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ABSTRACT

This study evaluated equal educational opportunities available to Maine's language minority students, using information from four 1997 fact-finding meetings that included representatives from the U.S. Department of Education's Office of Civil Rights, local school superintendents, English as a Second Language (ESL) teachers and professionals, community advocates, and limited English proficient (LEP) students and their parents. Overall, Maine's school districts were required to use local funds to provide ESL instruction. They did not receive any appropriations from the state budget for ESL, nor were they reimbursed by the state for expenses incurred in providing resources to LEP students. Qualified ESL teachers were in short supply, and the state's stringent and inflexible requirements discouraged many otherwise qualified teachers from obtaining ESL certification. The state department did not routinely monitor school districts' Lau plan (educational programs for limited English proficient students) compliance or sanction those not in compliance. Many schools and communities did not meet LEP students' cultural needs, and some schools worked to minimize or eliminate LEP students' cultures and languages. The Maine legislature was uninformed, and in some cases hostile, to the concerns of LEP students and had not enacted several bills designed to benefit LEP students. Recommendations for action are presented. (SM)

Maine Advisory Committee to the U.S. Commission on Civil Rights

Limited-English-Proficient Students in Maine: An Assessment of Equal Educational Opportunities

January 2001

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Letter of Transmittal

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As part of its responsibility to assist the Commission in its fact-finding function, the Maine Advisory Committee submits this report, *Limited-English-Proficient Students in Maine: An Assessment of Equal Educational Opportunities.* This study is based on four fact-finding meetings conducted in Ft. Kent, Calais, Auburn, and Portland in the summer of 1997. Persons who provided information were given an opportunity to review relevant sections of the report and, where appropriate, their comments and corrections were incorporated. The Advisory Committee unanimously approved the report by a vote of 11 to 0.

At each fact-finding meeting, the Committee heard from several panels, including representatives from (1) the Department of Education, Office for Civil Rights, (2) local school superintendents; (3) English as a second language (ESL) instructors and professionals; (4) community advocates; and (5) limited-English-proficient (LEP) students and their parents. The panelists shared their perspectives on problems, including anti-ESL sentiment, preserving native languages, jurisdictional and funding issues, and teacher certification concerns.

Among the conclusions resulting from the fact-finding meetings, the Advisory Committee noted that many schools and communities do not meet the cultural and diversity needs of LEP children. While there are some school districts that encourage diversity and cultural exchanges, other schools and communities work to minimize or eliminate the culture and language of the students. The Advisory Committee also concluded that there is still a strong perception among educators and administrators that bilingualism is a handicap and not a benefit to students.

Although the report does not reflect an exhaustive analysis of the subject, the Advisory Committee hopes the Commission will find it of value in its monitoring of equal educational opportunity issues nationwide.

Sincerely,

Gerald E. Talbot, *Chairperson*
Maine Advisory Committee

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Introduction

Maine is beset with the problem of educating its limited-English-proficient (LEP) students.[1] In Maine the enrollment of LEP students has grown 300 percent since 1985, when the increase across the nation in the past decade was approximately 100 percent.[2] This dramatic increase is attributable to the arrival of new immigrants to Maine, particularly to 60 percent of schools across the state. Seventeen school districts, primarily in the Portland and Madawaska areas, have borne the brunt of this increase.[3]

In its 1996 report, *Civil Rights Issues in Maine: A Briefing Summary on Hate Crimes, Racial Tensions, and Migrant/Immigrant Workers*, the Maine Advisory Committee noted that of the approximately 3,000 school-age children who reported that they speak a language other than English at home, only 1,713 students were reported by schools as needing extra assistance because of their limited English proficiency.[4] Adding to this troubling finding is a massive shortage of teachers certified to teach LEP students.

The Office for Civil Rights of the U.S. Department of Education requires the use of certified teaching personnel for all LEP students, although nationally less than one in five teachers who serve LEP students is certified. According to U.S. Department of Education data, 80 percent of school districts in the nation attempting to hire bilingual teachers encountered significant difficulty in locating trained candidates.[5] This lack of qualified teaching personnel is evident in Maine's classrooms. Maine requires a state certification for English as a second language (ESL) teachers, as a result of which 35 of Maine's public school districts (about half) enrolling LEP children do not have teachers who meet the full ESL qualification requirements established by the State Board of Education.

LEP students enrolled in inadequate language programs are more likely to fail in the classroom, frequently dropping out of school. Poor programs leave many students either ill-equipped for higher education or lacking required skills to obtain productive employment. If these problems are to be remedied, these students must have an opportunity equal to non-LEP students to benefit from educational programs offered by their school district.

Most Maine public schools receive some type of federal funding either directly from the U.S. Department of Education or through the State Department of Education. As recipients of these funds, school superintendents are required to submit assurances that they are in compliance

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[1] The term "limited English proficiency" (LEP) as used in federal laws and policies generally refers to individuals whose native language is other than English and "who has sufficient difficulty speaking, reading, writing, or understanding the English language and whose difficulties may deny such individual the opportunity to learn successfully in the classrooms where the language of instruction is English or to participate fully in our society." 20 U.S.C. § 7501(8) (1994). The Bilingual Education Act defines a "native language" as "the language normally used by such individual, or in the case of a child or youth, the language normally used by the parents of the child or youth." 20 U.S.C. § 7601(11) (1994).

[2] Maine Department of Education, *Data Collection Report on Language Minority Students Enrolled in Maine Schools*, 1997, p. 17.

[3] The number of LEP students in the United States has increased nearly 100 percent in the past decade, totaling almost three million elementary and secondary students, and the growth is expected to continue. Already, nearly half of the nation's school districts enroll LEP students, who combined speak more than 100 languages. U.S. Department of Education, Office for Civil Rights, *The Provision of an Equal Education Opportunity for LEP Students* (Washington, DC: U.S. Government Printing Office, December 1992), p. 1.

[4] Maine Advisory Committee to the U.S. Commission on Civil Rights, "Civil Rights Issues in Maine: A Briefing Summary on Hate Crimes, Racial Tensions, and Migrant/Immigrant Workers," transcript, February 1996, p. 6; Maine Department of Education, *Data Collection Report on Language Minority Students Enrolled in Maine Schools*, 1993.

[5] U.S. Department of Education Office of Bilingual Education and Minority Languages Affairs, "Questions and Answers" <www.ed.gov/offices/OBEMLA.com>.

with Title VI of the Civil Rights Act,[6] which prohibits discrimination in educational programs against any of the federally protected groups, including national origin.

Yet, despite federal protections accorded to LEP students, data collected by the Maine Department of Education found that in 1994–1995, of the 72 public school districts in Maine, all of which enroll LEP children, only 26 school districts (36 percent) have established policies for equal educational access for these students. Fourteen public schools reported no support services for LEP children. It is also reported that LEP students often are assigned to inappropriate programs such as those for students with learning disabilities.

Maine's non-English speakers consist of three groups. One is the indigenous Wabanaki population who speak Passamaquoddy, a heritage language found on two of Maine's four Indian reservations. The second is the Francophone population of nonimmigrant children who are raised speaking French by parents of either Acadian or Quebecius descent—or both. The third is recent immigrant populations from diverse language backgrounds.

Today, Maine's 3,627 language minority students in 98 public schools collectively speak 82 languages at home.[7] The single most common language is French, concentrated primarily in the northern areas of the state along the borders of Maine and the Francophone Canadian province of New Brunswick, followed by 18 Asian languages and 12 African languages.[8]

Prompted by these concerns, the Advisory Committee chose to assess the equal educational opportunities that are available to language minority students in Maine. The Advisory Committee held community forums in four areas in Maine (Calais, Ft. Kent in the St. John Valley, Auburn, and Portland) during the summer of 1997.[9] The forums were designed to provide an opportunity to gather pertinent information from students and their parents, school superintendents and principals, ESL teachers, community representatives, and state legislators.
The Advisory Committee's goals were to:

- determine whether or to what extent federal and state programs provided to LEP students in Maine are effective;
- identify the educational obstacles that LEP students face in the Maine educational system;
- suggest administrative strategies to remove or overcome those obstacles; and
- discern what civil rights enforcement measures may be necessary to promote equal educational opportunity for LEP students in Maine's public elementary and secondary schools.

Based on the information gathered at these fact-finding meetings and supplemental limited follow-up research, this report provides a summary of the civil rights issues or concerns identified at the fact-finding meetings.

[6] Pub. L. No. 88-352, Title VI 78 Stat. 252 (codified as amended at 42 U.S.C. §§ 2000d to 2000d-7 (1994)).

[7] *Maine Department of Education, Data Collection Report on Language Minority Students Enrolled in Maine Schools*, 1997, p. 19.

[8] Ibid., p. 21.

[9] The four areas where forums were held were identified by the Committee to represent the state's four language cluster groups: (1) Wabanaki in Calais, (2) French in Ft. Kent and the St. John Valley, (3) Spanish in the Auburn area, and (4) recent immigrant groups in Portland and the surrounding areas.

CHAPTER 1

Background

Overwhelmed by the rapid growth of students with limited English proficiency (LEP), school districts in the past 30 years have had great difficulty devising effective local responses to national and international trends.[1] The challenge can be immense. In addition to the need to be taught English so that they can benefit from educational programs, many LEP students face extra challenges in gaining meaningful access to such programs.[2] As a result, providing equal educational opportunities to LEP students has become an important civil rights issue facing the United States. Federal courts and Congress have sought to secure the rights of LEP students, and over the past 30 years have crafted standards and regulations intended to create equal educational opportunities for these students.

This chapter is divided into three sections. The first section examines what is bilingual education and its role in the schools. This first section also briefly surveys the debate on the effectiveness and need for bilingual education. The second section explores the legislative and judicial history that led to creation of rights for LEP students. The third section focuses on the enforcement procedures in place to ensure equal educational opportunities for LEP students.

What Is Bilingual Education?

Educational programs developed to teach LEP students may be divided into two categories: (1) bilingual education programs that, in general, use two languages as the medium for instruction, the native language of the student and English in which the student has limited proficiency (this approach is sometimes called a "two-way" program); and (2) English-based programs that do not use the student's native language or offer only minimal exposure to the native language.[3]

The Bilingual Education Act[4] defines bilingual education very broadly, in part, because bilingual education is a term that refers to a wide variety of instructional methods. It does not attempt to prescribe the time the program will devote to each language, nor does it limit the program's goals to only English proficiency. The 1994 reauthorization of the Bilingual Education Act notes:

> The use of a child's native language and culture in classroom instruction can: a) promote self-esteem and contribute to academic achievement and learning English by limited-English proficient children; b)

[1] Based on data collected from state educational agencies by the Office of Bilingual Education and Minority Languages Affairs, in 1996–1997, the nation's elementary and secondary schools enrolled approximately 3.4 million students from language minority backgrounds who had limited English proficiency, up from 3.2 million students the previous year. Overall, from 1990 to 1991, when the National enrollment was 2.2 million students with limited English proficiency, to 1996–1997, the limited English proficient population in the country had grown by 45 percent. U.S. Department of Education, Office of Bilingual Education and Minority Language Affairs, National Clearinghouse for Bilingual Education, *Summary Report of the Survey of States' Limited English-Proficient Students and Available Education Programs and Services, 1996–1997* (Washington, DC: National Clearinghouse for Bilingual Education, 1998), p. 11.

[2] *See* Commission on Behavioral and Social Sciences and Education, National Research Council and Institute of Medicine, Diane August and Kenji Hakuta, eds., *Improving Schooling for Language Minority Children: A Research Agenda* (Washington, DC: National Academy Press, 1997), as quoted in U.S. Commission on Civil Rights, *Equal Educational Opportunity and Nondiscrimination for Students with Limited English Proficiency: Federal Enforcement of Title VI and Lau v. Nichols*, 1997, p. 1.

[3] Although these programs may permit some use of the student's native language, they strive to minimize use of the native language to the greatest extent possible. These programs are referred to as "English-based" programs. National Education Association, "Bilingual Education: An Overview," brochure (no date).

[4] Pub. L. 103-382, 108 Stat. 3716 (codified at 20 U.S.C. §§ 7402 *et seq.* (1994)).

benefit English-proficient children who also participate in such programs; and c) develop our nation's national language resources, thus promoting our nation's competitiveness in the global economy.[5]

In practice, the objectives of bilingual education programs can range from teaching English proficiency only, to facilitating proficiency in English and the native language, to teaching bilingual proficiency and the history and cultures associated with both languages.[6] Most students in bilingual education programs receive part of their instruction in English and part in their native language. A significant portion of their day is devoted to English as a second language (ESL) instruction, in which the student receives intensive assistance in learning English either through a mix of English and their native language or solely in their native language. Other classes teach students content areas such as math, science, and social studies.

There is, however, controversy over whether bilingual education programs provide the most effective means of meeting the educational needs of LEP students. Opponents of bilingual education emphasize a focus on English language learning through the use of primary English instruction. They believe that bilingual education has not improved the educational opportunities for LEP students because it relies too heavily on native language use in instruction. Some critics argue that bilingual programs have proven ineffective both in teaching English to LEP students and in raising retention rates and academic performance.[7]

Legislative and Judicial History

During the late 1960s, a major challenge was posed by the growing number of linguistically and culturally diverse children enrolled in public schools who, because of their limited English proficiency, were not receiving an education equal to their English-proficient peers, leading to the general recognition that remedial actions at both the local and federal level were necessary.

In 1968 Congress passed the Bilingual Education Act (also known as Title VII) which provided guidance to states on protecting the rights of LEP children. The act stated, in part, that where the inability to speak and understand English 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.[8]

Federal efforts to promote equal educational opportunity for national origin minority students with limited English proficiency were expanded through Title I of the Elementary and Secondary Education Act,[9] as well as through Title VI of the Civil Rights Act of 1964, which offers protection based on national origin.[10]

Title I and Title VII authorize federal funds to assist state and local educational agencies in providing educational services to national origin minority students with limited English proficiency. The Title I program provides funds to school districts to meet the needs of educationally disadvantaged students, including students with limited English proficiency. Title VII seeks to promote educational opportunities for LEP children by providing for federal discretionary funds to state and local educational agencies to "ensure equal educational opportunity for all children . . . and . . . to assist state and local educational agencies . . . to build their capacity to establish, implement, and sustain programs of instruction for children and youth of limited English proficiency."[11]

In the early 1970s, non-English-speaking students of Chinese ancestry enrolled in the San Francisco Unified School District filed a class action lawsuit against the school district believing that school officials were not meeting their needs. The students sought relief against alleged unequal educational opportunities resulting from the officials' failure to establish a program to rectify the students' language problems.

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[5] P.L. 103-382, Title VII, 108 Stat. 3716, 20 U.S.C. § 7402 (a)(14)(A)–(C) (1994).

[6] Michael Rebell and Ann W. Murdaugh, "National Values and Community Values: Equal Educational Opportunities for Limited English Proficient Students," *Journal of Law & Education*, vol. 21 (1992), pp. 335, 340.

[7] *See* Robert E. Rossier, "A Critique of California's Evaluation of Programs for Students of Limited English Proficiency," *READ Perspectives*, vol. 2, no. 1 (spring 1995), p. 27.

[8] Ibid.

[9] This statute was reauthorized in 1994 as the Improving America's Schools Act, Pub. L. No. 103-382, 108 Stat. 3518 (codified at 20 U.S.C. §§ 6301–6514 (1994)).

[10] Pub. L. No. 88-352, 78 Stat. 252 (codified as amended at 42 U.S.C. § 2000d-7 (1994)).

[11] 20 U.S.C. § 7402(b) (1994).

Both the U.S. District Court and the Ninth Circuit Court of Appeals denied the relief being sought by the students, citing that the students' rights to an education and to equal educational opportunities had been satisfied because they received "the same education made available on the same terms and conditions to the other tens of thousands of students in the San Francisco Unified School District."[12] The court of appeals held that the school district had no duty "to rectify appellants' special deficiencies, as long as they provided these students with access to the same educational system made available to all other students,"[13] thus rejecting the argument that the school district had an affirmative duty to provide language instruction to compensate for students' language handicaps.[14]

In 1974 the United States Supreme Court, in *Lau v. Nichols*,[15] unanimously overturned the lower court's decision, finding that the San Francisco Unified School District had violated Title VI of the Civil Rights Act of 1964.[16] The Court ruled that the failure of the San Francisco school system to provide special English language instruction to 1,800 students of Chinese descent who did not speak English denied them meaningful access to effective participation in the public educational programs, and violated Title VI.[17] Supreme Court Justice William O. Douglas wrote:

> There is no equity of treatment merely by providing students with the same facilities, textbooks, teachers, and curriculum; for students who do not understand English are effectively foreclosed from any meaningful education . . . We know that those who do not understand English are certain to find their classroom experiences wholly incomprehensible and in no way meaningful.[18]

American public education now has an obligation to ensure that language barriers based upon national origin do not prevent students from participating fully in educational programs. This premise has provided the foundation for the American public school system's commitment to ensuring that students with limited English proficiency have access to all the educational opportunities enjoyed by their English-proficient peers.

In 1974 Congress codified the Supreme Court's decision in *Lau* by enacting the Equal Educational Opportunities Act.[19] This act reaffirmed the rights of LEP students to equal educational opportunities, and imposed on state and local school systems an affirmative duty to take "appropriate action to overcome language barriers" obstructing their academic progress.[20] Section 1703(f) of the act provides that:

> **No State shall deny equal educational opportunity to an individual on account of his or her race, color, sex, national origin, by . . . the failure by an educational agency to take appropriate action to overcome language barriers that impede equal participation by its students in its instructional programs.[21]**

In 1981 the United States Court of Appeals for the Fifth Circuit in *Castaneda v. Pickard*[22] gave practical meaning to the terms "appropriate action" (as used by Congress in the Equal Educational Opportunities Act), and "affirmative steps" (as used by the Supreme Court in *Lau*, and by the Department of Education's 1975 *Lau* Guidelines). In *Castaneda*, the Fifth Circuit set forth a three-part test for determining whether a school district has taken appropriate action to overcome language barriers. The test involves evaluating:

- whether the schools have chosen an educational program that is recognized as sound at least by some experts in the field of education;
- whether schools are taking steps to implement their chosen educational program effectively; and

[12] Lau v. Nichols, 483 F.2d 791, 793 (1973).

[13] *Id.*

[14] *Id.* at 797.

[15] 414 U.S. 563 (1974).

[16] Title VI of the Civil Rights Act of 1964 mandates nondiscrimination on the basis of race, color, or national origin in federally assisted programs. Pub. L. No. 88-352, 78 Stat. 252 (codified as amended at 42 U.S.C. §§ 2000d to 2000d-7 (1994)).

[17] *Id.*

[18] Lau v. Nichols, 414 U.S. 563, 566 (1974).

[19] Pub. L. No. 93-380, 88 Stat. 515 (codified as amended in 20 U.S.C. §§ 1701–1721 (1994)).

[20] Pub. L. No. 93-380, 88 Stat. 515 (codified as amended in 20 U.S.C. §§ 1701–1721 (1994)).

[21] 20 U.S.C. § 1703(f) (1994).

[22] 648 F.2d 989 (5th Cir. 1981).

- whether the schools' chosen educational program can be shown to be successful in overcoming the language barriers confronting students with limited English proficiency.[23]

Department of Education, Office for Civil Rights

The Office for Civil Rights (OCR) at the U.S. Department of Education enforces Title VI of the Civil Rights Act of 1964, as interpreted by the *Lau* decision and given a measurable standard by the *Castaneda* ruling. OCR seeks to ensure equal educational opportunities in the development and implementation of educational programs for students with limited English proficiency.[24] OCR focuses its efforts not on assessing the merits of a particular program or approach the school has chosen to implement, but rather on ensuring the proper implementation of the program. OCR makes this assessment based on whether the school district is meeting the *Castaneda* requirements and providing the resources necessary to fulfill the goals of a given program.[25]

Since the *Lau* decision and the enactment of the Equal Educational Opportunities Act, OCR has issued three policy documents to provide additional guidance to school districts on how to fulfill their obligations toward LEP students. First, OCR circulated in 1975 a guidance document, commonly referred to as the "*Lau* Remedies" or "*Lau* Guidelines," outlining permissible approaches to overcoming the language barriers of LEP students.[26] Although the guidelines were never officially published, many school districts have relied on them in formulating educational programs for students with limited English proficiency.[27]

The second policy document, issued in December 1985, clearly sets forth the basic premise on which OCR bases its standard for conducting *Lau* enforcement. It states:

> In viewing school districts' compliance with Title VI, OCR does not require schools to follow any particular educational approach. The test for legal adequacy is whether the strategy adopted works—or promises to work—on the basis of past practice or in the judgment of experts in the field.[28]

In addition, the December 1985 memorandum announces that OCR will determine *Lau* compliance on a "case-by-case basis."[29] The memorandum states, "OCR looks at all the available evidence to ensure that sound and appropriate programs are in place . . . OCR is not in the position to make programmatic determinations and does not presume to make those decisions."[30]

In OCR's third policy update on schools' obligations to LEP students, issued in September 1991, it lists the requirements for a successful program. The update states:

> [G]enerally "success" is measured in terms of whether a program is achieving the particular goals the recipient has established for the program. If the recipient has established no particular goals, the program is successful if its participants are overcoming their language barriers sufficiently well and sufficiently promptly to participate meaningfully in the recipients programs.[31]

OCR has played a major role in clarifying the vague language of "meaningful access" used by the Supreme Court in *Lau*. OCR has sought to imbue the Court's language with practical meaning for states and local school districts while allowing them flexibility and latitude to develop their own programs. In general, OCR's Title VI/*Lau* enforcement program is a proactive program for promoting equal educational opportunity through civil rights implementation, compliance, and enforcement.

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[23] 648 F.2d 989, 1009–10 (5th Cir. 1981).

[24] OCR's civil rights implementation and enforcement activities include civil rights policy development, investigation of complaints alleging discrimination by recipients of federal financial assistance, and initiation of enforcement actions against recipients who refuse to comply with civil rights requirements willingly.

[25] U.S. Department of Education, Office for Civil Rights, Administrative Communications Systems, *Mission and Organizational Manual*, vol. 1, part B (1992), p. 1.

[26] U.S. Department of Education, Office of the Secretary, *Task Force Findings Specifying Remedies Available for Eliminating Past Educational Practices Ruled Unlawful under Lau v. Nichols*, Summer 1975.

[27] Ibid.

[28] U.S. Department of Education, Office for Civil Rights, Administrative Communications Systems, *Mission and Organizational Manual*, December 1985, memorandum, p. 7.

[29] Ibid., p. 2.

[30] Ibid.

[31] U.S. Department of Education, Office for Civil Rights, Administrative Communications Systems, *Mission and Organizational Manual*, September 1991, policy update, p. 9.

CHAPTER 2

Equal Educational Opportunities in the St. John Valley and Caribou

On June 3, 1997, the Advisory Committee held a daylong fact-finding meeting in Ft. Kent in the St. John Valley.[1] The Committee heard from English as a second language (ESL) teachers, school superintendents, community advocates, a state legislator, and a parent of limited-English-proficient (LEP) students.[2] Based on information gathered at the fact-finding meeting, this chapter provides a portrait of equal educational opportunities for LEP students in the St. John Valley and Caribou. More specifically, it discusses the following eight issues that surfaced during the meeting:

- Anti-Franco sentiment
- Anti-ESL sentiment
- Adverse impact of anti-ESL sentiment on LEP students
- Support for ESL programs
- Lau plans
- Training ESL teachers
- Challenges facing migrant students
- State legislative perspective

Anti-Franco Sentiment

Four panelists stated that negative attitudes, especially in the educational system, against French-speaking persons have existed for quite some time and continue today. According to these panelists, the school district for the St. John Valley tried to eliminate the use of French, making people of French descent feel like second-class citizens. Recalling his experiences as a child attending a school in the Maine State Administrative District (MSAD) 27, which covers the St. John Valley, Bernard Banville, a reporter for the *Bangor Daily News*, stated, "We were not allowed to speak French anywhere on public property, a school classroom, the school building itself, or in the yard playing with our friends."[3] He believes that the goal of the school was "Angloization" of the French people.[4]

Clayton Belanger, school superintendent of the Van Buren School District, expressed similar sentiment: "There is still a legacy among many, which says that by speaking French you are marked as being somehow different."[5] Describing himself as a native of the St. John Valley and a product of the public school system, he observed:

> The official school policy in the late '50s and early '60s was that no or very little French was spoken in the schools, and little effort was made to accommodate

[1] The communities of the St. John Valley consist of Ft. Kent, St. Agatha, Frenchville, Madawaska, Grand Isle, and Van Buren. The population of the St. John Valley is overwhelmingly of French origin. The French-speaking student enrollment of the St. John Valley totaled 727, of whom 483 children in K–12 have been identified as limited English proficient (LEP). The city of Caribou contains a minority of predominantly Spanish-speaking students, of whom 83 have been identified as LEP.

[2] Participants included: ESL teachers and administrators (Cleo Ouellette, Wisdom High School; Guy Roy, Gateway Elementary School; Dave Raymond, curriculum coordinator of the L'Acadien du Haut St. Jean bilingual program and French teacher at Wisdom High School; Frank McElwain, curriculum coordinator for the Caribou School District; Marie-Anne Gauvin, a retired French teacher; Gilbert Albert, director of L'Acadien du Haut St. Jean); school superintendents (Clayton Belanger, Van Buren School District; Jerry White, MSAD 33; Sandy Bernstein, MSAD 27; Thomas Scott, Madawaska School District); ESL advocates and parents (Bernard Banville, a reporter for the *Bangor Daily News*; Carol Roy, a mother of four LEP children); and a state legislator (Judy Paradis).

[3] Bernard Banville, statement before the Maine Advisory Committee to the U.S. Commission on Civil Rights, fact-finding meeting, Ft. Kent, ME, June 2, 1997, transcript, p. 71 (hereafter cited as *Ft. Kent Transcript*).

[4] Ibid.

[5] Clayton Belanger, *Ft. Kent Transcript*, pp. 112–13.

the majority. The understanding was that English was the official language and that French, the unofficial language, was not encouraged . . . People of French ancestry were somehow not quite up to the same par with the English.[6]

This statement is corroborated by Gilbert Albert, director of L'Acadien du Haut St. Jean, a volunteer two-way bilingual education program that serves Madawaska, Van Buren, and MSAD 24. He cited a 1959 policy from the Madawaska Teachers' Club manual in which teachers were instructed to eliminate French completely from their classrooms. Although French has historically been discouraged in the public schools, Mr. Albert claims that in the towns of the St. John Valley, where populations are around 90 percent French in origin, it is still used extensively in churches, stores, and other public places.[7]

Anti-Franco sentiment has deep historical roots not only in the St. John Valley but also throughout the state of Maine. According to Judy Paradis, state senator from district 1 (which includes 47 communities in Aroostook County, including the St. John Valley), in 1922 a law was passed by the State Legislature aimed at eliminating French from all public places, including schools and government offices. As a result, half of her classmates dropped out of school because of a hostile atmosphere, she said.[8] Not only did the system punish people for speaking French, but it also instilled a sense of shared inferiority. She recalled, "Wherever we went, we kind of felt we were below everybody else because we had an accent and we spoke French."[9]

Anti-ESL Sentiment

The Advisory Committee heard from a parent of LEP students, ESL teachers, and school superintendents, who related incidents of negative attitudes and beliefs they have encountered from parents and education professionals about ESL programs. They described the difficulty they have met in trying to obtain equal educational opportunities for LEP children. These difficulties included: refusal of some school districts to accept bilingual programs, lack of adequate bilingual programs, and continuing negative attitudes from teachers who question whether ESL programs are even necessary.

Carol Roy, a mother of four LEP children (three of whom attend Dr. Levesque School, MSAD 33, in Frenchville), stated that MSAD 33 refused to accept a $1.2 million federal grant for a bilingual program because of misconceptions and fears of both parents and members of the local school board. One of the misconceptions that killed the program, according to Ms. Roy, was that "French would be the predominant subject taught and they did not want their children falling behind in English." As a result, the school board rejected the program, she said.[10]

After the local school board rejected the ESL proposal, she resorted to contacting the State Board of Education. The acting commissioner, after numerous inquiries, told her that the local school board would provide a French language program for LEP children to go into effect in the fall of 1996.[11] As of June 1997, according to Ms. Roy, there was no bilingual curriculum in place and her children were forgetting the French they knew.[12] She indicated that as a result of anti-ESL sentiment, the only program currently available to LEP students is special education, "but placing students in special education because of LEP status is in violation of U.S. Department of Education regulations."[13] Aside from special education, all that LEP students receive is a half-hour of French vocabulary instruction twice a week, which is not categorized as ESL but as foreign language instruction.[14] She lamented, "We needed the $1.2 million grant, and it was turned down for personal prejudices."[15]

Cleo Ouellette, an ESL teacher from Wisdom High School, confirmed that there is still a great deal of doubt among teachers and even some Franco-Americans that French is worthwhile. As a matter of fact, there are many who believe that French may hinder a student's ability to learn English.[16] As an example, she cited her personal experience: she was at a recent school board meeting in Van Buren, and heard one board

[6] Ibid.

[7] Gilbert Albert, *Ft. Kent Transcript*, p. 60.

[8] Judy Paradis, *Ft. Kent Transcript*, p. 9.

[9] Ibid.

[10] Carol Roy, *Ft. Kent Transcript*, p. 26.

[11] Ibid.

[12] Ibid., pp. 24, 26.

[13] Ibid.

[14] Ibid.

[15] Ibid., p. 27.

[16] Cleo Ouellette, *Ft. Kent Transcript*, p. 46.

member who kept saying, "We've got to get them to spend more time on English. This French is bothering their English."[17]

Guy Roy, a French language teacher at Gateway Elementary School for the past 24 years and part-time curriculum coordinator for the bilingual program in the Van Buren School District, stated that there continues to be anti-ESL sentiment in the teaching profession. He agreed with Ms. Oullette that the greatest problem with ESL programs is the lack of information and understanding, on the part of both parents and teachers themselves, concerning the needs, abilities, and aspirations of limited-English-proficient students.[18]

Regarding the apparent opposition of teachers in his district toward a current two-way bilingual program, Clayton Belanger, school superintendent of the Van Buren School District, stated, "In my school system, the lines are really drawn between those teachers and staff who are for the French immersion program and those who are opposed to it."[19] According to him, many of those opposed perceive the coursework and other requirements as burdensome and their attitude is, "Why teach French, because this is an English society."[20]

Adverse Impact of Anti-ESL Sentiment on LEP Students

Four educators addressed how negative attitudes by teachers toward ESL programs and lack of proper ESL instruction affect LEP children, sometimes promoting poor self-esteem. This anti-ESL sentiment is expressed in many ways, such as not allowing children to speak their home language, giving the language less weight or importance, and placing children in special education programs just because they are limited English proficient.

Gilbert Albert stated that the drive to teach only English ultimately devalues the children's home language and neglects their development of literacy in French. This, he said, negatively affects the children's sense of cultural identification and their self-esteem.[21] Children lose their connection to their heritage and feel they must shed their Franco background to fit in and get ahead, according to Mr. Albert.[22]

Marie-Anne Gauvin, a retired French teacher who taught French to English-speaking students, claimed that current research supports the theory that children's self-esteem is negatively affected by forcing them to give up their native language. "The action of forcing a child to study a language other than his heritage language," Ms. Gauvin explained, "says to that child, very effectively, his language is not good enough, his language is inferior . . . while the heritage language is the vehicle that carries the culture."[23]

Children's self-esteem and how well they do at school are also affected by negative attitudes of French-speaking parents who convey to their children that English is superior to French. Clayton Belanger noted that when he served as principal of Van Buren High School, he became aware that ESL students fell into two groups. The first were those students with parents who encouraged French to be spoken in the home and also took an interest in their child's learning. These students tended to do very well in their studies. The second group of students, on the other hand, were those whose parents spoke French at home, but had the attitude that English was superior to French. These students seemed to have low self-esteem and did poorly in school. Often these students were retained or became special education students.[24]

Placing LEP students in special education classes solely on the basis of their limited language proficiency is in violation of U.S. Department of Education regulations,[25] and if proved, can lead to sanctions against the district. A school district that appears to be engaged in this practice is MSAD 33, which includes Frenchville and St. Agatha. On the most recent State Department of Education survey, required of all school districts, MSAD 33 indicated that it has enrolled 115 LEP students. Yet when asked what types of special language services are provided to these students, the school district responded that no special language services were

[17] Ibid., p. 43.

[18] Guy Roy, *Ft. Kent Transcript*, p. 53.

[19] Clayton Belanger, *Ft. Kent Transcript*, p. 119.

[20] Ibid.

[21] Gilbert Albert, *Ft. Kent Transcript*, p. 126.

[22] Ibid.

[23] Marie Gauvin, *Ft. Kent Transcript*, pp. 159–60.

[24] Clayton Belanger, *Ft. Kent Transcript*, pp. 113–14.

[25] The Bilingual Education Act, 20 U.S.C. § 7601(11) (1994).

provided and that special education was the only service provided to these students.[26] However, Jerry White, the superintendent of schools in MSAD 33, disagreed with this characterization. Regarding the prohibition against placing LEP students in special education programs solely because of their LEP status, he stated, "Placing LEP children in special education classes is a no-no, and I would not support that."[27] Regarding the survey results implicating the illegal practice, he claimed, "As far as I know, that's an error and that information should not be there [on the survey]."[28]

According to other participants, however, there are no special language classes for LEP children in MSAD 33, and LEP students are placed in special education classes. Ms. Carol Roy, a mother of four LEP children in MSAD 33, stated that the only programs currently available to LEP students are categorized as special education offerings. Otherwise, all that LEP students receive is a half-hour of French vocabulary instruction twice a week, which is not categorized as ESL but as foreign language instruction.[29] Supporting Ms. Roy's statement, Dave Raymond, curriculum coordinator of the L'Acadien du Haut St. Jean bilingual program and French teacher at Wisdom High School, said that as far as he knows, in MSAD 33 special education is the only service offered to LEP students beyond regular classroom instruction. "To my knowledge, there are 115 LEP students in the district and the only offering that is available to them is special education."[30]

Pro-ESL Sentiment

While there are many opponents of ESL programs, there are advocates for bilingual education who argue vigorously for these programs because they provide an effective way for LEP students to achieve equal educational opportunities. Five participants expressed their support for ESL programs because of the positive change in students' attitudes regarding French language and culture that is growing out of ESL and bilingual programs.

Carol Roy recalled her anticipation when she heard that her children's school had applied for and received a grant from the U.S. Department of Education for an immersion ESL program. "I was excited about the new program because I was presented with all types of information on test scores . . . [showing that] the LEP child definitely scored lower than the single language child. So, I knew my children were at a disadvantage."[31]

Cleo Ouellette shared with the Committee an ESL success story. She told of how she was called to the home of a newly arrived 13-year-old girl from Quebec who spoke only French. The girl was frightened and did not want to go to school. After much coaxing, the girl went to school where Ms. Ouellette had prepared an individualized integrated ESL program for the girl. The plan enlisted the help of not only ESL teachers, but also all the school personnel, as well as the school superintendent and his wife, who also taught the girl. After the first year she was proficient enough in English to begin her second year in the regular program. But throughout her years, she always had someone who would help her if she had difficulty with English. As a result, the girl graduated last year from Wisdom High School with honors.[32]

Gilbert Albert is a strong supporter of ESL programs but believes that they can be improved. While the tension over ESL programs is lessening and there is more cooperation among teachers, the following improvements are needed:

- better communication regarding the benefits of bilingual education to the St. John Valley population;
- the establishment of bilingual education as a permanent presence on campuses of the University of Maine system; and
- the institutionalization of efforts to offer programs to develop a nurturing community toward bilingualism and biliteracy to ensure the ethnic vitality needed to be self-supporting after the federal dollars go away.[33]

[26] Barney Bérubé, *Ft. Kent Transcript*, pp. 30, 31.

[27] Jerry White, *Ft. Kent Transcript*, p. 32.

[28] Ibid.

[29] Carol Roy, *Ft. Kent Transcript*, p. 31.

[30] Dave Raymond, *Ft. Kent Transcript*, p. 150.

[31] Carol Roy, *Ft. Kent Transcript*, p. 23.

[32] Cleo Ouellette, *Ft. Kent Transcript*, pp. 40, 41.

[33] Gilbert Albert, *Ft. Kent Transcript*, p. 130.

Cultural pride and heritage awareness were also noted as important benefits of a successful ESL program. Bernard Banville, a reporter for the *Bangor Daily News* and a naturalized American of French Canadian descent, stressed the importance of children in the St. John Valley learning French to enable them to connect with other family members.[34] In many cases, heritage and cultural pride are passed on from one generation to the other only through oral traditions. If a child cannot understand them, then those traditions are not passed on. To be a fully functioning member of a bilingual family, the child must be able to speak and understand the language. Mr. Banville believes his ability to speak, read, and write French has been a benefit in his career, and as a result he supports bilingual education programs.[35] "I have been able to travel to Quebec and New Brunswick simply because I'm the only French reporter on the paper. To me, my French language has been a plus in my professional life."[36]

Additional support for ESL programs for professional advancement came from Clayton Belanger who extolled the virtue and importance of being bilingual in today's society. He stated that to succeed, especially in business, a second language is invaluable. "We live in a global economy, and particularly with both Quebec and New Brunswick being next door, we could and should be able to communicate in both languages equally," he said.[37]

Sandy Bernstein, the superintendent for MSAD 27 (which includes Ft. Kent and six surrounding communities with an enrollment of 1,492 students, of whom 114 are LEP), described an innovative, integrated English-French approach being used in her schools. This program, designed for students in grades K–6, is aimed at fostering bilingualism and cultural awareness in the classroom. The program integrates French into the curriculum in daily routines such as instructions, announcements, cultural events, and even lunches.[38] She believes this integrated program not only instills cultural pride and awareness in the classroom, but also serves as a successful bridge between the two cultures, bringing benefits to everyone. She said, "The whole notion of cultural pride and awareness should be to bring back to the community the feeling that bilingualism is a good thing and a benefit for students, their families, and also the community."[39]

Lau Plans

As discussed earlier in the Background chapter, school systems are required to take affirmative steps to rectify the language deficiency of LEP students in order to provide them a meaningful opportunity to participate in public educational programs.[40] These required steps, usually referred to as Lau plans, include identifying LEP students and creating ESL programs for LEP students. Panelists described various forms of Lau plans and how ESL programs are implemented in the St. John Valley and Caribou.

According to Gilbert Albert, every year students in all public schools are required to respond to a survey indicating the dominant language used at home. If the dominant language used at home is other than English, students are flagged and their achievement tests in math, reading, and language arts are examined. Those students performing below a specified level (usually the 50th percentile) are identified as limited English proficient and are eligible for ESL programs.[41]

A similar process for identifying LEP students is in place in MSAD 33, which includes the communities of Frenchville and St. Agatha.[42] Unlike other districts, however, MSAD 33 does not have targeted programs for ESL students, though mandated by federal law. Dave Raymond stated, "We don't have the bilingual program anymore. Therefore after students are identified, it's up to the classroom teachers to serve those students the best they can."[43]

At Gateway School, according to Guy Roy, a French language teacher for the past 24 years, individualized learning programs are developed for the students once they are identified as LEP.

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[34] Bernard Banville, *Ft. Kent Transcript*, p. 165.

[35] Ibid., p. 167.

[36] Ibid., p. 165.

[37] Clayton Belanger, *Ft. Kent Transcript*, p. 120.

[38] Ibid., p. 92.

[39] Sandra Bernstein, *Ft. Kent Transcript*, p. 91.

[40] Title VI of the Civil Rights Act of 1964 bans discrimination based on race, color, or national origin by any program receiving federal funds, which includes public schools.

[41] Gilbert Albert, *Ft. Kent Transcript*, p. 129.

[42] Dave Raymond, *Ft. Kent Transcript*, pp. 152–53.

[43] Ibid., p. 153.

Under the Gateway program, initially children are taught as many content areas (e.g., math, science, and social studies) in French as possible, transitioning them into English so that by the fifth or sixth grade they are completely bilingual, while continuing to foster both languages to the 12th grade.[44]

Expressing a contrary view, Clayton Belanger, school superintendent of the Van Buren School District, stated that for schools with many ESL students, Lau plans do not work. Based on his experience with the Van Buren School District, which has a 26 percent ESL population, he believes using a student-assisted team is a much better approach. This approach involves the referral of students to a group of educators, administrators, and sometimes parents. The team assigns an educator "caseworker" who follows the student's progress for several years, meets with parents, other educators, and the student to remedy problematic areas.[45] Belanger stated that this approach has more effectively assisted LEP children than traditional Lau plans because it provides an integrated team approach in educating a student "as opposed to just placing him in an ESL classroom with one ESL teacher."[46]

The inclusion of all staff, not just ESL teachers, in bilingual training is also being implemented in the Madawaska School District, according to Superintendent Thomas Scott. Of the district's 828 students, more than 600 come from a minority language background.[47] In order to enhance its French program and improve English skills of students, the district implemented a two-way bilingual program providing training and best practices in bilingual education and language acquisition to all staff in the school district. The district's Lau plan is designed to develop language acquisition plans for both local and transfer students using classroom teachers, guidance counselors, a speech therapist, and tutors. The program is in its first year of classroom practice, and it will expand to grades three and five and into the middle school the following year. Mr. Scott related the overall success of the program and noted the assistance of the University of Maine at Ft. Kent and the Acadian Archives in contributing to the cultural component of the program.[48]

Training ESL Teachers

Principals and school superintendents addressed the challenges of training and certifying ESL teachers. Among their concerns were the need for less restrictive requirements for the certification of ESL teachers, their difficulty hiring appropriately trained teachers for bilingual education, and the desire to require multicultural preparation as part of the teacher certification process.

The state of Maine requires all ESL teachers to be certified in the language they are teaching. According to Guy Roy, many teachers are fluent in French but are not necessarily trained or certified to conduct classroom instruction in French. Since certification requirements limit the number of teachers available for the program, he recommended less restrictive requirements for ESL teacher certification.[49] Echoing a similar concern, Thomas Scott stated that one of the major issues facing ESL programs is the inability to get appropriately trained teachers for bilingual education. The increasing difficulty in finding people who have a bilingual background or a major in French combined with the difficulties associated in teacher certification underscore the urgency of training qualified people in the field.[50]

Sandra Bernstein pointed out two state-level policies that could help improve ESL programs. She recommended requiring multicultural preparation as part of the teacher certification process. Second, she recommended that every graduating teacher be proficient in a second language.[51]

Challenges Facing Migrant Students

In the past several years, the town of Caribou has received a large migrant farm worker population, which swells and decreases at various points throughout the year, depending on the growing season. Specifically, from Memorial Day on, a large number of migrant workers come with their families from Texas and Mexico to assist in planting the broccoli crop. They stay to

[44] Guy Roy, *Ft. Kent Transcript*, p. 53.

[45] Clayton Belanger, *Ft. Kent Transcript*, p. 116.

[46] Ibid.

[47] Thomas Scott, *Ft. Kent Transcript*, p. 75.

[48] Ibid., p. 76.

[49] Guy Roy, *Ft. Kent Transcript*, pp. 50, 51.

[50] Thomas Scott, *Ft. Kent Transcript*, p. 88.

[51] Sandra Bernstein, *Ft. Kent Transcript*, p. 94.

the beginning of the harvest, which is usually in November.

According to Frank McElwain, curriculum coordinator for the Caribou School District, there is in the fall a fairly large number of Spanish-speaking students, but the number shrinks abruptly with the cold weather in November. Some times of the year, he said, there is little need for ESL programs. "During the fall and late spring there are high demand peaks for bilingual education (as many as 80 students) as opposed to the late summer and winter when the families move away and there's almost none," Mr. McElwain stated.[52]

As a result, the Caribou School District is faced with problems. The first is the district's inability to forecast the extent of instructional needs given the seasonal nature of the migrant farm workers. This inability to forecast teaching needs places heavy emphasis on identifying people for translation support, which is essential for ESL students.[53] The second concern is the administrative coordination problem for these students enrolled in academic programs in both Maine and Texas. Because of differences in scheduling policies between the two states, students cannot get credit in Texas for some courses completed in Maine. "Students are telling us they're frustrated by the extra difficulty of transferring credits they earned in Maine. They become frustrated and start skipping school because they feel their work is not going to be valued when they go back to Texas," Mr. McElwain said.[54] This difficulty in transferring credits, according to Mr. McElwain, is an unresolved issue that ultimately hinders these migrant students' ability to graduate.[55]

State Legislative Perspective

Judy Paradis, state senator from district 1 (which covers 47 communities in Aroostook County, including the St. John Valley), spoke on the State House view of programs for LEP students and general anti-Franco sentiment.[56] She cited instances in the State Legislature where anti-Franco sentiment had been blatantly displayed and endorsed, and discussed how this translates to lack of support for ESL programs.

She recounted two episodes. When she was presenting to a senate committee legislation related to Franco-American issues, including education, a legislator on the committee raised his hand and said, "You offend me, you insult me." He stated that her very presence in the room and the fact she was bringing an issue of anything that was not Anglophone was offensive to him.[57] When she was still new to the State House, another legislator whispered to her saying her name was "Garcelon," apparently afraid to speak aloud or use the true pronunciation of her French name. This legislator told State Senator Paradis, "They [Francos] were discouraged by the ruling majority from admitting in public that they were Francos."[58]

Such anti-Franco attitudes, according to Senator Paradis, contributed to the failure of ESL- and LEP-related legislation. As examples, she referred to two recent bills that failed, one providing additional funding for LEP student programs and another requiring multicultural education as a preservice requirement of K–12 teachers. Suggesting the outcomes of these bills were to a great degree a result of ignorance on the part of the Legislature, she said, "They were being asked to support something they didn't understand or believe to be important to language minority communities."[59]

These legislative failures aside, she believes that support exists in Franco communities around the state for French instruction in schools. According to Senator Paradis, people are coming forward from every area of the state, from Augusta to Biddeford to Lewiston, all fighting for increased French instruction. They are saying, "Look at us, we're here and we are going to make sure the children going through the school system get the necessary training so that they can use their bilingualism in a professional way."[60] She concluded by stating, "We have, historically, done a major disservice to our children in Maine by not using . . . the ability to communicate in French as a positive thing for the state.

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[52] Frank McElwain, *Ft. Kent Transcript*, p. 57.

[53] Ibid., p. 58.

[54] Ibid., p. 61.

[55] Ibid., pp. 60, 61.

[56] Judy Paradis, *Ft. Kent Transcript*, p. 12.

[57] Ibid., p. 11.

[58] Ibid., p. 9.

[59] Ibid.

[60] Ibid., p. 18.

We must now work to correct that."[61] She expressed her resolve to "continue to work in the Legislature, making sure there will be places and programs for these LEP children so that they can carry on their proud heritage and gain the benefits of being truly bilingual in today's society."[62]

[61] Ibid., p. 12.

[62] Ibid., p. 14.

CHAPTER 3

Equal Educational Opportunities in Calais

On June 4, 1997, the Advisory Committee held a daylong fact-finding meeting in Calais.[1] The Committee heard from a teacher, a principal, a school superintendent, community advocates, and a representative of the U.S. Department of Education, Office for Civil Rights.[2] Based on the information gathered at the fact-finding meeting, this chapter provides a portrait of equal educational opportunities for LEP students in the Calais area. More specifically, it discusses the following four issues that surfaced during the meeting:

- Preserving Native American languages
- Jurisdictional and funding issues
- Training ESL teachers
- Federal enforcement procedures

Preserving Native American Languages

Three panelists stated that the emphasis of ESL education for the Native American Passamaquoddy people has been to preserve and pass on their heritage language. According to these panelists, there is great fear among the elders of the tribe that outsiders have tried to eliminate or at least downplay their native language and that if their language is not taught in school alongside English, it will soon cease to exist.

Wayne Newell, a Passamaquoddy from Indian Township and a member of the governing body of the tribal council, stated he has been working with ESL programs since the early 1970s. He characterized those early programs as focusing on transitioning individuals from their native languages into English, when the intent of Passamaquoddy Nation members has been to hold on to their language, even when faced with a society that tells them that speaking English is better. He noted that these coercively assimilationist attitudes are still pervasive in the infrastructure of the institutions that are supposed to regulate and oversee education. An example of this attitude is the way in which the Maine Department of Education assesses students. According to Mr. Newell, giving Native American students the Maine Assessment Test, a standardized test administered to all public school students, is comparable to giving these students a test in a foreign language.[3]

Chris Altvater, a teacher and guidance counselor from Beatrice Rafferty School on the Pleasant Point Reservation, stated that there is great concern among the tribe that the Passamaquoddy language will fade from use by younger members of the community unless some concerted effort is made.[4] He recommended establishing a program designed to preserve the language, which would enlist the involvement of the Maine Department of Education as well as a Native American advocacy organization like the Wabanaki Center at the University of Maine.

[1] Calais is the center for the region's two Indian nations: Pleasant Point and Indian Township reservations. At these two reservations, 291 students are enrolled in grades K–8. All are Passamaquoddy and all are identified as limited English proficient. Students leaving the reservation attend high schools primarily at Lee Academy in Lee, Calais High School, and Shead High School in Eastport.

[2] Participants included: ESL advocates (Wayne Newell, a Passamaquoddy from Indian Township; Mary Basset, a community advocate and grandmother and guardian of an LEP high school student); a teacher (Chris Altvater, Beatrice Rafferty School); a school superintendent (Ron Jenkins, superintendent of schools for Maine Indian Education); and a U.S. Department of Education investigator (Ruth Ricker, Office for Civil Rights).

[3] Wayne Newell, statement before the Maine Advisory Committee to the U.S. Commission on Civil Rights, fact-finding meeting, Calais, ME, June 4, 1997, transcript, pp. 7–8 (hereafter cited as *Calais Transcript*).

[4] Chris Altvater, *Calais Transcript*, p. 65.

He noted that while more Native American students are enrolling in higher education, many of them have no interest in pursuing education as a career, nor do they possess strong native language skills that they can pass on.[5] To address this issue, he recommended that an immersion program in Passamaquoddy be established within the school system to meet the needs of Passamaquoddy language proficiency and preservation.[6]

Mary Basset, a community advocate and grandmother and guardian of an LEP high school student, noted that while "a lot of lipservice" is given to LEP programs and diversity by educators and administrators, resolving these problems is ultimately left to the "victims."[7] She stated that more needs to be done from the top down. She said success for the Passamaquoddy is not only "equal education but also it is imperative that they [the students] know who they are, our history and where we came from."[8] Ms. Basset stated, "We have a beautiful language that merits preservation, affirmation, and financial help."[9]

Jurisdictional and Funding Issues

Falling under the jurisdiction of both the Maine Department of Education and the federal Bureau of Indian Affairs, Indian schools face the challenge of meeting two sets of educational standards. Adding to this challenge is the lack of adequate funding for programs when students leave the reservation to continue their studies at non-Indian schools.

Wayne Newell stated that any school reform plan for the Indian schools becomes very frustrating since the school boards must essentially receive approval for their plan three times, first from the Maine Department of Education, second from the federal Bureau of Indian Affairs, and third from the community. He stated that even though the Passamaquoddy people are one of the largest language minorities in the state, there are currently no special provisions at the Maine Department of Education for meeting their educational and language needs.[10]

Ron Jenkins, superintendent of schools for Maine Indian Education, indicated that his primary responsibility is to oversee the three Bureau of Indian Affairs' elementary schools, governed under the auspices of the Department of the Interior. Beyond grade eight, Native American high school students are enrolled in several public schools, depending on which of the reservations they reside. According to Mr. Jenkins, funding for these students' high school components is primarily from state sources, while their elementary programs are funded by federal dollars.[11] Mr. Jenkins discussed the potential use of chartered schools to improve education on the reservations. He indicated that while it would be problematic at the elementary school level given the flow of federal money supporting elementary education, there has been some discussion over the years of establishing a Native American high school. He added a cautionary note, however:

> Access to education is more than dollars and cents, more than regulation and certification . . . We want to give our children coping skills so that they can cope in the world that's before them. We also have a high level of vulnerability among our youth with substance abuse and/or suicide, so we have to take a holistic view of the educational needs of our children.[12]

Mary Basset cited the Mohawk language immersion program in Fredericton, New Brunswick, Canada, as a successful ESL program for Native Americans. The Mohawk program, according to Ms. Basset, begins in kindergarten and lasts until sixth grade, when students begin their studies in English as well. Ms. Basset commented that while funding is limited, the major components of the Mohawk program can be incorporated into the Maine educational system such as through programs in which elders of a tribe would offer language instruction and through after-school recreational programs. But according to Ms. Basset, enthusiasm for such programs is low. She cited an example where the New Brunswick Mohawk immersion program had extended an invitation to all the day care teachers at Pleasant Point Reservation and all

[5] Ibid., p. 66.

[6] Ibid., p. 74.

[7] Mary Basset, *Calais Transcript*, p. 76.

[8] Ibid.

[9] Ibid., p. 81.

[10] Wayne Newell, *Calais Transcript*, p. 23.

[11] Ron Jenkins, *Calais Transcript*, p. 52.

[12] Ibid.

the other Wabanaki communities to attend training programs. Unfortunately, there were no resources to enable them to go.[13]

Training ESL Teachers

Panelists cited two issues of critical importance to the Indian community: the certification for ESL teachers who work specifically with Native American students and the inability of the educational system to devise a curriculum that meets the needs of Indian students. As additional barriers, the presenters noted the difficulty local school districts have in hiring ESL-certified Passamaquoddy teachers. More importantly, they pointed out that the State Department of Education is less than supportive for creating programs on Indian culture and language for Native American children.[14]

Wayne Newell recommended that a public hearing be scheduled focusing on the Maine Department of Education and its practices and policies regarding equal access to educational opportunities for Native American peoples.[15] His frustration lies in the department's inability to recognize and certify the Passamaquoddy language for ESL instruction.[16] This inability or refusal, in his estimation, reflects the shortsightedness of the Department of Education because of its "archaic way of certification and its refusal to bend, not just for us, but for a whole bunch of other people."[17] As an example of the bureaucratic constraint, he cited the inability of reservation schools to hire Passamaquoddy speakers as certified language instructors. Instead, reservation schools have to employ them as education technicians, a position at a much lower pay grade than ESL teachers. This, according to Mr. Newell, hinders schools' ability to attract and retain teachers and pay them appropriate or competitive wages. It is sending the message "that those who speak the Passamaquoddy language are not good enough to be full teachers."[18]

Echoing these sentiments, Chris Altvater, a teacher and guidance counselor from Beatrice Rafferty School on the Pleasant Point Reservation, said, "I think we need to come to a compromise with the Maine Department of Education and set up some program where people who speak Passamaquoddy can work and teach in the schools."[19] He claimed that there is a "need to legitimize those who speak and teach the Passamaquoddy language by paying wage scales with full benefits so that they can feel good about themselves and their heritage."[20]

Federal Enforcement Procedures

Ruth Ricker, a civil rights investigator with the U.S. Department of Education, Office for Civil Rights (OCR) in the Boston regional office, stated that her office enforces several civil rights statutes, including Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, national origin, or color in institutions and organizations receiving federal funding.[21] Her office covers six New England states and monitors all school districts, colleges and universities, and libraries receiving funds from the Department of Education.

According to Ms. Ricker, OCR has initiated a cooperative project with state and other federal agencies as well as community organizations to identify what specific issues are a concern for foreign-born and Native American students, specifically at the elementary and secondary school levels.[22] Her office recognizes that the various tribal communities in Maine have different school arrangements. In the Houlton and Presque Isle areas, for example, students are in public school districts, while students in Penobscot and Washington Counties transit from their local Indian schools into secondary non-Indian public schools. These arrangements create very different issues regarding assimilation and potential racial harassment.[23]

From discussions with officials at the State Department of Education and the State Attorney General's Office, Ms. Ricker recognized two issues in need of attention: (1) racial harassment of Native American children; and (2) educational steering (dissuading Native American students

[13] Mary Basset, *Calais Transcript*, p. 79.

[14] Wayne Newell, *Calais Transcript*, p. 14.

[15] Ibid., p. 21.

[16] Ibid., p. 18.

[17] Ibid., p. 15.

[18] Ibid.

[19] Chris Altvater, *Calais Transcript*, p. 66.

[20] Ibid.

[21] Ruth Ricker, *Calais Transcript*, p. 94.

[22] Ibid., pp. 91–94.

[23] Ibid., p. 94.

from pursuing a four-year college education). Underlying these problems, Ms. Ricker noted, are subtle attitudinal factors that create an environment where racial harassment or racial segregation can exist.[24] She observed that certain negative attitudes against Native Americans may not have changed in the past two decades as much as some outsiders might think they have. That, according to Ms. Ricker, "allows some negative things that are more subtle to still be there."[25] For example, "some might not see the problem of how [school] mascots are perceived as an issue, but it is subtle and serves to add another layer of problems to the more egregious issues like racial harassment."[26]

When asked about the lack of complaints to OCR from racial or ethnic minorities in Maine, Ms. Ricker suggested two possible reasons. First, often large established advocacy groups are more likely to file a complaint in court, rather than with the Office for Civil Rights. "Often advocacy groups feel they may achieve more by utilizing the court system versus the risk of filing with an agency which may take longer."[27] Second, many individuals may not be familiar with what her office is able to do in terms of investigation and the resolution of complaints. As a remedial step, she stated that she will be proposing additional outreach efforts to communities in her region.[28]

[24] Ibid., p. 96.

[25] Ibid.

[26] Ibid.

[27] Ibid.

[28] Ibid., p. 101.

CHAPTER 4

Equal Educational Opportunities in Auburn

On June 12, 1997, the Advisory Committee held a daylong fact-finding meeting in Auburn.[1] The Committee heard from English as a second language (ESL) teachers, school superintendents, community advocates, and limited-English-proficient (LEP) students.[2] Based on information gathered at the fact-finding meeting, this chapter provides a portrait of equal educational opportunities for LEP students in the Auburn area. More specifically, it discusses the following six issues that surfaced during the meeting:

- Anti-ESL sentiment
- Pro-ESL sentiment
- Experiences of LEP students and parents
- Training ESL teachers
- Lau plans
- Funding issues

[1] The greater Auburn area contains communities whose limited-English-proficient students are in lower density populations than other communities the Advisory Committee visited. These towns serve a variety of language groups, including: Auburn with 11 LEP students among its 42 bilingual students, K–12; Lewiston with 17 LEP students among its 31 bilingual students, K–12; Augusta with 73 bilingual students, K–12, all identified as LEP; and MSAD 52 in Turner with 74 migratory Hispanic students, all of them identified as LEP.

[2] Participants included: LEP students (Gustavo Camacho Jimenez, Turner Elementary School; Yessika Camacho, Leavitt Area High School); ESL teachers (Robin Fleck, Sherwood Heights School; Nancy Martin, Lewiston School System; Jan Addington, Turner (MSAD 52)); ESL administrators and personnel (Sandra Crites, director of the Turner School District's (MSAD 52) educational program; Maribel De La Garza, a bilingual tutor at the elementary school level in MSAD 52; Murray Shulman, pupil services director, Bangor School District; Joan Lebel, curriculum coordinator, Augusta School District); an advocate (Jeane Davis, an advocate for the refugee community); principals and superintendents (Nelson Beaudoin, principal, Leavitt High School; Graham Nye, superintendent, Augusta School District).

Anti-ESL Sentiment

A community representative and an education administrator described anti-ESL attitudes displayed by teachers and also discussed the need for sensitivity and diversity training for all school personnel.

Jeane Davis, an advocate for refugees in the Augusta community and an immigrant sponsor, observed that while her perception of the Augusta ESL program is favorable, the program is spread too thin with an "uneven support base from the school department, administration, and staff."[3] She stated that some ESL teachers, especially at the high school level, feel that they do not have the cooperation from the administration and some of the teachers.[4] Ms. Davis claimed that there is some evidence that classroom teachers have been discouraged from completing surveys on ESL student achievement in their mainstream classrooms.[5]

According to Ms. Davis, anti-ESL attitudes are also apparent in the middle school. An eighth-grade LEP student was told by his social studies teacher not to come to class anymore. This social studies teacher called the ESL education technician and said, "You'll have to teach him social studies. I can't deal with him anymore. He asks too many questions."[6] This particular child, whom Ms. Davis knew, was not a problem student at all, but he was very curious and liked to ask questions. The incident was eventually resolved when the parents insisted that he be put back in class. Although his parents, who were both employed in the teaching

[3] Jean Davis, statement before the Maine Advisory Committee to the U.S. Commission on Civil Rights, fact-finding meeting, Auburn, ME, June 12, 1997, transcript, p. 184 (hereafter cited as *Auburn Transcript*).

[4] Ibid., p. 190.

[5] Ibid.

[6] Ibid., p. 197.

profession, were able to be assertive, Ms. Davis worries about numerous other cases "where parents are not able, willing, or are too scared, to make an issue of it."[7]

According to Sandra Crites, director of the Turner School District's (MSAD 52) educational program, staff members sometimes make prejudicial and insensitive comments toward ESL students. She said, "Probably the majority of my staff has adapted well to the needs of LEP children. However, there have been insensitive comments made about our students and prejudicial remarks made by staff members from time to time."[8] Ms. Crites also related a negative comment she heard recently from a staff member who teaches LEP children: "Well, I don't think we should be educating these kids. Does anyone even know whether they're here illegally? I think California has the right idea," referring to the California State initiative to ban undocumented immigrant children from receiving public education.[9] Ms. Crites reported that the teacher involved was subsequently reprimanded.

Pro-ESL Sentiment

While there are opponents of ESL programs, three participants advocated for bilingual education, saying that the programs provide an effective way for LEP students to achieve equal educational opportunities. In addition, they expressed support for ESL programs because of the positive change leading to better understanding or accepting other cultures which has grown out of ESL and bilingual programs.

Sandra Crites reported that MSAD 52 had no experience with LEP students before 1987, but for the school year 1996–1997, 74 LEP students, including 15 preschoolers, enrolled in the district's ESL program. She believes the program has been beneficial to the students because the school system has been responsive to the needs of ESL students. As a result, LEP students have made excellent gains in English language and other subjects as reflected in improved scores on the Maine standardized tests.[10] Support from the entire teaching staff, Ms. Crites believes, makes a major difference to the education of LEP students. She said the reason her LEP students do so well in school is that the MSAD 52 ESL program has both a healthy teacher-student ratio (sometimes as low as two or three students per teacher) and high quality individualized instructions tailored to students' unique needs. "We also have bilingual tutors built into our federal grant program . . . so we work with the classroom teacher, the ESL teacher, and the bilingual tutor with a combination of simplified English and Spanish instruction," she said.[11]

Maribel De La Garza, a bilingual tutor at an elementary school in MSAD 52 and also an ESL graduate of the school, characterized the ESL program as a positive experience for both LEP students and professional staff. She cited an example: two students came to school directly from Mexico, unable to speak English. In one year, however, they were "flourishing in the ESL program."[12] The success of the ESL program is based on support of the principal and all the teachers to create positive learning environments for these students. Providing a supportive atmosphere, she believes, is the best possible approach to educating LEP children.[13]

One way to assess whether an ESL program is successful or not is by the students who graduate from the program, stated Nelson Beaudoin, principal of Leavitt High School. He was proud that one of the top 10 seniors who recently graduated was an ESL student and will be attending Bates College in the fall.[14] He credits his staff in their integrative approach to ESL instruction for the success of the program. "I think because most of those students are in mainstream courses, we provide a lot of follow-up and involvement with the ESL teachers. This form of integrated communication is the key to our success."[15]

Experiences of LEP Students and Parents

The Advisory Committee heard from two LEP students about their personal experiences with ESL programs. They described the benefits they received with the programs and the dedication and support of the teachers and staff. The Com-

[7] Ibid.

[8] Sandra Crites, *Auburn Transcript*, p. 7.

[9] Ibid., p. 19.

[10] Ibid.

[11] Ibid., p. 16.

[12] Maribel De La Garza, *Auburn Transcript*, p. 26.

[13] Ibid.

[14] Nelson Beaudoin, *Auburn Transcript*, p. 168.

[15] Ibid.

mittee also heard from ESL professionals on how parents of LEP students are being involved in their child's education.

Gustavo Camacho Jimenez, an LEP student at Turner Elementary School, came to the United States from Mexico in 1989 without speaking any English. At the 1997 end-of-school-year assembly he was honored as an outstanding student and scholar. He commented on how much he likes being a student at Turner and how he appreciates the amount of help he receives from the teachers. "If it wasn't for the ESL program, I wouldn't learn English as fast . . . I wouldn't be getting all the good grades, awards, and everything I've been getting right now," he said.[16] Recalling his first classes when he came to Maine not speaking English, he said that he did not understand anything, nor did he have a place to turn when he had problems before he was put in an ESL program. After starting ESL, he was relieved to have a teacher who spoke Spanish since he could talk to somebody. "I at least knew somebody understood me and they knew what I was trying to tell them."[17]

There were a few students, as Mr. Camacho Jimenez remembers, who would say things that were hateful or derogatory to the Hispanic students. "They would say things like 'stupid Mexicans,' and other bad or insulting Spanish words."[18] In response to the Committee's inquiry regarding teachers' awareness, he said, that although these students do not say things in front of teachers, when informed of incidents, they take care of the situation by referring the problem students to the principal.[19]

Yessika Camacho, an ESL student at Leavitt Area High School, stated that her three years in the program had helped her a great deal. She spoke no English before starting the program, but because of her teachers' willingness to provide extra assistance and her ESL classes, she is scheduled to graduate next year and will attend the local community college. She hopes to become an English teacher.[20]

Parental involvement in ESL programs was also cited as an integral part of an LEP student's ability to succeed. Robin Fleck, a teacher at Sherwood Heights Elementary School, indicated that its program is predicated upon early identification at the time of enrollment in kindergarten. Once a potential student has been identified, parents are advised of the ESL program and urged to decide whether or not to enroll their child in the program.[21] According to Ms. Fleck, the program at her school focuses on involving parents through participation in in-school programs, follow-up telephone calls, and weekly notes to parents advising them of their child's academic progress.[22]

An additional challenge in parental involvement is posed when the parents of an LEP student are themselves limited English proficient. When asked about the extent of involvement by LEP parents, Maribel De La Garza stated that even though many parents may be uncomfortable given their lack of English skills, they are very involved, frequently attending open house programs and awards programs. She also indicated that all information is sent home in both English and Spanish so that parents are sure to understand the information provided.[23]

Panelists noted that cultural sensitivity on the part of teachers and positive interaction with parents are also important for ESL success. According to Sandra Crites, teachers' relationships with parents at MSAD 52 are very positive because of the level of bilingualism among staff so that there is "a lot of regular parent contact with home visits, with phone calls, with parents coming into school for various meetings and/or conferences."[24]

Training ESL Teachers

A school superintendent and several ESL teachers addressed the issue of ESL teacher training and certification. They spoke of the need for less restrictive requirements for ESL teacher certification, the difficulty in finding and hiring appropriately trained teachers for bilingual education , and the desire to require multicultural preparation as part of the teacher certification process for all teachers.

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[16] Gustavo Camacho Jimenez, *Auburn Transcript*, p. 39.

[17] Ibid.

[18] Ibid., p. 36.

[19] Ibid., p. 38.

[20] Yessika Camacho, *Auburn Transcript*, p. 180.

[21] Robin Fleck, *Auburn Transcript*, p. 82.

[22] Ibid., p. 84.

[23] Maribel De La Garza, *Auburn Transcript*, p. 28.

[24] Sandra Crites, *Auburn Transcript*, p. 17.

Nancy Martin is a first year ESL teacher with the Lewiston school system who has recently completed the requirements for the Maine State Endorsement, the state's ESL teacher certification process. Reflecting on her experience obtaining her ESL certificate, Ms. Martin made two comments. First, she thought the classes were convenient and accessible because of their availability at the University of Southern Maine and, second, they were extremely useful to her not only for endorsement, but because she could use much of what she learned immediately with her students. She also noted that the state should provide more ongoing professional development opportunities for teachers to network and share information.[25]

Jan Addington, an ESL teacher in Turner (MSAD 52), made two recommendations to improve teacher training. The first is to require all new or newly certified teachers to take a course on working with LEP students in the mainstream classroom. The second is to require a course on multiculturalism for all teachers.[26]

Sandra Crites also supported additional training for all teaching staff, noting that there are several training sessions on sensitivity and diversity issues offered in MSAD 52 for teachers and other staff. Despite of these additional courses, she believes there is still a lack of understanding among school personnel regarding the needs of, and responsibilities to, LEP families.[27]

Graham Nye is the superintendent of the Augusta School District which has in its eight schools 3,000 students, of whom 65 are LEP. He noted that in dealing with a large student population of diverse language backgrounds, the need for native language speakers who can translate and work with families becomes necessary. His concern is that there are no mechanisms to locate, let alone train, those native language speakers who could help the ESL programs. As a result, the school district employs only three individuals, two certified teachers, and one education technician for ESL programs.[28]

[25] Nancy Martin, *Auburn Transcript*, p. 47.

[26] Jan Addington, *Auburn Transcript*, p. 64.

[27] Sandra Crites, *Auburn Transcript*, p. 15.

[28] Graham Nye, *Auburn Transcript*, p. 156.

Lau Plans

Several individuals representing local school districts addressed issues regarding the implementation of programs for limited-English-proficient students, such as the identification of LEP children, the effectiveness of ESL programs, and the need for additional staff and funding.

According to Sandra Crites, MSAD 52's Lau plan is outdated and does not adequately meet OCR educational requirements.[29] It was written eight years ago and consists of a one-page document that does not adequately represent what the school district is trying to do. School officials, however, are in the process of rewriting the plan to better incorporate state and federal requirements, and she foresees improvement in the way services to LEP children will be delivered as well as in monitoring and assessment.[30]

Murray Shulman, who as pupil services director of the Bangor School District is in charge of special education, migrant education, and managing the language minority students in the district, stated that the Bangor school system places a heavy emphasis on academic achievement, which extends to LEP students.[31] According to Mr. Shulman, the school district's Lau plan uses a decentralized service model in which school principals act as the primary ESL case managers for all students under their care, while two full-time social workers handle case coordination.[32] As soon as children arrive in the Bangor school district, they are screened for limited English proficiency. "We are able under our plan to immediately provide the student help, such as instituting immediate tutorial support, without waiting for a diagnostic process to occur."[33] Follow-up, he said, is provided with diagnostic procedures, such as classroom teacher reports and achievement tests as well as evaluations by speech and language clinicians.[34]

According to Mr. Shulman, Bangor's Lau plan includes specific procedures to be followed

[29] Sandra Crites, *Auburn Transcript*, pp. 21–22.

[30] Ibid., p. 22.

[31] Murray Shulman, *Auburn Transcript*, p. 56.

[32] Ibid., p. 58.

[33] Ibid.

[34] Ibid., p. 60.

by the district in the case management of potential LEP students. The staffing of the program includes language tutors and an ESL-certified teacher who work with classroom teachers as well as with individual students who need intervention. He noted that their model enables the staff to respond to requests from teachers to ensure that the students receive instructional support, typically one to three hours a day, in the classroom unless pullout is warranted.[35] In this model, tutors work directly with teaching staff to increase their skills in working with LEP children, and also meet as a group with the ESL teacher and school district consultant to identify areas of concern and develop new strategies.[36]

Since 1982, the Augusta School District, according to Joan Lebel who is the curriculum coordinator, has had an ESL advisory council whose focus is to review and monitor the district's Lau plan and ESL program. It also provides a forum for information sharing on policy and legislative actions that might have implications for immigrants.[37] The Augusta Lau plan initially identifies students through either the home survey or by teacher referral. Once a child is identified and the parents indicate their approval, the student works with ESL-certified teachers in a pullout setting, (which means that the child is "pulled out" of mainstream classes for part of his education) that includes tutorials, direct teaching, and additional language support. A language assessment committee also meets periodically to determine the progress of students and their continued needs in the program.[38] The plan, Ms. Lebel believes, needs to be expanded to ensure that all children in need of ESL services are identified, which requires going beyond the home language survey and that staff development training include all regular teachers.[39]

Funding Issues

Many participants suggested that part of the difficulty their school districts face is a result of the current funding formula within the state of Maine. Acknowledging that educating ESL students is more costly than non-ESL students, they predicted that given shrinking resources and lack of funding for education as a whole, there is little likelihood that additional funds for ESL instruction will be forthcoming.[40]

Graham Nye indicated that the lack of overall ESL funding by the state prevents the Augusta School District from doing as much as it would like to do, and growing diversity among ESL students makes it increasingly difficult to recruit bilingual staff who can translate and work with these families. The lack of state funding, particularly the "follow-the-child" type, is critical. Mr. Nye recommended that the program costs associated with ESL programs should be add-on budgetary allocations, as is the case with the Maine Department of Education programs on special and vocational education.[41]

Speaking on the needs of Sherwood Heights School, Robin Fleck stated that it needed increased funding to encourage community collaboration and cover expenses for translators. To spread resources effectively, she recommended that small communities work together as a consortium. "People could pool resources, and even people, because of the small numbers you could work together, given the close proximity of the communities."[42]

Two school districts have tried alternative funding approaches. MSAD 52 turned to federal sources of funding, while the Bangor School District decided not to use separate funding formulas for ESL programs. According to Sandra Crites, MSAD 52 was able to improve services to students, help with teacher training, and provide materials in both Spanish and English because of federal bilingual education grants during the past four years. "This additional boost to the district has provided us with the ability to serve a small population with greater effectiveness," she said.[43] In contrast, the Bangor School District uses an all-inclusive funding formula that combines all student services together and does not differentiate between programs for distinct populations such

[35] Ibid.

[36] Ibid., p. 61.

[37] Joan Lebel, *Auburn Transcript*, p. 150.

[38] Ibid., p. 153.

[39] Ibid., p. 158.

[40] Edward Sawyer, *Auburn Transcript*, pp. 134–35.

[41] Graham Nye, *Auburn Transcript*, p. 160.

[42] Robin Fleck, *Auburn Transcript*, p. 92.

[43] Sandra Crites, *Auburn Transcript*, p. 10.

as LEP students. While the Bangor approach may not work for smaller districts that may benefit from a reimbursement formula, according to Murray Shulman, "for Bangor, providing access to children to all of our programs works best for them."[44]

[44] Murray Shulman, *Auburn Transcript*, p. 70.

CHAPTER 5

Equal Educational Opportunities in Portland

On June 13, 1997, the Advisory Committee held a daylong fact-finding meeting in Portland.[1] The Committee heard from limited-English-proficient (LEP) students, parents, teachers, principals, school superintendents, community advocates, and two state representatives.[2] Based on information gathered at the fact-finding meeting, this chapter provides a portrait of equal educational opportunities for LEP students in the Portland area. More specifically, it discusses the following four areas:

- Experiences of LEP students and parents
- Lau plans and ESL programs
- Training ESL teachers
- Funding issues

[1] Maine's largest single concentration of LEP students is in the Portland public schools. They enroll 813 recent immigrant students, K–12, from at least 40 language groups, and most are refugees. Among these, 658 have been identified as LEP. Also included in this session were representatives from Kennebunk and Topsham. The former enrolled 39 students of second language backgrounds, all identified as LEP; the latter enrolled 28 LEP students of its 44 bilingual K–12 student population. Both districts' student populations are largely immigrant and come from several language groups.

[2] Participants included: LEP students (Mony Keith, Portland High School; Truong Huynh and Thuy Nguyen); teachers and ESL administrators (Grace Valenzuela, a parent of an LEP student and an educator with the Office of Multilingual and Multicultural Programs (OMMP) for the Portland School District; Carol Dayn, Reiche School; Enkel Kanakan, a language facilitator in the Portland High School ESL program; Julie Criscitiello, Portland High School; Don Bouchard, the migrant education teacher at Portland High School; Sarah-Jane Poli, ESL coordinator/curriculum director for the Biddeford School District; Doris Hohman, director of the Refugee Resettlement Program in Portland; Linda Ward, MSAD 71 in Kennebunk and Kennebunkport; Marjorie Sampson, Portland High School); principals and a superintendent (Margaret MacDonald, principal. Reiche School; Lorna Enderson, principal, Baxter Elementary School; Mary Jane McCalmon, superintendent of the Portland School District); and state representatives (Steve Rowe and John Brennan).

Experiences of LEP Students and Parents

ESL students and their parents praised the ESL programs and teachers, raised concerns about segregation, and suggested ways to solicit more parental involvement in choices of ESL programs available to their children.

Mony Keith, a recent graduate of Portland High School who came to the United States from Cambodia in 1984, characterized his transition from ESL classes to mainstream classes as difficult at the beginning since he was not only learning school subjects, but also learning English as well. For the most part, he recalled, he was not treated differently by mainstream students.[3] For him, the most difficult time in terms of "feeling different" occurred during elementary school because at that point the ESL students spent most, if not all, of their time together as a group and therefore seemed isolated from the other students.[4] Mr. Keith said that the incidents of being made to feel different by mainstream students declined in middle school and disappeared completely by high school. He attributed this to several factors, including his enrollment in more mainstream courses, his American friends, and his involvement in extracurricular activities including the Portland High School track team.[5]

Grace Valenzuela, a parent of an LEP student and an educator with the Office of Multilingual and Multicultural Programs for the Portland School District, commented on the extent LEP students are affected by physical separation from their mainstream peers. Her experience is that in ESL programs, students often need a

[3] Mony Keith, statement before the Maine Advisory Committee to the U.S. Commission on Civil Rights, fact-finding meeting, Portland, ME, June 17, 1997, transcript, pp. 178–79 (hereafter cited as *Portland Transcript*).

[4] Ibid.

[5] Ibid., p. 179.

break to speak their own language among their friends, particularly if they do not yet feel comfortable with their English skills to mix with English-speaking students. She has not, however, experienced situations where LEP students were separated from the rest of the school or treated differently.[6]

Carol Dayn, who has taught for 10 years at Reiche School and teaches a multilingual combination third-fourth grade class, also talked about ESL students interacting with non-ESL students during their school day and the potential for segregation. She explained that the ESL program is highly individualized and although students may be mainstreamed in math, science, and language arts, the program maximizes teaching time by concentrating the student's ESL experience in one classroom.[7]

Truong Huynh and Thuy Nguyen, both former ESL students originally from Vietnam, supported the Portland ESL program because they believed that it helped prepare them for mainstream classes and eventually to enter college. They could not recall any incidents of discrimination by teachers or students; they felt that everyone in the program had been helpful and gone extra steps to make them feel welcome and ensure their educational success.[8]

Enkel Kanakan, a language facilitator in the Portland High School ESL program and a parent with four LEP children attending Reiche School, described his children's ESL experiences as positive, in that they are learning English while also keeping their native French language. Portland High School provides a wide ranging outreach program to LEP parents. As its coordinator, Mr. Kanakan also serves as a community resource specialist educating LEP parents about the importance of their involvement in the schools as well as informing them about the educational alternatives available to their children, including programs that provide vocational training and higher education options.[9]

Lau Plans and ESL Programs

Individuals representing local school districts discussed implementation of programs for LEP students. They addressed such issues as the identification of LEP children, the effectiveness of ESL programs, and the need for additional staff and funding.

The enrollment of LEP students in the Portland School District increased from 70 students 10 years ago to more than 650 students in 1997. To keep pace with the increase in diversity of languages, the number of languages in the ESL program increased from five to 41, according to Grace Valenzuela.[10] To accommodate this increase, the district's Lau plan was revised in 1995 to include a Multilingual ESL Intake Center, a centralized assessment and evaluation center where language minority students are registered, assessed, and identified for educational assistance. Once identified, according to Ms. Valenzuela, each student is assigned to an age-appropriate, self-contained ESL classroom staffed by certified ESL teachers with assistance from native language facilitators. Toward the end of the school year an assessment is made to determine student placement in either a multilingual or mainstream classroom.[11]

In the 1998–1999 school year, the program will be expanded to include social workers in the assessment process to meet with family members of students. The team in the intake center includes a language assessment professional, a translator-interpreter, and a school nurse. Once a student has been identified as a language minority student, individual schools are called and processing is initiated to prepare an ESL program for the student.[12]

King Middle School has a total enrollment of 600 students, of whom 132 have a first language other than English, 75 of whom are in the multilingual program, while the remainder are mainstreamed.[13] The multilingual program at King consists of four ESL teachers who provide extensive content and ESL instruction. The program allows students to move from group to group depending on their individual skills and competencies. The program also includes yearly assess-

[6] Grace Valenzuela, *Portland Transcript*, p. 16.

[7] Carol Dayn, *Portland Transcript*, p. 32.

[8] Truong Huynh and Thuy Nguyen, *Portland Transcript*, pp. 247–48.

[9] Enkel Kanakan, *Portland Transcript*, p. 117.

[10] Grace Valenzuela, *Portland Transcript*, p. 22.

[11] Ibid., p. 119.

[12] Ibid.

[13] Diana Rudloe, *Portland Transcript*, p. 45.

ments as well as mainstreaming of all students for such courses as art, music, home ec, tech ed, and gym.[14] The ESL program at Portland High School, according to Marjorie Sampson, an ESL teacher, has seven full-time-equivalent teachers and five native language facilitators serving 110 ESL students. At the high school level, students' language skills are assessed and they are subsequently assigned to one of six levels of English proficiency. She said most ESL students at Portland High are not in ESL full time, but are partly in mainstream classrooms.[15] The key to the success of the Portland program, according to Ms. Sampson, is the willingness of teachers to provide the support to ESL students even when mainstreamed.[16] Of the 48 graduating seniors this year who are language minority, 37 are planning to undertake advanced studies next year, with more than half having been admitted to four-year colleges.[17]

Linda Ward, a teacher in MSAD 71 in Kennebunk and Kennebunkport, works in six schools where she has 35 ESL students representing 19 languages. To achieve the MSAD 71 goals of excellence for all learners, all students who enter the district are screened to identify those for whom English is not the first or home language. After a home visit, a language assessment committee develops an individualized education plan for each student with input from teachers, administrators, the parents, and the student. Annual evaluations are conducted until the student has met exit requirements, and then they are monitored for another three years.[18] According to Ms. Ward, the program incorporates oral language development, second language literacy development, conversational skills, and tutoring in academic areas. Additionally, the program also focuses on content-area support, home visitations to involve parents, as well as offering staff development opportunities.[19]

Reiche School, according to Carol Dayn, is a large school with an enrollment of 570 students, 111 of whom are ESL students (57 are enrolled in mainstream classrooms). According to the Reiche Lau plan, ESL classes are a "sheltered English class" where students spend the entire day receiving content-area instruction.[20] Once students attain a certain proficiency level, said Ms. Dayn, a mainstream assessment team and the ESL teacher determine whether or not to place the student in mainstream classes. Students are required to complete oral and written ESL exams, a language assessment scale, and a reading test to determine the extent to which students will be mainstreamed, ideally returning individual students to their neighborhood school after a year in a totally mainstreamed educational environment.[21] When asked how long it takes for non-English-proficient students to become mainstreamed, she responded that, in general, students with a high degree of language proficiency in their native language often can be moved quickly into mainstream classrooms (within two or three years) while others who arrive with fewer literacy skills may require substantially more time.[22]

The size of classrooms affects students' ability to learn, according to Ms. Dayn. An ideal classroom would include no more than 15 to 18 students considering the amount of repetition necessary when teaching ESL. The Catch-22, she said, is that the trend is toward larger classrooms, which ultimately means the ESL child will be in the multilingual programs for longer periods of time instead of mainstreaming earlier. "The longer it takes to mainstream students, say in middle school or high school, the more difficulty the children will have developing the cognitive skills in English they need to succeed," she added.[23]

The principal of Reiche School, Margaret MacDonald, stated that its ESL program is expanding while the mainstream classes at Reiche are shrinking. With the addition of the multilingual kindergarten, there are six and a half multilingual classrooms at Reiche and a new pilot program that incorporates peer tutors. Eight students entering the second-grade ESL program have been placed with 10 students who are incoming first graders—"in essence we are creat-

[14] Ibid.

[15] Marjorie Sampson, *Portland Transcript*, p. 65.

[16] Ibid., p. 67.

[17] Ibid.

[18] Linda Ward, *Portland Transcript*, p. 87.

[19] Ibid., p. 89.

[20] Carol Dayn, *Portland Transcript*, p. 35.

[21] Ibid.

[22] Ibid., p. 37.

[23] Ibid., p. 41.

ing a one-two multigrade classroom with a morning and afternoon teacher."[24] These students act not only as role models, according to Ms. MacDonald, they also possess excellent content-area knowledge, problem-solving abilities, and reading skills. "This model hopefully will increase the rate of mainstreaming as well as promoting a model of community," she said.[25]

Ms. MacDonald said the program has gone so well they are considering expanding the pilot next year to include a two-three multigrade classroom. This also provides an easier way for students to transition into mainstreaming by encouraging crossover and creating much less of a chasm for these children to cross. Ms. MacDonald also described their "mainstream buddy" program, similar to a Big Brothers/Big Sisters program, that involves students interacting in such activities as reading together or completing projects together.[26]

A similar program is also in practice at Baxter Elementary School, according to the principal, Lorna Enderson. The program involves students from the very beginning (either kindergarten or first grade) in a program where teachers work together and actually mix the enrollment of their classes during parts of the day. She hopes that these efforts will increase the chances that these students will be ready for mainstreaming.[27]

Both principals Enderson and MacDonald stressed the need for more comprehensive ESL programs enabling students to complete their elementary education within one school rather than the current situation where students must be bused across the district. "Ideally, students should be serviced by their own neighborhood schools, otherwise these families really can't become full-fledged members of the education community because their children may end up in three different schools."[28] One of the problems, according to Ms. MacDonald, is the lack of support in the outlying districts where children may regress over the summer and lose some of their proficiency entering a new school in a mainstreamed classroom.[29]

Training ESL Teachers

The challenges of training and certifying ESL teachers were focused on by principals, advocates, and ESL teachers themselves. Among their concerns were the need for less restrictive requirements for the certification of ESL teachers, their inability to get appropriately trained teachers for bilingual education, and the desire to require multicultural preparation as part of the teacher certification process.

Enkel Kanakan commented on his experience with the state teaching certification process, saying that while he was ultimately successful in obtaining his certification and endorsement for teaching, the process was confusing and often contradictory. For example, courses he originally was found to be deficient in, such as French vocabulary, he was ultimately found to be proficient in. He attributed his success more to his tenacity and suggested there were other well-qualified individuals who ultimately gave up the certification process because of the confusing and often conflicting process.[30]

On the other hand, Diana Rudloe thinks that the certification system is effective. And what is really important, she said, is to place greater emphasis on reaching out to mainstream teachers to help them understand the different cultures of LEP students. She believes that successful teaching of ESL students is strongly linked to a combination of certification and experience in multilingual classrooms.[31]

Julie Criscitiello, an ESL teacher from Portland High School, stated that the Portland School District plans to offer a course on multicultural education for all teachers on the special needs and challenges of having LEP students in mainstream classes as well as a series of workshops focusing on different languages and cultural groups in the city. Ms. Criscitiello also stressed that student organizations that concentrate primarily on foreign students and cultures can be an important tool in promoting diversity

[24] Margaret MacDonald, *Portland Transcript*, p. 212.

[25] Ibid.

[26] Ibid., p. 216.

[27] Lorna Enderson, *Portland Transcript*, p. 209.

[28] Ibid., p. 214.

[29] Margaret MacDonald, *Portland Transcript*, p. 218.

[30] Enkel Kanakan, *Portland Transcript*, p. 119.

[31] Diana Rudloe, *Portland Transcript*, p. 44.

and understanding of different cultures for the student body and teachers alike.[32]

Don Bouchard, the migrant education teacher at Portland High School, stressed that teachers need to understand and confront their own biases and personal attitudes of others that would affect their work in the classroom.[33] Additional teacher training to address these potential biases, in his observations, are not positively received by ESL and mainstream teachers. He believes this lack of interest by teachers in expanding their understanding of language minority students and ESL programs shows a real need for mainstream teachers to have additional training and development.[34]

Sarah-Jane Poli, ESL coordinator/curriculum director for the Biddeford School District, stated that efforts to expand cultural diversity programs in the school district are underway which will ensure that diversity is a strong part of the curriculum.[35] However, she emphasized the need for awareness training for all staff members to understand that cultural differences may create issues in their mainstream classrooms that need to be addressed.[36] Ms. Poli commented on the resistance to diversity training expressed by some content-area teachers in the high schools, and said that content teachers tend to view modification of course content as somehow making things easier for students and lowering expectations. Time is also a factor. Without a full-time ESL teacher in each building, content teachers are not able to discuss student issues with the ESL teacher at the end of the day.[37]

State Representative John Brennan, a member of the House Education Committee, commented on the status of a current bill that would require a preservice course in multicultural diversity to be taken by all new teachers in Maine. He stated that the bill had been carried over to the next session, in part, due to expressed concern regarding the potential duplication of current efforts by the Maine Department of Education, as well as the inability to affect the substantial number of teachers who complete teacher preparation courses at higher education institutions outside Maine or at private institutions in the state.[38]

Funding Issues

Many participants pointed out that part of the difficulty their school districts face is the current ESL funding formula within the state of Maine, which does not reimburse school districts for ESL programs, unlike other educational programs such as special education and vocational training. Acknowledging that the education of LEP students is more costly than non-LEP students, they predicted that given the shrinking resources and lack of adequate funding for education, there is little likelihood that additional funds will be forthcoming.[39]

Doris Hohman, the director of the Refugee Resettlement Program in Portland, stated that her program is primarily federally funded, but the funding does not include expenses related to education, other than adult ESL classes and some vocational training. This places the burden for educational costs on local school districts, a burden often compounded by the extremely short notice of refugee arrivals.[40]

Mary Jane McCalmon, superintendent of the Portland School District, noted the similarities between special education programs and LEP programs—both populations have extraordinary needs and therefore extra costs. The fact, according to Ms. McCalmon, is that ESL students are more expensive to educate and require additional support to meet their needs. While special education expenditures are a program cost in the state funding formula, ESL costs are not, but should be, she said.[41]

State Representative Steve Rowe of Portland said the state of Maine does not currently reimburse local school districts for expenses incurred in providing resources to LEP children, unlike special education expenditures. According to Representative Rowe, bills to resolve the issue of providing reimbursement for ESL programs were introduced in the Maine Legislature but

[32] Julie Criscitiello, *Portland Transcript*, p. 58.

[33] Don Bouchard, *Portland Transcript*, p. 74.

[34] Ibid., p. 76.

[35] Sara-Jane Poli, *Portland Transcript*, p. 100.

[36] Ibid., p. 104.

[37] Ibid.

[38] John Brennan, *Portland Transcript*, p. 232.

[39] Edward Sawyer, *Auburn Transcript*, pp. 134–35.

[40] Doris Hohman, *Portland Transcript*, p. 250.

[41] Mary Jane McCalmon, *Portland Transcript*, p. 155.

ultimately failed due to balanced budget restrictions.[42]

State Representative John Brennan stated that many communities, while they appreciate the importance of ESL programs, have a very uneven approach to the financing of such programs. Given an 8 percent drop in the state share of education funding from the federal government, it becomes a challenging prospect to find additional funding for ESL programs, according to Representative Brennan. He stated that there is a perception among state leaders that the "English as a second language" issue is a local, or Portland concern, but not a state issue.[43]

[42] Steve Rowe, *Portland Transcript*, p. 220.

[43] John Brennan, *Portland Transcript*, p. 237.

CHAPTER 6

Findings and Recommendations

1. FUNDING

Findings

The state's public school districts are required to use their own local funds to provide English as a Second Language (ESL) instruction for limited-English-proficient (LEP) students. School districts do not receive any appropriations from the state budget for ESL instruction, nor are they reimbursed by the state for expenses incurred in providing resources to LEP students. School districts are oftentimes caught off guard by an unexpected influx of large numbers of LEP students and do not always have the funding or resources available to provide the extra services required for these students. Although the state spends $75 million for special education programs and $7 million for gifted and talented programs, it does not spend any money on ESL programs, severely depriving LEP students of educational opportunities. In addition, state and local educational officials do not support or encourage efforts such as community collaborations, ESL grant opportunities, and ESL conferences and networking.

Recommendation 1.1: State legislation should be enacted to fund ESL programs as part of special funding programs that include special education or the gifted and talented programs. Individual schools should have emergency financial support available from the state for an unexpected influx of large numbers of LEP students. In addition, there should be increased state incentives and funding for community collaboration efforts, ESL grant opportunities, ESL conferences and networking, and translation services.

2. TEACHER CERTIFICATION

Findings

Qualified ESL teachers are in short supply to Maine's schools. The Maine Department of Education (MDOE) certification requirements can be cumbersome and confusing, plus some testing sites are not convenient to teachers who live in rural areas. The stringent and inflexible requirements of the MDOE discourage many otherwise qualified teachers from obtaining ESL certification, especially those who are Native American language speakers.

Recommendation 2.1: The Maine Department of Education should revise its ESL certification requirements to make the process less cumbersome for non-English, Native language speakers, and make more testing sites available for those teachers in rural areas.

3. LAU PLAN COMPLIANCE AND MONITORING

Findings

For many school districts, federally mandated Lau plans are not updated on a regular basis, while in some districts they do not exist at all. The MDOE, which is responsible for monitoring Lau plan compliance, does not routinely monitor the school districts' Lau plans and when school districts are found in noncompliance, the MDOE does not impose sanctions to correct the noncompliance. During the St. John Valley fact-finding meeting, serious allegations were made that MSAD 33 places LEP students in special education classes solely on the basis of their limited language proficiency, which is in violation of U.S. Department of Education regulations.

Recommendation 3.1: Lau plans for all school districts need to be in place, updated on a regular basis, and monitored for compliance by the MDOE. In addition, the MDOE must implement a series of corrective actions for those schools or school districts not in compliance with federally mandated Lau plans.

Recommendation 3.2: The U.S. Department of Education's Office for Civil Rights and the Maine Department of Education should investigate to determine whether MSAD 33, as alleged, places LEP students in special education classes solely on the basis of their limited English language proficiency in violation of U.S. Department of Education regulations. If found to be true, appropriate corrective measures should be taken against MSAD 33.

4. Anti-Cultural Bias

Findings

Many schools and communities do not meet the cultural and diversity needs of LEP students. While there are some school districts that encourage diversity and cultural exchanges, other schools and communities work to minimize or eliminate the culture and language of the LEP students. This is a serious concern for Native Americans in particular. Programs and initiatives that would support cultural and diversity needs of minority groups, such as the Canadian Mohawk immersion program and the Wabanaki Center for Native American Culture, are often not supported by the state or local communities. Further, there is still a strong perception among educators and administrators that bilingualism is a handicap and not a benefit to LEP students.

Recommendation 4.1: Mandatory diversity and cultural sensitivity training that would allow all teachers to examine their personal biases and also learn how to work effectively with LEP students in their mainstream classrooms should be required by the MDOE of all new and current teachers in the state, not just ESL teachers.

Recommendation 4.2: The MDOE should support programs and initiatives that would support cultural and diversity needs of minorities such as the Wabanaki Center at the University of Maine, which is designed to meet the cultural and diversity needs of Native American students, support language renewal, and provide a basis for a Passamaquoddy studies program.

Recommendation 4.3: The MDOE should examine other language immersion and cultural diversity programs (such as the Canadian Mohawk immersion program) as potentially useful models for possible adoption in Maine.

5. Legislation

Findings

According to some state legislators, the Maine Legislature, in general, continues to be uninformed and in some cases hostile to the concerns of LEP students and as a result has failed to enact several bills designed to benefit LEP students.

Recommendation 5.1: The Maine Legislature should hold public hearings on a regular basis on the needs of LEP students so that ESL advocates and concerned citizens can articulate the value of ESL programs as well as the importance of diversity in the classrooms and the significance of preserving cultural heritage.

Recommendation 5.2: Once informed of public concerns, the Maine Legislature should consider enacting responsive legislation that would benefit LEP students and foster a more positive climate toward ESL programs in the state's public schools.

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