

MAY 1981

Governor's Task Force on Bilingual Education Submits Recommendations for State Program Expansion

by Albert Cortez

In response to Judge William Wayne Justice's decision in *U.S. vs. Texas*, recognizing the need for re-examining the state's existing programs for limited English proficient pupils, and at the urging of Lt. Governor Hobby and House Speaker Clayton, Governor Clements issued an executive order creating the Governor's Task Force on Bilingual Education. This body was composed of 15 members among which were included the Speaker, the Lt. Governor, the House and Senate Education Committee Chairpersons, Sen. Truan and Rep. Garcia (sponsors of the major bilingual education proposals before the legislature), the Chairperson of the State Board of Education and three appointees by the Governor. According to Executive Order WPC-20 issued by Governor Clements, the Task Force was directed to: (1) examine the transition period beyond the present program of bilingual teaching from kindergarten through the third grade with re-emphasis on the importance of a strong and smooth transition into the area of primary language teaching, (2) develop a plan for those students who enter school beyond the third grade, (3) develop a program to make available intensive assistance in English for those students from kindergarten through the 12th grade who need extra help, and (4) study methods to best implement a program of summer school language support programs for grades one through twelve.

The Task Force members were appointed on March 17 and conducted hearings in Austin on April 2. The group met on five additional occasions. During the initial sessions the members received information from a variety of experts in the field of education on such topics as bilingual education, English as a second language, school finance, and teacher training and certification. The Task Force members also heard testimony from a cross section of school superintendents. Following days of deliberation characterized by long hours of intensive discussions on program options available for responding to the needs of LEP students and the implications of those options, the committee was successful in formulating and adopting a set of comprehensive recommendations. This article

presents the Task Force's recommendations which will provide the framework for the bilingual education legislation to be considered by the state's lawmakers prior to the end of the session.

The Governor's Task Force on Bilingual Education's Report and Recommendations on Bilingual Education is a brief but comprehensive directive which should significantly influence the depth and scope of services for language minority pupils in Texas for the next decade.

Specific recommendations on program scope, content and implication are preceded by a presentation of assumptions which the Task Force believed relevant to Texas bilingual education. The Task Force major assumptions state that:

- English is the basic language of the state of Texas. Public schools are responsible for providing full opportunities for all students to become competent in speaking, reading, writing and comprehending the English language.
- One method of meeting this responsibility is bilingual education. Another method is English as a second language. Other methods appropriate to the needs of students may be utilized.
- All students who are Limited English Proficient (LEP) must receive special language programs. While the predominant number of other-language students in Texas speak Spanish, any state program must address LEP students of all language groups.
- Learning occurs in all languages and is transferable from one language to another; all language and cultures are valuable.
- LEP students benefit from learning in their primary language thus enhancing their own self-image, becoming proficient in both languages, and improving their test scores.
- Statewide standardized and comprehensive programs for identifying and exiting LEP students must be developed.
- Students should be adequately prepared to exit from special language programs as quickly as possible after exit criteria are met.
- There is a need to establish mechanisms for the evaluation of bilingual education/ESL programs in terms of English proficiency.

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Task Force Recommendations

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- Innovative methods of teaching English as a second language must be developed and implemented.
- It should be recognized that a variety of student needs and populations occur within the 1,100 school districts in the state. All school districts are not the same and cannot be expected to operate in the same manner. In all cases, however, programs must accommodate the needs of the student.
- Parents should be active participants in the planning of the student's education.
- The Legislature must ensure that adequate funds are made available to assure that the special needs of LEP students are being met. It is imperative that the bilingual education instructional program and all English as a second language programs in kindergarten through the 12th grade, which are recommended by this Task Force and are an integral part of a local school district's total program, be financed by the state at a significantly higher level than current law.

Having laid out its major assumptions, the group proceeds with the presentation of its recommendations which are directed at (1) the State Legislature, (2) the State Board of Education (3) the Central Education Agency, and/or (4) local school districts.

The Task Force Recommendations

The Task Force recommendations regarding alternative structures and methods of English instruction state that:

The Legislature should:

establish and materially increase funding for:

- (1) kindergarten through elementary grade level bilingual education programs for LEP students. If an alternative method must be used, documentation for the exception must be filed with and approved by the State Board of Education;
- (2) a transitional language instruction program for post-elementary through the eighth grade for LEP students which may include bilingual education, English as a second language, or other appropriate methods; and
- (3) ESL programs to accommodate those LEP students beyond the eighth grade.

The State Board of Education should:

develop guidelines in order that special emphasis may be given to the use of extended time programs. Extended day classes, Saturday classes and summer school classes should be available for all LEP students to reinforce the regular instructional program and to enhance the time on task to raise literacy, academic and language skills.

Regarding program entry and exit, the recommendations state that:

The Legislature should:

- (1) direct the State Board of Education to adopt rules to establish standardized entry and exit criteria for LEP students.

Grant the State Board of Education the authority to:

- (1) develop a procedure for identification of districts that should be required to offer the recommended mandated programs;
- (2) direct each local district (required to provide a program) to establish a Language Assessment Committee; and
- (3) establish under the State Administrative Procedures Act a due process procedure for the parent should the district refuse to comply with state law or State Board of Education rules or if the parent is dissatisfied with the student's placement.

The State Board of Education should direct school district boards to:

- (1) establish a Language Assessment Committee composed of, but not limited to, a professional bilingual educator, professional transitional language instructor, a parent of a LEP student, and a campus administrator;
- (2) charge the Language Assessment Committee with carrying out the following functions in compliance with state law and State Board of Education rules:
 - review of a variety of information about the individual LEP student such as home language survey, language proficiency, tests both in the native language and in English, competency in education content areas, and the student's emotional and social attainment;
 - recommendations concerning the most appropriate placement for the educational advancement of the LEP student after the elementary grades; if an exception is required from the K - elementary bilingual program, the Language Assessment Committee would be responsible for documenting the recommendation;
 - reviewing the LEP student's progress at the end of the school year in order to determine future appropriate placement;
 - monitoring the progress of the LEP student after exiting the special language program and entering the English mainstream to ensure that the student is progressing and not regressing. Should the Language Assessment Committee determine that the student is not progressing at a satisfactory rate, the committee must

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NEWSLETTER STAFF

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Dr. José A. Cárdenas

Dissemination Director - Pasquale A. Perillo

Managing Editor - Sharon Sepúlveda Hassell

Editorial Assistant - Dianna Ross Coker

Typesetter - Santos C. Saucedo

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Task Force Recommendations

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reconvene and determine a more appropriate placement for the student or make a modification in the student's educational placement to remedy the deficiencies; and

- determine the appropriateness of an extended program (beyond the regular school) depending on the needs of the LEP student.

With respect to the preparation and supply of personnel, the Task Force recommends that:

The Legislature should:

provide adequate funding to compensate those qualified teachers participating in the following:

1. optional summer school program for LEP students on an eleven month basis
2. extended day or extended week teaching; and
3. continuing education programs pursuant to criteria adopted by the State Board of Education based on recommendations from the Commission on Standards for the Teaching Profession.

The State Board of Education should:

1. direct the Commission on Standards for the Teaching Profession to review certification standards for transitional language teachers and strengthen the criteria for bilingual education endorsements; develop criteria for other types of endorsements such as ESL and review standards for the approval of teacher training programs.
2. develop intensive in-service training programs for teachers of limited English proficient students.

Commission on Standards for the Teaching Profession should:

1. make recommendations to the State Board of Education on bilingual education, ESL, and other necessary endorsements for review, modification, and approval.
2. seek the advice and counsel of bilingual educators before developing standards for teacher certification to be recommended to the State Board of Education.

The Task Force makes the following recommendations regarding monitoring and enforcement:

The State Board of Education should:

1. under accreditation standards (Texas Education Code, §16.053) require certain standardized elements of school district plans for providing special language programs to assure statewide consistency and accountability as well as opportunity for the district to document unique situations.
2. require the Coordinated Monitoring Team from the Texas Education Agency to make on-site visits to each school district offering special language programs on the average of every three years. If a district is not in compliance, the schedule should be intensified until the district is in compliance.
3. require that if the district does not make progress toward meeting the statewide standard, that this district be reported to the Accreditation Division of the Texas Education Agency for further review. At this point, the State Board of Education is to be notified that the district's performance is below accreditation standards.

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Justice Files Order: A Workable and Effective Plan of Relief

by Gloria Zamora, Ph.D.

On April 17, 1981, using elements of the disparate plans submitted by the plaintiff (Department of Justice), plaintiff-intervenors (MALDEF, LULAC, GI Forum) and the defendants (State of Texas, through the Central Education Agency, which is comprised of the State Board of Education, the Commissioner of Education and the State Department of Education), Judge William Wayne Justice filed an Order in Civil Action 5281, *U.S. v. Texas*, for the purpose of establishing a workable and effective plan of relief for the thousands of Mexican-American students of limited English proficiency enrolled in Texas public school. The provisions of the order are based on the findings of fact and conclusions of law contained in Justice's Memorandum Opinion of January 9, 1981.

Highlights From the Order

The Order provides that all limited English proficient (LEP) students in grades K-12 be provided a bilingual education program. However, it allows for a six-year, grade level phase-in program at grades 6-12. Alternatives are spelled out for districts enrolling fewer than 20 students in a grade level, a course, or a school district. Recognizing the current but temporary shortage of endorsed bilingual teachers, the Order provides for "temporary deviations" by districts unable to secure sufficient teachers and provides for the use of "emergency" bilingual teaching permits.

The Order also requires the Texas Education Agency to:

- 1) develop a plan for recruiting and training qualified bilingual education teachers;
- 2) develop standardized procedures for the identification, assessment and classification of LEP students, their placement in and exit from a bilingual education program;
- 3) direct school districts to establish, on each campus, a Language Proficiency Assessment Committee (LPAC) to be responsible for determining student placement and reviewing all pertinent student information;
- 4) require local districts to submit information concerning their implementation of the Order on an annual basis;
- 5) conduct on-site visits of school districts for monitoring compliance with the Order and, if necessary, the application of sanctions;
- 6) adopt procedures for reviewing, investigating and acting upon any substantive complaints filed against school districts out of compliance with the Order; and

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4. include consideration of the following areas to be monitored:

- program content;
- program coverage;
- identification procedures;
- classification procedures;
- staffing;
- learning materials;
- testing materials; and
- student reclassification procedure (this includes exit and re-entry, if necessary).

5. require that within six months, a task force composed of representatives from state agencies as well as community representatives be appointed to develop a plan for penalizing the responsible parties for noncompliance with the law.

School District Boards of Trustees should:

develop and file with the Division of Bilingual Education a comprehensive plan to accommodate the educational needs of LEP

students which includes but is not limited to:

1. documentation of the activities of the Language Assessment Committee;
2. number of LEP students in the district, grades K-12;
3. a description of how LEP students are being served; and
4. if exceptions have been applied for and granted, documentation as to why.

The Task Force recommendations were finalized and submitted to Governor Clements on April 15, 1980. The Governor, Lt. Governor, and Speaker of the House have all given indications of their support for the Task Force's proposals and the document's contents are currently being used as the basis for the development of a revised version of S.B. 477/H.B. 886, the bilingual education legislation being considered in this session.

Given the fact that the state is now under court order to expand its current program and the political leadership's endorsement for the Task Force recommendations, some definitive action by the 1981 Legislature is expected. IDRA will monitor developments and report on the state's final action in a subsequent issue of this publication.

California Spanish Language Data Base Established

The California Spanish Language Data Base has been established to sustain the development of a bilingual information utility that can serve as the foundation for a system designed to meet the information needs of the Spanish speaking population of California and beyond.

To help make information and services more available to Spanish speakers, the Data Base has developed computer bilingual subject access to Spanish-language materials. It represents the only fully automated effort to provide bilingual Spanish-English, English-Spanish subject access.

An outgrowth of a project created in 1977, the Data Base has achieved three major goals:

1. Publication of a two-volume Spanish Language Catalog (*Catálogo Español*, 1980), consisting of author, title, and bilingual subject entries, for over 7,000 books in the public libraries of Oakland, Alameda County, Alameda City, and Contra Costa County in California.
2. Publication of a bilingual subject heading list and authority file, with over 6,000 entries, under the title, *Catálogo Español, Lista Bilingüe de Encabezamientos de Materia* (1980).
3. RLIN (Research Libraries Information Network) capability for bilingual searches, using subject headings

devised by the California Spanish Language Data Base. Also an additional 6,000 titles have been added by the Data Base to RLIN and will form the basis for a second edition of the bilingual catalogs.

The California Spanish Language Base in the future seeks to help other libraries and institutions develop bilingual access and cataloging systems. It is currently providing this service for Los Angeles Public Library and Los Angeles County Public Library. It will offer an online Spanish-English authority control system which will be capable of improving bilingual communication and access to information for U.S. and Spanish American communities.

For further information, contact:

Joan Leopold
Administrator
California Spanish
Language Data Base
Alameda County Library
3121 Diablo Ave.
Hayward, CA 94545
(415) 881-6337 Ext. 251

Executive Director:
Roberto Cabello-Argandoña