Associate for Education

COPY

June 11, 1974

The Honorable Claiborne Pell, Chairman
Senate Subcommittee on Education of the
Committee on Labor and Public Welfare
United States Senate
325 Russell Senate Office Building
Washington, D.C. 20510

Dear Chairman Pell:

We are submitting for your information the views of the Committee on Education of the Community Service Society regarding the Title VII amendments included in S. 1539 that would extend Federal support for the improvement of bilingual education programs. We urge members of the H.R. 69 conference committee to endorse the provisions that would develop: 1) comprehensive goals and directions for the Title VII effort, 2) teacher training, 3) curriculum and teaching methods, 4) research and evaluation.

The Society's position is based on a year-long study of problems faced by pupils with English language difficulty in the New York City public schools. Our Study revealed that there is a need to develop language programs for several language groups in New York City and there is evidence that a similar need exists in other areas of the country as well as this State. Although the majority of students with language difficulty in New York City come from Spanish speaking homes, there are large numbers from homes where the dominant language is Italian, French, Chinese and Greek.

While there has been an increase in efforts to improve services for these pupils in recent years, our study indicates that there is urgent need not only to expand such services but to broaden our knowledge of the educational needs of the pupil with language difficulty, including the effectiveness of different bilingual methods. In New York City a wide variety of programs are offered under the bilingual education rubric. Those supported by Federal funds have required evaluation. These evaluations have consistently reiterated the inadequacy of testing instruments to measure pupil achievement and the variable quality of bilingual instruction and curriculum materials. They have also referred to the need for more effective teacher training and supervision where programs have included a training component.

According to the Fleischmann Commission report, there are 160,000 pupils in New York State already classified as having English language difficulty. Approximately 84% of these pupils are enrolled in New York City public schools. The results of the failure to provide them with appropriate instruction were described by the New York State Regents as "tragically clear." These pupils have the lowest achievement scores and the highest dropout rates of all the pupils in the State.

Development of comprehensive bilingual programs and adequate testing instruments require Federal support because of the inadequate resources for this endeavor at both the City and State levels. Since the Title VII amendments included in S. 1539 aim to expand and improve the educational opportunities for these students, we urge conference committee members to endorse these measures.

Sincerely,

/s/ Garvey E. Clarke, Chairman
Subcommittee on Legislation
Committee on Education

CC: Members of the Senate Subcommittee on Education of the Committee on Labor and Public Welfare

Edward M. Kennedy	Thomas F. Eagleton
Jennings Randolph	Alan Cranston
Harrison A. Williams, Jr.	William D. Hathaway
Walter F. Mondale	Robert Taft, Jr.
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Lloyd Meeds	Alphonzo Bell
Shirley Chisholm	William Steiger
Edwin B. Forsythe	

Carl D. Perkins, Chairman

Appendix C

STATE OF NEW YORK

Cal. No. 1131 1563—A

1973-1974 Regular Sessions

IN SENATE

January 23, 1973

Introduced by Sens. GARCIA, GIUFFREDA, PISANI, PADAVAN, LEVY, GALIBER—(at request of the State Department of Education)—read twice and ordered printed, and when printed to be committed to the Committee on Education—recommitted to Committee on Education in accordance with Senate Rule 5, sec. 8—reported favorably from said committee, committed to the Committee of the Whole, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted retaining its place on the order of third reading

AN ACT

To amend the education law, in relation to the period of time within which bilingual instruction may be given

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision two of section thirty-two hundred four of the education law, as last amended by chapter nine hundred sixty-seven of the laws of nineteen hundred seventy, is hereby amended to read as follows:

2. Quality and language of instruction; text-books. Instruction may be given only by a competent teacher. In the teaching of the subjects of instruction prescribed by this section, English shall be

EXPLANATION — Matter in *italics* is new; matter in brackets [ ] is old law to be omitted.

the language of instruction, and text-books used shall be written in English, except that for a period of three years, *which period may be extended by the commissioner with respect to individual pupils, upon application therefor by the appropriate school authorities, to a period not in excess of six years,* from the date of enrollment in school, pupils who, by reason of foreign birth, ancestry or otherwise, experience difficulty in reading and understanding English, may, in the discretion of the board of education, board of trustees or trustee, be instructed in all subjects in their native language and in English. Instructions given to a minor elsewhere than at a public school shall be at least substantially equivalent to the instruction given to minors of like age and attainments at the public schools of the city or district where the minor resides.

§ 2. This act shall take effect on the first day of July next succeeding the date on which it shall have become a law.

STATE OF NEW YORK

Cal. No. 481 9616—A

IN ASSEMBLY

February 13, 1974

Introduced by Mr. MONTANO—Multi-Sponsored by—Messrs. BROWN, KOPPELL, LaFALCE, STRELZIN, G. W. MILLER, STELLA, GRIFFITH, STAVISKY, FORTUNE, NINE, RICCIO, ALVAREZ, BARBARO, LENTOL, LEWIS, LEHNER, McCABE, WALSH, STEIN, DEARIE, EVE, WILLIAMS, CULHANE, HALEY, LEICHTER, BIANCHI, ROSS, HAMILTON, C. E. COOK, Mrs. E. B. DIGGS, MIRTO, S. POSNER, PESCE—read once and referred to the Committee on Education—reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT

To amend chapter nine hundred sixty-seven of the laws of nineteen hundred seventy, entitled "An Act to amend the education law, in relation to bilingual instruction in schools", and the education law, in relation to bilingual instruction in schools

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of chapter nine hundred sixty-seven of the laws of nineteen hundred seventy, entitled "An Act to amend the education law, in relation to bilingual instruction in schools", is hereby amended to read as follows:

EXPLANATION — Matter in *italics* is new; matter in brackets [ ] is old law to be omitted.

Section 1. Legislative declarations and findings. The legislature hereby declares that a serious educational problem results in this state wherein children of limited English speaking ability have great difficulty in adapting to a school environment; that serious social consequences flow as a result of the inability of these children to communicate and assimilate knowledge with English as the [domi-nate] *dominant* language; therefore, the legislature finds that new approaches should be undertaken to meet this acute educational problem affecting a material segment of the school age population of the state of New York. It is declared that the policy of the state is to insure the mastery of English by all students in schools and that the governing board of any school district which shall have instituted a non-English speaking program in the schools, shall make as part of the curriculum a subject or subjects in the English language consistent with the English speaking ability of the student in order to increase the students' fluency in the English language. In no event shall a bilingual program of instruction for any one student exceed [three] *four* successive years.

§ 2. Subdivision two of section thirty-two hundred four of the education law, as amended by chapter nine hundred sixty-seven of the laws of nineteen hundred seventy, is hereby amended to read as follows:

2. Quality and language of instruction; text-books. Instruction may be given only by a competent teacher. In the teaching of the subjects of instruction prescribed by this section, English shall be the language of instruction, and text-books used shall be written in English, except that for a period of [three] *four* years from the date of enrollment in school, pupils who, by reason

of foreign birth, ancestry or otherwise, experience difficulty in reading and understanding English, may, in the discretion of the board of education, board of trustees or trustee, be instructed in all subjects in their native language and in English. Instruction given to a minor elsewhere than at a public school shall be at least substantially equivalent to the instruction given to minors of like age and attainments at the public schools of the city or district where the minor resides.

§ 3. Paragraph two of subdivision two-a of section thirty-two hundred four of such law, as added by chapter nine hundred sixty-seven of the laws of nineteen hundred seventy, is hereby amended to read as follows:

2. Any duly authorized local educational agency or agencies is hereby empowered to make application for any grant or grants in furtherance of this section under Title VII Public Law 90–247 as enacted by the United States Congress January second, nineteen hundred sixty-eight, *as amended, or any other public law.*

§ 4. Section thirty-two hundred four of such law is hereby amended by adding thereto a new subdivision, to be subdivision three-a, to read as follows:

3-a. (a) Every school district which has in any one school pupils whose dominant language is other than English, may establish, for each such classification, continuing bilingual education programs for such children therein, which utilize both languages as media of instruction. A pupil whose dominant language is other than English and who attends a school where bilingual education programs are not available, may attend classes in schools having such programs with parental consent.

(b) Every school district in which instruction is given bilingually shall develop a comprehensive plan for the orderly evaluation of such programs to be submitted to the commissioner for his approval.

§ 5. Subdivision two of section thirty-two hundred forty-one of such law, as last amended by chapter two hundred sixty-six of the laws of nineteen hundred fifty-six, is hereby amended to read as follows:

2. Such census shall include all persons between birth and eighteen years of age and in the case of physically or mentally handicapped children between birth and twenty-one years of age, their names, their respective residences by street and number, the day of the month and the year of their birth, the names of the persons in parental relation to them, such information relating to physical or mental defects, to illiteracy, to employment and to the enforcement of the law relating to child labor and compulsory education as the education department and the board of education of each such city shall require and also such further information as such board of education shall require. *Such census shall also include information as to the language dominance of each child.*

§ 6. This act shall take effect immediately.

Appendix C

COMMITTEE ON EDUCATION, NO. 31

COPY

May 22, 1974

Honorable Michael Whiteman
Executive Chamber
State Capitol
Albany, New York 12224

Re: S. 1563-A, Mr. Garcia, et al
A. 9616-A, Mr. Montano, et al

Dear Mr. Whiteman:

We note that the above bills dealing with bilingual instruction for pupils with English language difficulty are before the Governor for executive action.

S. 1563-A is a single purpose bill which would enable the commissioner to extend the period of time in which bilingual instruction is permitted upon application by "appropriate school authorities." The amendment would extend the current time limit of 3 years "to a period not in excess of 6 years."

A. 9616-A would extend the period of bilingual instruction from 3 to 4 years. It would also permit districts to establish continuing bilingual programs for each language. A pupil whose school does not have a bilingual program in his language category could attend classes in a school having such a program with parental consent. School districts would be required to develop a "comprehensive plan for the evaluation" of these bilingual programs and would also be required to include information on language dominance of each child in the school census.

We support A. 9616-A because it incorporates several of the recommendations for bilingual programs which have been endorsed by the Committee on Education, following a year-long study of problems faced by pupils with English language difficulty in the New York City schools.

The Committee on Education believes that the length of time a pupil spends in a bilingual program should be determined by the local educators, with the consent of the child's parents and based solely on the needs of the individual child. Although both of the above bills include a time restriction, A. 9616-A is preferable because it would maintain authority at the local district level rather than require the State Commissioner of Education to rule on every individual case. In addition, this bill includes several provisions in accord with Committee on Education policy recommendations for bilingual programs.

Our study revealed that there is a need to develop language programs for several language groups in New York City and there is evidence that a similar

need exists in other areas of the State. Although the majority of students with English language difficulty come from Spanish speaking homes, there are large numbers from homes where the dominant language is Italian, French, Chinese and Greek. There are schools where the number from each classification is too small to establish a bilingual program, but the need could be met through a district program to which all pupils in the district would be eligible with the permission of their parents.

Because of the diversity of programs offered under the bilingual education rubric, the inadequacy of testing instruments to measure pupil achievement and the variable quality of bilingual instruction and curriculum materials, there is an obvious need for a rigorous evaluation of these programs. The Committee's endorsement of this item is based on observation of programs currently operating in New York City, a review of evaluations of bilingual programs and interviews with numerous bilingual educators and authorities on program evaluation.

We believe that the stress on evaluation will broaden our knowledge of the educational needs of the pupil with English language difficulty, including the effectiveness of different bilingual methods.

According to the Fleischmann Commission report, there are 160,000 pupils in New York State already classified as having English language difficulty. Approximately 84% of these pupils are enrolled in New York City public schools. The results of the failure to provide them with appropriate instruction were described by the New York State Regents as "tragically clear." These pupils have the lowest achievement scores and the highest dropout rates of all the pupils in the State.

Since A. 9616-A aims to expand and improve the educational opportunities for these students, we urge the Governor to support this bill.

Sincerely yours,

/s/Garvey F. Clarke
Chairman
Subcommittee on Legislation

GEC:pg
DPA 6381-1

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