

II. A Brief History of Issues Relevant to English Language Learners and School Reform

Guiding Questions

- What was the central focus of the 1965 Elementary and Secondary Education Act, and what is the focus of the 2001 version?
- Under Titles I and VII what were the prevalent forms of assistance to economically disadvantaged and limited English proficient students?
- How do the Lau decision and the Equal Educational Opportunities Act of 1974 define “equality of treatment” and “equal educational opportunity”?
- What could be the unintended consequences of having several programs, strategies, approaches, and initiatives in one school?
- What are some of the terms in discussing school reform? How do their meanings differ?



1965-1979

The passage of the first Elementary and Secondary Education Act (ESEA) in 1965, one of President Lyndon Johnson's Great Society initiatives, was the signature moment of a massive educational reform movement that focused on helping disadvantaged students succeed at school. The fact that schools were inadequately serving certain students was a paramount concern; however, the fundamental structure and organization of schooling was not considered to be part of

the problem. Rather, these reform measures emphasized bringing more resources and services to students who were struggling or were predicted to struggle.

The ESEA, like other laws, has several sections, known as titles. Each section (or title) of the ESEA focuses on a particular goal or population. Title I of the ESEA provided supplementary academic support to poorly performing students in schools with high concentrations of poverty. The legislation prohibited commingling Title I monies with other funding sources. ESEA also prohibited the use of Title I funds to finance regular services that states, districts, and schools were legally obligated to provide and prohibited providing Title I-funded services to ineligible students. Consequently, the most prevalent Title I practice was to pull the lowest performing students out of their classrooms for supplementary remedial instruction.

Relatively few limited English proficient (LEP) students received services under Title I. Although many ELLs met Title I eligibility criteria for poverty and poor academic achievement, eligibility was legally restricted to those whose needs resulted from educational deprivation or disadvantage, rather than from limited English proficiency. In the many settings where educational deprivation or disadvantage co-existed with limited English proficiency, this was a tough call. Local administrators often perceived the safest course to be a strict dichotomization of poverty and limited English proficiency, fearing that they would be censured if LEP students, however poor, received any assistance from Title I funds. In 1966 Title I was amended to

provide support in overcoming “cultural and language barriers,” but only to the children of migrant agricultural workers, who constituted a small fraction of ELLs in schools.

In 1968 Title VII of the ESEA was enacted to provide funds for the establishment of programs to help LEP students succeed in school. Such programs provided education in the students’ home languages and taught English as a second language (ESL) classes. While Title I was an entitlement program, with states receiving monies automatically based upon numbers of eligible students, Title VII funding was competitive. This meant that the only LEP students who benefited from the funding were those whose school or district wrote a successful proposal. Other equally deserving LEP students continued to be disadvantaged.

While those programs funded by Title VII provided some ELLs with ESL instruction and access to the curriculum through their home languages, the vast majority of LEP students in U.S. schools did not receive these services. In the 1969 *Lau v. Nichols* case, plaintiffs representing 1,800 LEP students sued the San Francisco School District for denial of the rights to equal educational opportunity guaranteed them under the Civil Rights Act of 1964. In 1974 the Supreme Court ruled against the district under Title VI of the Civil Rights Act for failing to provide appropriate language instruction that would enable LEP students to participate and benefit from the educational program. In the *Lau* decision Justice Douglas wrote:

There is no equality 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. Basic skills are at the very core of what these public schools teach. Imposition of a requirement that before a child can effectively participate in the educational program he must already have acquired those basic skills is to make a mockery of public education. We know that those who do not understand English are certain to find their classroom experiences wholly incomprehensible and in no way meaningful.

Also in 1974 Congress passed the Equal Educational Opportunities Act (EEOA), which stated:

No state shall deny equal educational opportunity to an individual on account of his or her race, color, sex, or 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.

Both the Lau decision and the EEOA required schools to overcome language barriers and to provide LEP children with meaningful access to programs and curriculum. In the years following these decisions, a great many states passed laws mandating at least transitional, native-language academic support (transitional bilingual education) while children were learning English. In the mid-1980s there were such laws in 20 states (Lessow-Hurley, 2000).

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In addition to these legal milestones, the Effective Schools movement (Edmonds, 1979) is the source of several assumptions that are fundamental to contemporary comprehensive school reform. Edmonds' research emerged out of his strong philosophical differences with Coleman (1966) and Jensen (1969), whom he characterized as "...researchers who had satisfied themselves that low achievement by poor children derived principally from inherent disabilities characterizing the poor" (p.16).

Edmonds countered their perspective with the view that schools don't really try to educate poor children. "Schools teach those they think they must and when they think they needn't they don't" (p.16). Edmonds investigated schools where poor children demonstrated greater-than-expected achievement. Based upon his findings, he asserted that all children can learn if there is the will to teach them. Cuban (1998) noted that four values defined the Effective Schools movement: (1) all children can learn and achieve according to their ability, not according to their socioeconomic status; (2) top-down decisions wedded to scientifically derived expertise can improve individual schools; (3) measurable results matter; and (4) the school should be the basic unit of reform.

The 1980s

Another source of the contemporary emphasis on comprehensive school reform is the now 20-year-old report *A Nation at Risk* (NCEE, 1983). *A Nation at Risk*—with its subtitle, “The Imperative for Educational Reform” and phrases like “a rising tide of mediocrity”—led to substantial and ongoing scrutiny of public schools. It emphasized that the performance of schools influenced the performance of the economy, suggesting that educational policy needed to primarily emphasize creating excellence.

Shortly after *A Nation at Risk* was released, *Horace’s Compromise* (Sizer, 1984) and *The Shopping Mall High School* (Powell et al., 1985) were published as part of “A Study of High Schools,” co-sponsored by the National Association of Secondary School Principals and the National Association of Independent Schools. These books remain strongly relevant to a contemporary discussion of comprehensive school reform. They echoed the Effective Schools movement’s emphasis on schools as the basic unit of reform as well as its belief that all children can learn. Each book made complementary arguments about the importance of fundamentally restructuring high schools. In particular *The Shopping Mall High School* noted that the aggregation of new programs and small realignments intended to respond to particular problems had ended up producing schools that were unwieldy and internally incoherent; small changes not aligned with a larger and encompassing vision create new problems even as they solve old ones. *Horace’s Compromise* described a common dilemma for teachers: namely, that they *know* what they should do but feel *unable* to do it all because of factors like time constraints and lack of resources. It also posited that only substantial school restructuring and site-based management could eliminate the frustration and cynicism that top-down management promotes.

Thus, the early and mid-1980s saw the emergence of broad concern for public schooling (stimulated by *A Nation at Risk*), the emergence of critiques of piecemeal reform and structures that inhibited appropriate practice, and the origin of some of the oldest (and still widely used) comprehensive school reform models. A comprehensive school reform *model* refers to an externally developed school change design that a school imports and tries to implement.

In 1989, as the immediate momentum of *A Nation at Risk* was waning, President Bush reinvigorated the school reform movement by convening all 50 governors for an education

summit. From that summit came America 2000, a collection of benchmarks defining what improved schools needed to accomplish. The first Bush administration was responsible for one other relevant initiative: the creation and fostering of the New American School Development Corporation. Using large sums of private and public money, this initiative fostered the development of seven comprehensive New American Schools (NAS) reform models (e.g., Expeditionary Learning/Outward Bound and the ATLAS Project) and supported their piloting in several sites. The premise of school improvement through whole-school reform of “research-based” practices had become bigger and broader.

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The 1990s

By the 1990s, Title VII language policies shifted, resulting in a reduced instructional role for children’s home languages. Recently at the state level, “English Only” political groups have waged successful campaigns to terminate or greatly reduce native-language instructional support to children in Arizona, California, Massachusetts, and many other states. Other approaches used to make English language content instruction accessible to LEPs employed linguistic

simplification, scaffolding, rich contextual support, and language experience techniques. Some formalized strategies included: Structured Immersion, Sheltered English, CALLA, and Language Content Integration. Dual-immersion schools (also known as two-way bilingual schools) offer the promise that educating ELLs and monolingual English speakers together in two languages can result in bilingual proficiency for both groups.

In a report on the National Title VII Benchmark Study, the Institute for Policy Analysis and Research and CAL, the Center for Applied Linguistics, (2000) recounted the history of Title I and Title VII:

Until 1994, the Elementary and Secondary Education Act (ESEA) provided funding for improving the education of underachieving students in schools with

high concentrations of students from low-income families. ESEA addressed the needs of both economically disadvantaged and language-minority students, but did so separately under Title I and Title VII of the act respectively. In practice these two federal programs were not coordinated and became independent funding streams with different accountability mechanisms, different staff at the state, district, and school levels, and different educational approaches within schools and classrooms. Moreover, many schools seemed to develop educational programs for these “categories” of students (economically disadvantaged and language-minority students) that were apart from and less demanding than the education for other students at the same school. (p.vii)

By 1994 the national discourse proposing comprehensive school reform as the best route to school improvement had been unfolding for a decade, co-existing with the older emphasis on equity that supported supplementary programs and targeted interventions for certain kinds of students. That year the reauthorization of ESEA formally connected these two impulses. Since the origin of ESEA in the Civil Rights movement of the 1960s, its different iterations had all focused on bringing federal resources to the related challenges of helping “at-risk” students and making sure that all students came to school prepared to succeed. Several national evaluations of the federal Title I program, however, found that targeted assistance programs had limited effectiveness at best. As a partial response to these findings, the 1994 reauthorization allowed schools with 50% or more of their enrollments eligible for free or reduced-price lunch (a common measure of low-income students) to apply for “schoolwide” status. This designation allowed schools to combine Title I funds (previously used solely on eligible students) with other federal and local funds to implement programs supporting all students in the schools, including low-income students. The reauthorization also required Title I “schoolwide” schools to develop comprehensive school improvement



plans. Federal policy now deeply linked the support of students at risk of failure with the emphasis on school-wide, or whole-school, change. Though a substantially smaller program than Title I, the federal Title VII program that was reauthorized as part of the same ESEA reauthorization mentioned above also made provision for a “schoolwide” component for schools with high ELL enrollments.

The ESEA reauthorization, along with that of the Improving America’s Schools Act (IASA,1994) and The Goals 2000: Educate America Act (1994), responded to criticisms that federally funded categorical programs promoted fragmentation, marginalization, and low expectations (U.S. Department of Education, 1993). Title I began funding school-wide improvement projects that would enrich the education of **all** children in high-poverty schools by reducing class size, strengthening existing programs (rather than simply pulling children out of them), involving families, and aligning curriculum with challenging state and national standards.

Similarly, Title VII also began funding comprehensive school-wide projects. Schools eligible to compete for Title VII school-wide grants were those “serving at least 25% limited English proficient students...in order to create a comprehensive vision for improving the education of all children and to ensure that the needs and strengths of LEP students are addressed as part of the vision” (IPAR, CAL, p. 2). The grants were “intended to support [whole] schools as they implement(ed) programs to reform, restructure, and upgrade services for limited English proficient (LEP) students in the context of a school-wide agenda for educational improvement” (p. ii).

Goals 2000, President Clinton’s education reform act, provided the direction and financial support for the standards movement (now a core operating framework in 49 of our 50 states) and built upon America 2000 by asking states to define what schools should do—or more specifically, what students should know and be able to do at grades 4, 8, and 12. Specification of and accountability for what children should learn in both rich and poor urban, suburban, and rural schools was intended to provide equal access to uniformly challenging curriculum and effective teaching for students with diverse socioeconomic, racial, and linguistic backgrounds.

However, researchers such as Woodworth (2000), Murphy (1991), and Massell, Krist, and Hoppe (1997) have pointed out that a shift to a common curriculum should not imply

uniformity of instructional strategy. “This shift necessitates that instructional practices vary to make this common curricula accessible to the full range of students” (Woodworth, 2000). Often, differentiated instruction provides true equal access.

In 1998, with lots of data emerging from the New American Schools initiative and varied performance results at the thousands of Title I “schoolwide” schools, Congressmen David Obey and James Porter successfully sponsored legislation for their Comprehensive School Reform Demonstration (CSRSD) program, which would build on and complement the changes started by the 1994 ESEA. Specifically, the \$145 million program (which rapidly became twice as big) supported the distribution of \$50,000 grants (renewable for two additional years) to support a school’s initial implementation of comprehensive reform. The CSRSD program targeted schools that needed to substantially raise student achievement. There were nine required components, which were based upon the findings of school reform and effective schools research:

- Effective, research-based methods and strategies
- Comprehensive design with aligned components
- Professional development
- Measurable goals and benchmarks
- Support within the school
- Parental and community involvement
- External technical support and assistance
- Evaluation strategies
- Coordination of resources

The emphasis of the CSRSD program was on schools using their funds to pay for a New American Schools model or another externally developed, research-based school reform model. But the law did permit grantee schools to design their own local models. It is hard to have a historical perspective on what has happened in the last four years; however, it is reasonable to consider the Obey-Porter law the high water mark for the belief that importing externally developed school change models was the most effective way to transform schools. Over 2,000 schools nationally began implementing comprehensive school reform programs through CSRSD.

No Child Left Behind Act of 2001


When the No Child Left Behind Act (NCLB) was signed into law by President George W. Bush in January of 2002, he described the new law as the “cornerstone” of his administration. Education Secretary Rod Paige stated, “For too long our schools did a good job educating some of our children. With this new law we’ll make sure we’re providing all of our children with access to high-quality education” (U.S. Department of Education, NCLB Desktop Reference, 2002, p. 9). NCLB emphasizes:

- School accountability for student test scores
- Scientifically based instruction methods
- Parental choices
- Flexibility for state and local educational agencies to consolidate and reallocate funds received under various grants and programs

Targeting ELLs and replacing Title VII of the previous law, Title III of NCLB provides \$650 million to fund language instruction for English language learners. Funds are allocated to states by a formula based upon a state’s share of limited English proficient (LEP) and recently immigrated students. Title III monies are allocated by states to districts on the same basis. Title III funds must be used to provide “high-quality language instruction...based on scientifically based research...effective in increasing English proficiency and student achievement...” (NCLB Desktop Reference, p. 93).

Targeting poverty, Title I of NCLB responds to the schools’ continued lack of success in helping poor children reach high academic standards, as shown by scores on the National Assessment of Educational Progress (NAEP). On the NAEP fourth-grade reading achievement tests (2000), only 32% of all fourth graders scored at or above the proficient level. Among low-income students, only 14% scored at or above the proficient level.

Title I is the largest federal program supporting elementary education, supplying resources (\$10.4 billion in fiscal year 2002) to high-poverty districts and schools. Because of this focus on early education, 77% of Title I participants are in preschool through grade 6. Under NCLB, Title I funding focuses on promoting school-wide reform to improve reading and math instruction. The funds may be used in a variety of ways. For example, they could be used to increase learning time with extended-day and summer programs. Moreover, schools can



merge various types of Title I funds and combine them with other monies such as Title II (staff development and technology), Title III (English language acquisition), and state and local funds to support well-integrated programs.

As a sign of Congress' ongoing support for comprehensive school reform, in 2001 the CSR program was formally made part of the No Child Left Behind Act and renamed the Comprehensive School Reform (CSR) program. NCLB incorporated the CSR program into Title I, Part F of the law and made two significant shifts. The first shift was the addition of two new components, stressing the importance of support for teachers and principals and emphasizing the role of scientifically based research in guiding the selection of appropriate strategies (see the Appendix for all 11 components of CSR). The second shift was the removal of most references to "whole-school reform models" from the law in favor of the selection of scientifically based strategies that address the 11 components.

As part of Title I, schools receiving CSR program funds now have to use this money to implement educational practices that have had a positive effect on student achievement as proven by scientifically based research. At the same time, the law reduces the expectation that schools will use an externally developed model as their comprehensive school reform program. The CSR program reminds schools that they are responsible for assuring a comprehensive reform program within their school, perhaps with models incorporated to support large portions of such an effort. The idea that all students would succeed to high standards only if their schools were substantially restructured remained intact.

The distinction between whole-school reform models and a comprehensive school reform program is an important one. The emphasis on school reform models stemmed from the New American Schools support for whole-school "designs" as well as from the emphasis placed on models listed in the original CSR program legislation (Committee Report—House Rpt. 105-390). Many districts and schools during the late 1990s associated comprehensive school reform solely with the adoption of an externally developed school reform model. On the other hand, there were thousands of schools (mainly Title I "schoolwide" schools) that, since 1994, had engaged in a type of comprehensive school reform that was based on their schoolwide plan. These sometimes incorporated a particular school reform model, but as part of a larger program. In this scenario, schools are responsible for integrating externally developed

model elements with other components. The recent changes to the program return to the latter operating assumption, ensuring that the program is always bigger than the model. Akin to subcontractors, model developers can share responsibility for the implementation of a model, but the school and district have governing responsibility over the larger program.

Discussion of school reform can be confusing because the more widespread an educational term becomes, the less certain its meaning is. The term “comprehensive school reform” has been used a number of ways over the past 10 years, describing a broad array of education reform initiatives. To avoid adding to the confusion around comprehensive school reform, we have clarified, below, how we understand and use certain terms.

“Accountability is here to stay. We need to do it right. If we do it right, it’s a leverage for school reform and for changing the conditions in low-performing schools. Schools that heretofore were never really focusing on ELLs because they didn’t have to be accountable for them are now saying, ‘We’re going to have to do something.’ Now, ELLs are gaining the system.”

--Julia Lara, Council of Chief State School Officers

Defining the terms

This section provides our working definitions of school reform terms that can project different meanings depending upon the context in which they are used. The following definitions explain the ways in which they are used throughout this document.

Comprehensive school reform: This term refers to a research-based school reform process that involves all or nearly all students and faculty. Comprehensive school reform changes teaching and learning and restructures time, resources, organizational and decision-making processes, and/or curriculum and assessment. The remedial or supplementary efforts that focus only on certain students (e.g., a migrant education program) are not comprehensive school reforms, though a comprehensive school reform that failed to include such programs and to articulate their relation to the larger school change effort would be incomplete.

The Comprehensive School Reform Demonstration program (CSRD): This is the specific federal program (with nine required components) initiated by Congressmen David Obey and John Porter in 1998 that allocated \$50,000 grants to schools (renewable twice) to support comprehensive school reform. The CSRD program was incorporated into Title I of the No Child Left Behind Act of 2001 and renamed the Comprehensive School Reform program (CSR), at which time two components were added. In this document, CSRD specifically references the older federal program, while CSR refers to the newer NCLB, Title I-funded program.

School reform models: These are whole-school models, such as those created by the New American Schools Corporation, that are research-based, developed outside the school, and brought into a school as a package. Initially, most CSRD-implementing jurisdictions broadly interpreted the requirement that funded schools receive “external technical support and assistance” as an expectation that CSRD schools would import school change models. Success for All, Roots and Wings, Accelerated Schools, Core Knowledge, Paideia, and the Coalition of Essential Schools are examples of widely used reform models.

Systemic reform: This refers to change efforts that occur beyond the level of an individual school—at a district, in a state, or at the federal level. District-wide comprehensive reform refers to district-level reform efforts aimed at cultivating and supporting comprehensive school reform throughout the district. Changes at these levels shift the context in which a school’s comprehensive school reform effort takes place, affecting its speed, reach, and viability.

A final point of clarification relates to the relationship between district comprehensive reform, or systemic reform, and school-level comprehensive reform. An emerging body of literature in the 1990s drew attention to the fact that, although many high-poverty schools had figured out how to meet the needs of their students, these same schools typically struggled to sustain their level of success. That is to say, schools with excellent records often fell back into the pack over time, perhaps because of the

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departure of an excellent principal, a supportive superintendent, or some other key figure. Books like Fink's (2000) *Good Schools/Real Schools: Why School Reform Doesn't Last* and Lusi's (1997) *The Role of State Departments of Education in Complex School Reform* argued that districts needed to pay attention to the administrative, institutional, and cultural contexts within which a given school's change effort occurred in order to adequately support that effort over the long term. At the same time, the Annenberg Institute for School Reform announced that it would focus on studying and supporting school district involvement in school improvement. It argued that district-wide systemic reform was needed to support and cultivate the efforts of high-performing schools serving traditionally underserved student populations.

To distinguish these larger reform-supporting frameworks from those efforts undertaken at the school level, we differentiate here between systemic reform and comprehensive school reform, though the two types of reform clearly intertwine. As we consider the fate of ELLs in relation to school reform, we want to retain both ideas, to keep in mind how change efforts at the school level consider ELLs as well as the ways in which district, state, and federal initiatives consider ELLs. Decisions made in spheres separate from any one school ultimately affect what happens in the classroom.

It is our hope that we have offered enough of a sense of comprehensive school reform, the CSRD and CSR programs, reform models, and systemic reform to position readers to consider how these reforms and responsiveness to ELLs can be integrated well. We hope to see schools that are truly inclusive, where the reforms selected and crafted are reforms that make the curriculum accessible to the full range of students at the school (Woodworth, 2000). We ask those engaged in comprehensive school reform to remember that often it is differentiated instruction that provides equal access and leads to success. In the next chapter we examine what constitutes success for ELLs.

"Language has become the proxy for race; when we talk about ELLs, we're really talking about race. If we don't address issues of race, we're never going to get anywhere."

--Kris Gutierrez, University of California, Los Angeles