

THE BILINGUAL EDUCATION PROGRAM, A SUNSET REVIEW

JUNE 1986

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INTRODUCTION

This report is submitted pursuant to the "sunset" review procedures enacted by Chapter 1270, Statutes of 1983 (Senate Bill 1155).

Chapter 1270 provided for the bilingual education program to terminate on June 30, 1986. Chapter 1318, Statutes of 1984 (Senate Bill 1858), which became operative on January 1, 1985, extended the sunset date to June 30, 1987. Assembly Bill 2813 (Willie Brown), which is currently pending before the Legislature, would reauthorize the bilingual education program and extend the sunset date to June 30, 1992.

As part of the sunset process, Chapter 1270 requires the State Department of Education (SDE) to review the bilingual education program and submit its findings to the Legislature by September 15, 1985. The department submitted its report in December 1985. Chapter 1270 also requires the Legislative Analyst to review the department's report and submit his findings, comments, and recommendations regarding the program to the Legislature.

Specifically, Chapter 1270 requires the SDE and the Legislative Analyst to address as many of the following issues as possible:

- (1) The appropriateness of identification formulas used to determine which children have special needs for bilingual education.
- (2) The appropriateness of formulas used to allocate funds and the adequacy of funding levels for the program.
- (3) The effectiveness of the program.
- (4) The appropriateness of local control.

(5) The appropriateness of the state's involvement in monitoring, reviewing, and auditing to assure that funds are being used efficiently, economically, and legally.

(6) The appropriateness of the costs of administering these programs.

(7) The appropriateness of having the SDE administer these programs.

(8) The interrelationships among state and federal categorical programs which provide this type of assistance.

(9) The characteristics of the target population being served by the program.

(10) The need for the program.

(11) The purpose and intent of the program.

The law also requires that the report submitted by the SDE include, but not be limited to, all of the following topics:

(1) A description of the program, including a description of how the program is administered at the state and local level.

(2) The history of the program and previous legislative action.

(3) Relevant statistical data.

(4) Related federal programs.

(5) Whether there is an unmet need for the intended purposes of the program and, if any, an estimated cost of serving that need.

(6) Findings regarding the program, including comments on whether any identified problems are simply implementation issues, or matters that require revision of law or regulations.

(7) Recommendations of ways to improve the program while maintaining its basic purposes.

Chapter I of this report provides the history of the program, including judicial decisions and state and federal requirements affecting bilingual education. Chapter II describes how bilingual programs are currently operated, including program options, enrollment, staffing patterns and funding. Chapter III contains our comments on the findings and recommendations of the SDE regarding the bilingual education program. Chapter IV summarizes our recommendations regarding continuation of the bilingual education program.

This report was prepared by Sue Burr under the supervision of Ray Reinhard.

EXECUTIVE SUMMARY

I. LEGISLATIVE ANALYST'S FINDINGS

- In 1985, school districts identified 524,082 limited English-proficient (LEP) pupils who are eligible to receive bilingual education services. This represents an increase of almost 61 percent from the number of LEP pupils identified in 1980. State and federal funding available to provide bilingual services is expected to exceed \$1.0 billion in 1985-86.
- The current state bilingual program is mandated by the Bilingual Education Improvement and Reform Act (Assembly Bill 507, Statutes of 1980). This law modified and strengthened the Chacon-Moscone Bilingual-Bicultural Education Act (Assembly Bill 1329, Statutes of 1976), which was enacted in response to a U.S. Supreme Court decision, Lau v. Nichols. That decision prohibits educational practices in which "students who do not understand English are effectively foreclosed from any meaningful education."
- Under current law, all school districts are required to assess each student to determine his or her proficiency in English. If a student is determined to have limited proficiency in English, districts are required to provide a bilingual education program for that pupil based on options defined by the State Department of Education (SDE).

- Based on SDE's estimates, 5,836 individuals hold bilingual teaching credentials, which represents only 50 percent of the 11,833 teachers needed for bilingual instruction. In addition to those individuals fully certified for such instruction, 5,074 individuals have received waivers of the teaching credential requirements in order to teach LEP pupils. These individuals meet another 43 percent of the need, leaving a shortfall of 7 percent for bilingual teachers. This unmet need is greatest for Spanish and Cantonese-speaking teachers.
- Unlike other categorical programs which receive state or federal funding to carry out specific objectives, the requirements of the bilingual program are based on a collection of state and federal laws that must be met by school districts irrespective of the source of funding. School districts are required to provide special services to LEP pupils through whatever resources are available to them, including the general purpose revenue limit funds generated by each LEP student. In addition, there are a variety of categorical funding sources which can be used to fund bilingual services. Of these sources, Economic Impact Aid (EIA) is the primary state funding source for bilingual programs. Between 1982-83 and 1984-85, EIA expenditures for this purpose increased by 22 percent (from \$82.8 million to \$101.1 million).
- Despite the fact that the statutory requirements for bilingual programs have been in effect since 1976, SDE has not conducted an

evaluation to determine (1) bilingual education program effectiveness, by program option or (2) whether the primary goal of current law--to develop a child's fluency in English, as effectively and efficiently as possible--is being met. Moreover, although the department's report contains three general recommendations regarding improved accountability and evaluation, we find the report to be deficient because it does not include any definitive proposals to achieve these objectives.

II. STATE DEPARTMENT OF EDUCATION FINDINGS

- Although there is considerable debate about which types of programs are most effective with language minority pupils, there is consensus among educators and researchers that some special instructional services are required in order to provide an adequate education for LEP students. The department notes that this conclusion has been reached in several studies, including those which have been critical of bilingual education as well as those which support bilingual education.
- The number of LEP students is expected to increase at a rate of 5 percent to 7 percent per year for the next four to five years, primarily because of changes in demographic and immigration patterns.
- Most major reviews of bilingual programs draw mixed conclusions regarding program effectiveness. However, bilingual learning opportunities appear to be most effective when the following

factors are present: (1) the programs are of sufficient duration to allow LEP students to master English conversational skills as well as academic language skills, (2) the amount of English and primary language used for instruction is based on an assessment of individual student language proficiency, (3) LEP students are offered a core curriculum similar to the academic program provided to students who are native speakers of English, (4) to the extent possible, English and the primary language are separated for instructional purposes, and (5) parents, teachers, and students have high expectations for positive outcomes.

- The implementation of bilingual programs is often hampered by a lack of qualified bilingual teachers and appropriate instructional materials.

III. LEGISLATIVE ANALYST'S RECOMMENDATIONS

We recommend continuation of the bilingual education program. In order to comply with a federal mandate affirmed by the U.S. Supreme Court in Lau v. Nichols that equal education opportunities be provided to language minority students, the state must continue to offer bilingual education programs. We believe, however, that school districts should be given additional flexibility in meeting the requirements of current law. This objective can be achieved by adopting several of the recommendations made by the Department of Education as well as additional programmatic modifications suggested in this report. (These recommendations are discussed in greater detail in Chapter III).

We further recommend that the State Department of Education develop a plan and funding proposal for consideration in the 1987-88 budget hearings which would (1) encompass an accountability plan to measure success at the state, district and school level in meeting the program objectives of the Bilingual Education Reform and Improvement Act, (2) contain model evaluation designs for use at the district and school level, including provision for pre- and post-testing of all LEP pupils enrolled in both classroom programs and individual learning programs, and (3) provide a process for identifying exemplary programs and disseminating information about these programs to all school districts. The evaluation design should include academic assessment methods for all LEP pupils and the data collected should be aggregated by the type of program in which each pupil is enrolled.

The plan should also include an expenditure tracking mechanism for bilingual education programs, by program option. This information should be collected on an annual basis, beginning in June 1988, and be combined with the program outcome information to determine which bilingual education programs are the most cost-effective.

We believe that such a plan is essential to determine whether the central objective of the Bilingual Education Reform and Improvement Act-- to develop a child's fluency in English, as effectively and efficiently as possible--is being met.

Currently, each school district can structure its LEP program around several program options. Because there has been no comprehensive

evaluation of the various options, the districts have no empirical basis for selecting a particular program or ascertaining whether the one chosen is the most effective.

We believe that an obvious outcome of a sound evaluation process would be identification of bilingual education programs that are effective in providing services to LEP pupils. This information and related cost data should be collected on an annual basis in order to determine the cost-effectiveness of the various programs.

CHAPTER I
HISTORY OF THE BILINGUAL EDUCATION PROGRAM

The bilingual education program in California has been guided both by federal judicial decisions (and related federal guidelines) and by state legislative mandates.

Federal Requirements

In response to Title VII of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, or national origin, the Department of Health, Education and Welfare (HEW) issued the following regulations:

"Where inability to speak and understand the English language excludes national-origin minority group children from effective participation in the education 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 the students".

On January 21, 1974, the United States Supreme Court, in Lau v. Nichols, expressly upheld these HEW regulations and prohibited educational practices in which "students who do not understand English are effectively foreclosed from any meaningful education."

In response to this judicial decision, HEW convened a task force of state education agencies for the purpose of developing suggested remedies for eliminating the educational practices which had been ruled unlawful.

These remedies were to be utilized by non-compliant school districts in developing voluntary compliance plans to eliminate discriminatory education practices. Any program which offers both English as a second language (ESL) and primary language instruction to limited English-proficient (LEP) pupils is generally considered to be in compliance with federal law.

State Legislative Mandates

The California Legislature responded to the Lau v. Nichols decision by enacting the Chacon-Moscone Bilingual-Bicultural Education Act (AB 1329) in 1976. This was the first major state legislative act mandating school districts to provide equal educational opportunities for language minority students. This law required school districts to assess students whose home language was other than English and classify them as non-, limited-, or fluent English speaking, i.e., NES, LES, or FES. School districts were required to provide students identified as NES, LES or FES with an educational program that used the students' primary language in an "instructionally supportive manner". Acceptable options for providing such a program were specified by the bill.

In 1980, the Chacon-Moscone Bilingual-Bicultural Education Act was replaced by the Bilingual Education Improvement and Reform Act (AB 507). The intent of this act was to update and improve the requirements of AB 1329. In general, AB 507 continues the state mandate that all school districts provide bilingual learning opportunities for every limited-English proficient (LEP) student in California. (The specific requirements of this law are discussed in detail in Chapter II.)

CHAPTER II

DESCRIPTION OF THE STATE BILINGUAL EDUCATION PROGRAM

Unlike other categorical programs which receive state or federal funding to carry out specific objectives, the requirements of the bilingual program are based on a collection of state and federal laws that must be met by school districts irrespective of the source of funding. In other words, school districts must provide special programs and services to limited English-proficient pupils based on the enrollment of such students, not based on the receipt of special funding.

This chapter (1) describes the programs' guarantees, goals, and assessment practices, (2) discusses student identification, and assessment, (3) provides a description of the program options available to districts to comply with state and federal requirements, (4) provides statistical information regarding bilingual programs, and (5) gives an overview of funding available to implement bilingual programs.

A. Guarantees, Goals, and Strategies of the Bilingual Program

In order to comply with current requirements of state law (as interpreted by administrative regulation of the State Department of Education) regarding bilingual education, California school districts must, at a minimum, implement seven strategies within the context of a primary goal in order to comply with two federal guarantees related to the educational rights of limited-English proficient (LEP) students.

Guarantees. Current federal law specifies the following guarantees for LEP students:

- Equal educational opportunity for access to the core curriculum irrespective of English language proficiency.
- Equal educational participation within the public school system irrespective of English language proficiency.

Goals. The Bilingual Education Improvement and Reform Act (AB 507) declares the primary goal of the program to be as follows:

- "The Legislature finds and declares that the primary goal of all programs under this article is, as effectively and efficiently as possible, to develop in each child fluency in English. The programs shall also provide positive reinforcement of the self-image of participating pupils, promote crosscultural understanding, and provide equal opportunity for academic achievement, including, when necessary, academic instruction through the primary language."

Strategies. In order to implement this goal, current law specifies three primary strategies and four secondary strategies. The three primary strategies include:

- Identification and assessment of the needs of target students. School districts are required to administer the Home Language Survey (HLS) and state-designated English language proficiency tests, as well as district-adopted primary language diagnostic assessments to determine whether a student should be designated as LEP.

- Provision of an educational program with specified components and staff to carry out the program. Current law requires LEP students to receive, at a minimum, a basic bilingual educational program that includes (1) daily English language development, and (2) primary language instruction in various subjects until the transfer to English can be made.
- Evaluation of the effects of the program. Current law requires an annual evaluation of each student's English language proficiency as well as an assessment of academic progress.

The four secondary strategies include (1) staff development for personnel working with LEP students, (2) parent involvement through notification, consultation and training, (3) development of written plans at the school site and district level, and (4) appropriate use of available funding sources to provide services to LEP students.

B. Identification and Assessment Process for all Pupils

All public schools are required to determine the language proficiency of each pupil they enroll within thirty days of enrollment.

The initial identification process involves the following steps:

- Districts are required to administer the Home Language Survey (HLS). This instrument consists of four questions directed to the student's parents regarding the language spoken at home.
- If any of the answers to these questions indicates that the home language is other than English, the pupil undergoes further assessment to determine the degree of fluency in English and his or her primary language.

- If the pupil is determined to be fluent English-proficient (FEP), he or she may be placed in any appropriate instructional program.
- If the pupil is determined to be limited English-proficient (LEP), he or she is placed in a bilingual education program (the program options are described below).

Once the initial identification and assessment has been completed, districts are required to notify parents, in writing, regarding (1) the results of the assessment and (2) placement in a bilingual program.

A more comprehensive diagnostic assessment is required for each student initially designated as LEP, within 90 days of enrollment, for purposes of planning the student's instructional program. If that assessment reveals that the pupil has developed no proficiency in any primary language, he or she may be enrolled in any appropriate program.

C. Program Options Available to School Districts at the Elementary Level

School districts are required to establish programs or provide services to LEP pupils based on the concentrations of such students at specific grade levels in a school. At the elementary level (kindergarten through grade 6), whenever there are 10 or more LEP students with the same primary language at the same grade level, the school must establish a program within options specified by the SDE. These options are outlined below.

The Basic Bilingual Education Program. The objective of this program, according to SDE, is to sustain academic achievement through

instruction in the primary language, while LEP pupils are in the process of acquiring proficiency in English. In most cases, basic subjects such as reading, language arts and mathematics are initially taught in the primary language, while other subjects are taught in English. The curriculum also includes daily English language development lessons.

In order to prevent isolation of language minority students, districts using this program option are required to maintain classroom compositions of no more than two-thirds and no less than one-third LEP pupils.

SDE estimates that during the first year of enrollment in this type of program, English is used about 40 percent of the time for instruction. This increases to 100 percent by the third year of enrollment in the program.

The Bilingual/Bicultural Education Program. Under this option, pupils receive instruction in and through both English and the primary language. The objectives of the program are to increase the student's overall academic performance and English language proficiency, as well as his or her primary language skills. Current law requires that programs offered under this option include a component which leads to development of an understanding of the history and culture of California and the United States, as well as an understanding of the customs and values of the cultures associated with the language being taught.

Districts using this program option are also required to maintain classroom compositions of no more than two-thirds and no less than one-third LEP pupils.

SDE estimates that during the first year of enrollment in this type of program, English is used 25 percent of the time for instruction. This gradually increases and by the eighth year in the program, English is used over 75 percent of the time.

The Innovative Bilingual Program. The purpose of this option is to allow school districts to focus on (1) team teaching or (2) other improvements which expand the learning opportunities for LEP pupils. Programs offered under this option are variations of the Basic Bilingual or Bilingual-Bicultural Education programs.

The Planned Variation Program. With the approval of SDE, school districts are allowed to establish experimental programs for LEP students. Examples of such programs include English immersion, sheltered English, and intensive English as a second language. (These are all techniques in which the teacher uses English as the primary language of instruction in English-development curriculum, instead of the students' native language.) In 1985-86, seven districts received approval to conduct experimental instruction at 17 schools in 94 classrooms serving a total of 1,310 LEP students.

Districts that implement planned variation programs are required to maintain a comparison classroom that is fully implementing one of the program options described above. In addition, each district is required to conduct annually a locally-designed evaluation of its planned variation program. Presumably, the comparison classroom requirement was adopted in order to provide a "control group" for use in the district evaluations.

There is no requirement, however, that districts use the results of these evaluations to justify the continuation of their programs. (We address this issue in Chapters III and IV.)

The Impacted Language Program. This option was established in 1985, in order to provide services to students from language groups in which there are insufficient qualified staff and/or instructional materials to conduct "regular" programs of bilingual instruction. The Superintendent for Public Instruction has designated Lao, Hmong, Cambodian, Farsi, and Russian as impacted languages for the 1985-86 school year. At the time the SDE sunset report was written, the department had approved applications from 10 districts serving 5,000 LEP pupils to conduct Impacted Language Programs. Under this option, most districts use sheltered English, English as a second language (ESL) or compensatory/remedial approaches.

The Individual Learning Program. Any LEP student not enrolled in one of the program options described above, except those students who have been withdrawn by a parent or guardian, must be provided with an individual learning program. Under this option, pupils are generally "pulled out" of regular classrooms in order to receive specialized instruction. According to SDE, a typical approach to such instruction is to provide students a daily lesson in English as a second language, plus an equal amount of remedial assistance or tutoring.

Table 1 shows the numbers and percentages of elementary school LEP students enrolled by program type.

Table 1
LEP Pupil Enrollment By Program Option
Grades K-6, 1985-86

<u>Program Type</u>	<u>Number of LEP Pupils</u>	<u>Percent of Total</u>
Basic Bilingual	160,768	43.8%
Bilingual Bicultural	21,954	6.0
Innovative Bilingual	5,342	1.5
Planned Variation ^b	1,310	-- ^a
Impacted Language ^b	(4,981)	(1.4)
Individual Learning	140,939	38.4
No program	<u>36,254</u>	<u>9.4</u>
Totals	366,567	100.0%

a. Less than 1 percent.

b. This figure represents a duplicate count. The impacted languages were designated after the annual bilingual census figures were taken in 1985. Consequently, the pupils reported in the impacted languages program were previously reported as enrolled under one of the other program options.

As Table 1 shows, approximately 161,000 LEP pupils (44 percent of the total) are enrolled in Basic Bilingual programs. This is followed by about 141,000 LEP pupils (38 percent of the total) enrolled in Individual Learning Programs. The table also shows that almost 10 percent of all LEP pupils are not enrolled in a bilingual program. These pupils have either been legally withdrawn from the program by a parent or guardian or attend school in a district which is not in compliance with the law.

D. Program Options Available at the Secondary Level

At the secondary level (grades 7-12), school districts have the discretion to establish one of three types of programs to serve LEP students. Unlike the elementary level, at the secondary level there is no

threshold concentration of LEP students at a grade level which triggers specific service requirements. The program options available at the secondary level are described below.

The Language Development Program. Under this option, participating students receive at least one period a day of English language development. In all non-elective courses which are required for graduation, LEP students receive instruction in and through the primary language, to the extent required to sustain academic achievement. This option is generally used by secondary schools with a major concentration of LEP pupils from the same language group.

The Impacted Language Program. This option is similar to the program of the same name, available at the elementary level. During 1985-86, 16 secondary schools in 3 districts have received approval to offer this option to LEP students whose primary language is Lao, Hmong or Cambodian.

The Individual Learning Program. Under this option, pupils generally receive one or two periods of English language development. In all non-elective course work which is required for graduation, pupils in this program are likely to receive assistance or tutoring from bilingual instructional aides.

Table 2 shows the number and percentage of LEP students enrolled by program type at the secondary level.

Table 2

LEP Pupil Enrollment by Program Option
Grades 7-12, 1985-86

<u>Program Type</u>	<u>Number of LEP Pupils</u>	<u>Percent of Total</u>
Language Development	29,324	18.4%
Impacted Language ^a	(1,815)	(1.1)
Individual Learning	118,385	74.4
No program	<u>11,306</u>	<u>7.1</u>
Totals	159,015	100.0%

a. This figure represents a duplicate count. The impacted languages were designated after the annual bilingual census figures were taken in 1985. Consequently, the pupils reported in the impacted languages program were previously reported as enrolled under one of the other program options.

As this table shows, 74 percent of the LEP pupils at the secondary level are enrolled in Individual Learning Programs, while 7 percent of the pupils are not enrolled in any bilingual program.

E. Staffing Requirements for Bilingual Programs

Elementary Programs. All bilingual education program options at the elementary level, with the exception of Individual Learning Programs require that principal teachers providing instruction to LEP pupils hold a valid California bilingual-crosscultural teaching credential. (Districts requesting a Planned Variation Program may also request that these staffing requirements be waived by SDE.) In addition, the State Board of Education has adopted regulations which allow teachers who do not hold the required credential to team teach with bilingual-crosscultural teachers under specified conditions. (In the case of the Individual Learning Programs,

districts which receive categorical funds to meet the needs of LEP pupils must certify that sufficient bilingual cross-cultural teachers are available to implement the programs.)

In recognition of the shortage of credentialed bilingual-crosscultural teachers, however, current law allows districts to obtain renewable, two-year waivers for teachers without the required credential. Teachers may remain on waiver for up to six years. In order to be eligible for a waiver, teachers must meet specific requirements including (1) enrollment in a training program leading to a bilingual-crosscultural credential or certificate of competence and (2) enrollment in an approved program for the study of language. In addition, a bilingual-crosscultural aide must be provided, by the employing school districts, for each teacher on waiver for a minimum of three hours per day to assist the teacher with the primary language of LEP pupils.

Table 3 provides an estimate of bilingual staffing needs in elementary (K-6) classroom programs based on LEP enrollment in 1985-86.

Table 3

Supply and Demand
for Bilingual Teachers
by Language, Grades K-6
Spring, 1985

Language	Bilingual Teacher Need	Bilingual Teacher Supply				Total Unmet Need	Percent of Need Unmet	
		Number	Credentialed Percent of Need Met	Number	On Waiver Percent of Need Met			Total Supply
Spanish	10,967	5,569	50.8%	4,551	41.5%	10,120	847	7.7%
Cantonese	252	157	62.3	73	29.0	230	22	8.7
Vietnamese	213	12	5.6%	198	93.0	210	3	1.4
Hmong	126	0	0.0	77	61.1	77	49	38.9
Cambodian (Khmer)	74	0	0.0	78	105.4	78	-4	-5.4
Lao	65	1	1.5	40	61.5	41	24	36.9
Korean	31	28	90.3	5	16.1	33	-2	-6.5
Pilipino (Tagalog)	29	26	89.7	8	27.6	34	-5	-17.2
Armenian	26	3	11.5	20	76.9	23	3	11.5
Portuguese	16	13	81.3	7	43.8	20	-4	25.0
Mandarin (Putonghua)	12	16	133.3	0	0.0	16	-4	-33.3
Japanese	10	9	90.0	7	70.0	16	-6	-60.0
Samoan	9	0	0.0	9	100.0	9	0	0.0
Other Chinese	2	1	50.0	0	0.0	1	1	50.0
Russian	1	0	0.0	0	0.0	0	1	100.0
Punjabi	0	1	N/A	1	N/A	2	0	0
Total	11,833	5,836	49.3%	5,074	42.9%	10,910	923	7.8%

Source: Bilingual Program Office, SDE
N/A: Not applicable.

This information, provided by the Department of Education, bases the teacher need estimate on the service requirement threshold level of 10 LEP students of the same language at the same grade level in a given school, and an estimate of 20 LEP students per teacher.

As Table 3 shows, there is a total unmet need for 923 teachers or 7.8 percent of the total estimated need statewide. However, of the teachers available, nearly 43 percent have received a waiver of the credentialing requirements. Of the two languages with the greatest need--Spanish and Cantonese--there is an unmet need of 8 percent and 9 percent, respectively.

Secondary Programs. Districts that utilize the Language Development Program must employ credentialed bilingual-crosscultural teachers or language development specialists to provide instruction to LEP pupils at the secondary level. Current law does not contain a provision for waivers of credential requirements at the secondary level.

As with elementary programs, districts that use individual learning programs and receive state categorical funding to meet the needs of LEP pupils must certify that sufficient bilingual crosscultural teachers and aides are available to implement the individual learning plan.

F. Statistical Information on Bilingual Programs

This section provides information on enrollments of LEP pupils by language group, grade level, and geographic distribution.

Language Group. Table 4 shows enrollment by language group from 1980 through 1985.

Table 4
 Number of K-12
 Limited English Proficient Pupils
 1980 Through 1985

Language	1980	1981	1982	1983	1984	1985	Increase 1985 Over 1980	
							Number	Percent
Spanish	257,003	285,567	322,526	337,141	355,560	380,375	123,342	47.9%
Non-Spanish	68,715	91,227	108,923	120,401	132,185	143,707	74,992	109.1
Vietnamese	(14,018)	(22,826)	(27,733)	(29,033)	(29,535)	(29,990)	(15,972)	(113.9)
Cantonese	(10,174)	(14,196)	(16,096)	(15,870)	(18,139)	(19,118)	(8,944)	(87.9)
Korean	(6,599)	(7,508)	(7,980)	(8,703)	(8,993)	(9,249)	(2,650)	(40.1)
Pilipino	(6,658)	(6,752)	(8,569)	(9,624)	(10,941)	(12,145)	(5,487)	(82.4)
All Others	(31,266)	(39,945)	(48,545)	(57,171)	(64,577)	(73,205)	(41,939)	(134.1)
Total	325,748	376,794	431,449	457,542	487,835	524,082	198,334	60.9%

As shown in Table 4, the total number of LEP students in California increased by nearly 61 percent between 1980 and 1985. Of the total LEP population in 1985, 74 percent have Spanish as their primary language. The number of LEP students whose primary language is not Spanish, however, has more than doubled in the past five years. The LEP students now constitute approximately 12 percent of all public school enrollment in the state.

Grade Level. Table 5 shows enrollment by grade level, based on the annual census completed in 1985.

Table 5
Limited English-Proficient
Enrollment By Grade Level
1984-85

<u>Grade Level</u>	<u>Enrollment</u>	<u>Percent of Total</u>
K	74,365	14.2%
1	67,858	12.9
2	57,936	11.1
3	51,186	9.8
4	43,467	8.3
5	36,283	6.9
6	<u>30,322</u>	<u>5.8</u>
Subtotal, K-6	361,417	69.0%
7	29,047	5.5%
8	27,490	5.2
9	32,013	6.1
10	30,690	5.9
11	20,452	3.9
12	<u>13,773</u>	<u>2.6</u>
Subtotal, 7-12	153,465	29.3%
Ungraded	<u>9,200</u>	<u>1.8%</u>
Total	524,082	100.0%

As Table 5 shows, nearly 70 percent of all LEP pupils were enrolled in kindergarten and grades 1-6. Of this amount, LEP pupils enrolled in grades K-3 account for 48 percent of all LEP pupils.

Geographical Distribution of LEP Students. The six counties with the highest LEP enrollment are Los Angeles (227,843), Orange (39,964), San Diego (32,968), Santa Clara (22,725), San Francisco (17,516) and Alameda (15,396). These six counties account for 73 percent of all LEP pupils statewide. Forty-seven percent of all LEP pupils are enrolled in schools in Los Angeles county. In contrast, the next highest county by LEP enrollment is Orange, with only 8 percent of the total LEP public school enrollment.

The three-county region of Los Angeles, Orange and San Diego enrolls 61 percent of all LEP pupils. The LEP pupils in these counties account for 16 percent of the total public school enrollment.

In northern California, Santa Clara, San Francisco and Alameda counties account for 11 percent of LEP pupils.

Several school districts report that the overwhelming majority of their students are LEP. For example, San Ysidro School District in San Diego county reported that its LEP enrollment was 79 percent of the total enrollment in 1984. This was the highest percentage of LEP enrollment reported by any district.

Of the 828 districts reporting one or more LEP pupils, 83 districts (or 10 percent) enrolled 1,000 or more LEP pupils. Districts reporting LEP concentrations of more than 15 percent of total enrollment included 150 of the 828 districts.

G. Funding for Bilingual Programs

As noted earlier, current law requirements for bilingual education programs are not contingent upon the receipt of special state or federal funding. School districts are required to provide special services to LEP pupils through whatever resources are available to them, including the general purpose (revenue limit) funds generated by each LEP student.

In addition, the following state categorical programs provide funding which can be used to provide bilingual education services: Economic Impact Aid (EIA); School Improvement Program (SIP); Demonstration Programs in Reading and Mathematics; the Miller-Unruh Reading program; Urban Impact Aid; and Meade Aid. Categorical programs at the federal level which can be used to provide services to LEP students include: the Educational Consolidation and Improvement Act (ECIA), Chapter I; ECIA, Chapter I-Migrant; ECIA Chapter II; Refugee and Immigrant programs; and Elementary and Secondary Education Act, (ESEA) Title VII.

Table 6 provides a summary of the categorical funding available on a statewide basis from these sources through 1984-85 and 1986-87. As the table shows, total funding for these programs increased by 12 percent during this period. Of the total, state funding increased by 11.9 percent, while federal funding increased by 12.2 percent.

Table 6

Potential Sources of
Bilingual Education Funding Sources
(dollars in thousands)
1984-85 to 1986-87

State Funds:	1984-85	1985-86	1986-87	Change From 1984-85	
	<u>Actual</u>	<u>Estimated</u>	<u>Proposed</u>	<u>Amount</u>	<u>Percent</u>
Economic Impact Aid	\$187,502	\$196,252	\$198,902	\$11,400	6.1%
School Improvement Program	187,931	214,531	225,716	37,785	20.1
Miller-Unruh Reading Program	18,166	19,290	20,405	2,239	12.3
Demonstration Programs--Reading and Math	3,993	4,240	4,485	492	12.3
Urban Impact Aid	<u>72,543</u>	<u>75,445</u>	<u>76,954</u>	<u>4,411</u>	<u>6.1</u>
Meade Aid					
Total, State Funds	\$480,070	\$520,090	\$537,001	\$56,931	11.9%
Federal Funds:					
ECIA, Chapter I	\$284,582	\$323,415	\$342,415	\$38,833	13.6%
ECIA, Chapter I--Migrant	73,659	79,865	79,817	6,158	8.4
ECIA, Chapter II	34,217	38,412	38,412	4,195	12.3
Refugee and Immigrant programs	17,789	20,218	19,581	1,792	10.1
ESEA, Title VII	<u>19,481</u>	<u>21,099</u>	<u>21,099</u>	<u>1,618</u>	<u>8.3</u>
Total, Federal Funds	\$429,728	\$483,009	\$482,324	\$52,596	12.2%
Total, State and Federal Funds	\$909,798	\$1,003,099	\$1,019,325	\$109,527	12.0%

Source: 1986-87 Governor's Budget and Bilingual Program Office, SDE.

Statewide expenditures for bilingual education cannot be precisely determined, however, since LEP students may be eligible for funds from any of these programs. The two programs described below represent the best estimate of categorical expenditures related specifically to bilingual education programs.

Economic Impact Aid (EIA) is the primary source of categorical state funding for bilingual education programs. Funding for this program is used for both the state compensatory education program and for services to LEP pupils. The annual funding level is determined by a formula which considers a school district's (1) poverty level, (2) educational disadvantages level, and (3) the number of LEP pupils. Districts receive a lump sum allocation and have full discretion over the local allocation of the funds. Individual districts decide, therefore, what funding level, if any, will be provided for LEP pupils.

At the federal level, ESEA Title VII provides grants, on a competitive basis, directly to school districts for meritorious bilingual education programs.

Table 7 provides a summary of the funding provided under these two programs from 1982-83 to 1984-85.

Table 7
 Funding for Services to LEP Pupils
 1982-83 to 1984-85

<u>Year</u>	<u>Economic Impact Aid^a</u>	<u>ESEA, Title VII</u>
1982-83	\$82,776,511	\$15,061,204
1983-84	97,999,764	17,902,694
1984-85	101,107,962	19,380,375

a. These amounts are funds districts reported as allocated for services to LEP students, and do not necessarily represent actual expenditures.

As Table 7 shows, the state EIA allocation for services to LEP pupils increased by \$18.3 million (22 percent) from 1982-83 to 1984-85, while the federal ESEA, Title VII, amount increased by \$4.3 million (29 percent) during the same time period. During that period, the number of LEP pupils increased by 13 percent.

CHAPTER III

LEGISLATIVE ANALYST'S COMMENTS ON FINDINGS AND RECOMMENDATIONS MADE BY THE DEPARTMENT OF EDUCATION

A. SDE Findings Based on Limited Available Data

The Department of Education acknowledges that very little "hard" data are available on the effectiveness of bilingual programs and services. We believe this is a serious deficiency in the department's report. Despite the fact that the statutory requirements for bilingual programs have been in effect since 1976, SDE has not completed a comprehensive evaluation to determine (1) bilingual education program effectiveness, by program option or (2) whether the primary goal of current law--to develop a child's fluency in English, as effectively and efficiently as possible--is being met.

The department does provide information, however, from four major sources: (1) standardized test score reports, (2) evaluation and research studies, (3) results of "coordinated compliance reviews" of selected school districts, and (4) discussions conducted by the department and the State Board of Education to substantiate major observations about bilingual programs. Before presenting SDE's findings, we discuss the limitations of the four sources of data.

Standardized test scores. Currently, no specific evaluation reports are required from school districts regarding specific programs for LEP pupils. The Department does collect limited data annually on standardized

test scores for LEP pupils on a pre- and post-test basis. It is not possible to relate this data to program outcomes, however, for the following reasons:

- The data are not based on a random sample of LEP students. Nor is the sample size sufficiently large to be characterized as "representative" (for example, fewer than 20 percent of all LEP pupils statewide were included in the 1983-84 sample). Consequently, any findings or conclusions derived from the sample cannot be generalized to the larger population of LEP students.
- The data fail to distinguish among different types of LEP students and among different types of bilingual education programs. For example, test scores for Spanish-speaking students enrolled in full bilingual programs are mixed with those of Asian students enrolled in individual learning programs. Consequently, the data cannot be used to determine which types of bilingual programs are most effective.

Specific results on the pre- and post-testing gains for the years 1980-81 to 1983-84 are contained in the department's report, but due to reliability problems, we have omitted the data from this report. We do not believe that the data provide a supportable basis for making judgments about current bilingual program operations.

Evaluation and Research Studies. The department's report provides a bibliography of studies completed within the past five years. The report does not include a summary of the results of these studies.

Coordinated Compliance Reviews (CCRs). The department annually conducts "coordinated compliance reviews" of specified categorical education programs in one-third of the school districts in California. (These reviews consist of (1) districts' self-evaluation on specified topics and (2) site visits by SDE personnel to ensure that categorical programs are being administered in accordance with state law.) For the purposes of this report, the department included a listing of the results for 223 bilingual CCRs conducted in 1984-85. Based on this information, the three major areas of non-compliance included (1) failure to identify and assess LEP pupils properly (38 percent of the districts reviewed), (2) failure to provide adequate instruction (37 percent of the districts reviewed), and (3) failure to conduct appropriate parent notification, consultation, and involvement activities (24 percent of the districts reviewed). Districts found to be out-of-compliance have 45 days in which to correct the deficiencies. During this time, SDE provides technical assistance and monitors the districts' progress. If a district fails to comply within a six-month period, the department has the option of interrupting the flow of any categorical funds which may support bilingual programs. In practice, the department tries to avoid this sanction by monitoring problem programs on a monthly basis.

Discussions and Roundtables. The department reports that it conducted various meetings on issues related to bilingual education. These discussions have included educators, researchers, evaluators and the general public. The results of these discussions were considered in the development of findings related to the operation of the bilingual program.

SDE Findings. Based on an analysis of the four sources of information described above, the department drew the following conclusions:

- Although there is considerable debate about which types of programs are most effective with language minority pupils, there is consensus among educators and researchers that some special instructional services are required in order to educate LEP students adequately. The department notes that this conclusion has been reached in several studies, including those which have been critical of bilingual education and those which support bilingual education.
- The number of LEP students is expected to increase at a rate of 5 percent to 7 percent per year for the next four to five years, primarily because of changes in demographic and immigration patterns.
- Most major reviews of bilingual programs contain mixed results regarding program effectiveness. However, bilingual learning opportunities appear to be most effective when the following factors are present: (1) programs are of sufficient duration to allow LEP students to master English conversational skills as well as academic language skills, (2) the amount of English and primary language used for instruction is based on an assessment of individual student language proficiency, (3) LEP students are offered a core curriculum similar to the academic program provided to students who are native speakers of English, (4) to

the extent possible, English and the primary language are separated for instructional purposes, and (5) parents, teachers, and students have high expectations for positive outcomes.

- The effective implementation of bilingual programs is often hampered by a lack of qualified bilingual teachers and appropriate instructional materials.

B. Recommendations By the Department of Education

Based on these findings, the department made recommendations in the following three areas: (1) programmatic requirements, (2) staffing requirements, and (3) accountability and evaluation. This section presents the SDE recommendations and our comments on them. (Although no specific recommendation was made regarding program continuation, the recommendations that were made imply an ongoing bilingual program based on modified current law requirements.)

SDE Recommendations Relating to Programmatic Requirements

Classroom Composition. In order to give districts more flexibility to integrate pupils as their language skills permits, the department recommends a modification of the current classroom composition standard which requires that no more than two-thirds nor less than one-third of the pupils be LEP.

Legislative Analyst's Comments

We Concur With This Recommendation. In response to our request for clarification of this recommendation, the department stated that the requirement should be modified to provide districts with additional

flexibility to meet the needs of all students. The recommended modification would allow districts to integrate LEP pupils with English-only students and FEP pupils for a portion of each school day, increasing the level of integration over time as the language skills of the LEP pupil permit. This modification also would allow districts with large LEP populations to operate English-only classes for a portion of the day in order to serve FEP and native English-speaking pupils more effectively.

Based on comments made during our site visits to various schools, districts appear to need additional flexibility to accommodate the needs of LEP students. Under the current requirements, districts are precluded from operating LEP-only classrooms for any portion of the school day. This restriction has the effect of diminishing the quality of instruction because, in a classroom consisting of two-thirds LEP and one-third FEP or English-only pupils, instruction must be conducted for at least two language groups by bilingual teachers or, in many cases, by bilingual aides so the amount of time that the teacher can spend with students in the various groups is necessarily reduced. Modifying this requirement so that districts can operate LEP-only classrooms for a portion of the school day would allow bilingual teachers to teach core subjects in the pupils' native languages and increase the amount of time they can spend with pupils who have the same language proficiency.

The classroom composition requirement was added to the bilingual education program in 1980. The intent of this requirement was to ensure that isolation of LEP pupils did not occur. As the department points out,

however, the existing prohibitions against segregation make the classroom composition requirement overly restrictive.

We believe the department's recommendation to modify the integration requirement for a portion of each school day would provide school districts with additional flexibility to tailor their bilingual programs more effectively to meet the needs of LEP pupils as well as FEP and native English-speaking pupils, while avoiding isolation of LEP pupils.

Initial Identification. The Department recommends that the fourth question on the Home Language Survey--"Name the language most often spoken by the adults at home"--be eliminated. According to SDE, elimination of this question would reduce the number of students requiring further assessment.

Legislative Analyst's Comments

This recommendation was adopted administratively by the State Board of Education in October, 1985. The board made the use of this question optional for purposes of initial identification.

We concur with the board's action because it will help to streamline the initial identification process. (We make additional recommendations regarding initial identification in Chapter IV.)

We recommend that districts be allowed to provisionally identify a kindergarten child as being LEP, based on the child's home language and the teacher's judgment. Currently, districts are required to identify LEP pupils within 30 days of enrollment. Although this requirement is easily met in most cases, the language assessment of kindergarten pupils presents

special difficulties because of their young age and limited development of any language skills. Accurate assessment is further impeded because the child is attempting to adjust to a totally new environment and may be uncomfortable with the assessment process. Because the consequences of inaccurate assessment can mean enrollment in bilingual classes for up to three years, we believe that districts should be allowed provisionally to identify a kindergarten child as being LEP based on the child's home language and the teacher's judgment.

All children who have been provisionally assessed would undergo a formal assessment at the end of the kindergarten year. The final determination of the child's language proficiency should be delayed until the start of grade one at which time he or she will be better adjusted to the school environment and more able to participate actively in assessment procedures, which should produce more accurate results. (The Superintendent of Public Instruction made a similar recommendation in this statement to the Assembly Education Committee on February 11, 1986. However, this recommendation was not included in the department's sunset report.)

Planned Variation Program. The department recommends (1) elimination of the requirement for a comparison bilingual classroom for each classroom implementing a Planned Variation Program and (2) expansion of the planned variation program option to grades 7-12.

Legislative Analyst's Comments

We concur with the recommendation to expand the use of the Planned Variation Program option to the secondary level. We do not concur,

however, with the recommendation to eliminate the comparison classroom requirement. We recommend instead that the requirement be modified in order to allow school districts greater flexibility in specifying a "control group" against which to compare the results of their Planned Variation Programs. We further recommend that the evaluation requirements associated with these programs be strengthened.

The Legislature established the Planned Variation Program (PVP) option in order to allow school districts to test the effectiveness in elementary schools of locally-developed bilingual education programs, in comparison to the "standard" program options. As a result, there is no single Planned Variation Program model--each school district is free to develop its own program, subject to approval by the State Department of Education.

In order to ensure that these locally-developed programs do, in fact, meet the needs of students requiring bilingual education services, current law requires each district operating a planned variation program to conduct an annual evaluation of the programs' effectiveness. These evaluations are submitted to the SDE, which is required to include a summary of their results in its annual report to the Legislature. In addition, the district is required to identify one comparison classroom (using a "standard" program option) for each planned variation program classroom. Presumably, the comparison classroom is intended to be used as a "control group" against which to compare the effectiveness of the planned variation option.

Our review indicates that, in practice, the SDE does not rely heavily on the results of the local evaluations in determining whether a district may continue to offer its planned variation program. Moreover, the extent to which districts actually use the comparison classroom as the basis for evaluating the effectiveness of their planned variation programs appears to be quite limited.

Our review further indicates that the requirement that a district establish one comparison classroom for each Planned Variation classroom may unduly discourage school districts from using this option. Currently, only seven districts employ this option, serving 1,310 of the 542,082 LEP pupils statewide. Districts with small numbers of language minority students may be precluded from using this option because they do not have sufficient LEP students for a "standard" bilingual classroom and a Planned Variation classroom. In many cases, these are the very districts that could benefit most from the PVP option, because they are attempting to serve the needs of language minority students with very limited staffing and resources.

Unlike the SDE, however, we do not conclude from these observations that the comparison classroom requirement should be eliminated. Because of the degree of local discretion involved in designing programs under the PVP option, we believe that it is appropriate to hold districts operating these programs to a higher standard of accountability than is applied to those operating the "standard" program options. We find that the comparison classroom--if it were required to be used by districts in their annual evaluations--would serve a useful role as a "yardstick" against which to

measure the effectiveness of these programs. At the same time, however, we find that this role could be served without requiring the operation of one comparison classroom for each planned variation classroom.

Accordingly, we recommend that the Legislature consider relaxing the requirement that a district identify one comparison classroom for each planned variation classroom. This could be done, for example, by permitting districts to use a single comparison classroom for more than one planned variation classroom and/or by permitting districts to identify an appropriate comparison classroom in a neighboring school district.

We further recommend that the evaluation requirements pertaining to the PVP option be strengthened. Specifically, we recommend that the Legislature require each participating school district to use the comparison classroom in its annual evaluation of the planned variation programs. In addition, we recommend that the Legislature require the State Department of Education (1) to review periodically school districts' evaluations of their planned variation programs and (2) to take specified actions based on these reviews (including revoking a district's authority to operate its program, requiring the district to improve the effectiveness of its program, and authorizing the district to expand its use of the program). We recommend later in this report that the SDE use these and other evaluations to (1) identify exemplary programs and (2) disseminate information regarding these programs to other interested school districts.

Finally, we concur with the department's recommendation to expand the use of the PVP option to the secondary level. As previously described,

there are currently only two options (excluding the impacted languages program) available to secondary schools. We believe inclusion of the PVP option at the secondary level would produce the same potential benefits as those seen at the elementary level: namely, an increase in district's flexibility and encouragement of innovative approaches to bilingual education. The department estimates that if the PVP option were extended to the secondary level, at least 560 students would be served, assuming participation would be proportionate to the elementary level.

Parent Notification. The department recommends that parent notification procedures be improved in order to give parents of LEP pupils "viable alternatives to the present bilingual education program options." The department suggests that this could be accomplished by requiring districts to describe not only the required bilingual education options but also the programs available if a parent or guardian decides to withdraw his or her child from the bilingual program.

In addition, in a statement to the Assembly Education Committee in February 1986, regarding the bilingual education sunset review, Superintendent of Public Instruction Bill Honig recommended that the current parent notification provisions be amended to require districts to obtain a parent's informed written consent, within reasonable limits, before a child is enrolled in a bilingual program.

Legislative Analyst's Comments

We concur with the intent of better parent participation, as outlined in the SDE's report and expanded by the Superintendent, but we believe the specific application of the recommendation should be clarified.

Under current law, parents are notified regarding (1) the assessment of their child's language proficiency and (2) the placement of their child in a bilingual program. If parents object to the placement, they may withdraw the child from participation in the program by submitting a written request.

The SDE recommends in its report that these notification procedures be improved to provide parents of LEP pupils with more information regarding program options for their children. The Superintendent of Public Instruction has expanded this recommendation to include obtaining written consent from parents prior to a pupil's enrollment in a bilingual education.

We agree that parents should have the opportunity and be encouraged to participate more actively in the decision about their child's placement in a bilingual program. This participation should include the opportunity to give informed consent prior to the placement of the child in an appropriate instructional program. As the department pointed out in its sunset report, the effectiveness of bilingual programs is significantly enhanced by active parent participation.

The SDE recommendation, as amplified by the Superintendent, is unclear, however, regarding (1) how this notification process would operate in practice and (2) the placement of children in the event their parents fail to respond. Specifically, we believe the following issues should be resolved prior to changing the current parent notification procedures:

- What constitutes "reasonable limits"? That is, how often should a parent be contacted to obtain written consent? What form should the notification take? Should districts be required to conduct oral parent conferences or would written notifications suffice?
- In what type of program is an LEP pupil enrolled--bilingual, English-only, or some combination of the two--if a parent fails to respond within a reasonable time frame? What type of services will the districts be required to provide to LEP pupils whose parents opt to have them enrolled in English-only programs?

Because this recommendation raises significant programmatic issues, we recommend that the department clarify how the modification of the parent notification procedures would be implemented to ensure that the needs of LEP pupils are met.

SDE Recommendations Relating to Staffing Requirements

Waivers for Teachers in Grades 7-12. The department recommends that the waiver provisions regarding certification requirements for bilingual-crosscultural teachers be extended to teachers in grades 7-12. SDE believes this would encourage districts to implement Language Development programs, by making additional training opportunities available to teachers at the secondary level.

Legislative Analyst's Comments

We are unable to make a recommendation on this topic because the department did not provide sufficient information which (1) demonstrates a

shortage of bilingual teachers at the secondary level or (2) indicates that the Language Development program option is more effective than other options available at the secondary level.

We believe that in order to establish a need for waiver of bilingual credential requirements at the secondary level, a demonstrated shortage of qualified teachers must exist. The data which the department collects contain an assumption that the appropriate student teacher ratio is 35:1 in bilingual programs. Because program effectiveness data are not available, we cannot verify that this is an accurate assumption so we are unable to determine analytically whether there is a shortage of qualified bilingual teachers at the secondary level.

The department states that extension of waivers to teachers at the secondary level would encourage districts to implement Language Development programs, thereby suggesting that this program option is more effective than other available options. However, as we note later, no evaluations have been conducted by program option to determine which options are most effective.

We have no analytical basis, therefore, for recommending an extension of waivers to bilingual teachers at the secondary level.

The department estimates that if waivers were extended to the secondary level, approximately 1,000 waivers would be requested. The department also estimates that districts which employ teachers on waiver would incur (1) additional administrative costs for monitoring teacher training progress and reporting this information to SDE, and (2) additional

costs for providing a bilingual aide for each teacher on waiver. Because employment of teachers on waiver is at the district's discretion, these costs would be borne by the district.

Incentives for Bilingual Teachers and Language Development

Specialists. The department recommends development of both monetary incentives (for example, scholarships or training grants) and non-monetary incentives (for example, special assignment rights) to encourage teachers to become bilingual teachers or language development specialists. SDE further recommends additional funding for (1) training programs for teachers on waiver and (2) the Assumption Program of Loans for Education (APLE). The department also points out that additional funds are needed to establish career ladder programs for bilingual-crosscultural teacher aides. An estimate of the costs of implementing these recommendations was not included in the department's report.

Legislative Analyst's Comments

We concur that techniques need to be identified and fostered to increase the supply of credentialed bilingual teachers, but we caution that the state should not greatly increase funding for the Bilingual Teacher Training program (BTTP) or the APLE program, until the cost-effectiveness of these programs has been established.

As noted previously, in order to be eligible for a waiver, teachers must meet specific requirements including enrollment in a training program leading to a bilingual-crosscultural credential or certificate of competence. To assist teachers on waiver in meeting program requirements,

the state and its local education agencies (LEAs) support a variety of bilingual teacher training programs. These programs provide after-school training for teachers on waiver in order to help them attain certain language, culture, and teaching methodology competencies in order to pass the Bilingual Certification of Competence (BCC) exam and earn a certificate.

a. Bilingual Teacher Training Program (BTTP). This program was established in 1981 to provide training for teachers who (1) are seeking certification as bilingual instructors and (2) have been granted temporary waivers of the certification requirements. In the current year, the SDE is providing grants to 10 training sites which provided training for 2,000 teachers on bilingual waivers. The 1986-87 Governor's Budget proposes \$851,000 from the General Fund for this program. This funding will support the same level of service provided in the current year.

Despite the existence of these programs, the passage rate on the BCC exam during 1984-85--the first year it was offered--was quite low. Only 72 (10 percent) of the 690 persons taking all three sections of the test qualified for the certification. Presumably, all persons taking the test had previously been enrolled in a training program; however, because data are not collected on the backgrounds of those taking the test (e.g., which training program they were enrolled in, the amount of training received, and the level of language competency prior to enrolling in the program), the state is unable to determine which training programs are more effective in helping candidates to achieve bilingual competence.

We believe that the SDE should identify the bilingual teacher training programs that are the most effective in preparing teachers on waiver to attain the BCC. Moreover, SDE should collect information on the cost of providing training to each teacher. We believe this information on cost-effectiveness is needed prior to providing additional funding for the Bilingual Teacher Training program in order to (1) ensure that existing funding is being used to fund the most cost-effective programs and (2) determine what types of program would be candidates for additional funding. (Language included in the Supplemental Report of the 1986 Budget Act requires SDE to develop a proposal for inclusion in the 1987-88 Governor's Budget to collect this information).

b. Assumption Program of Loans for Education (APLE). This program was established in 1984 to help public schools attract and retain teachers of "high quality in the fields of mathematics, science and other critical shortage areas." The program authorizes the Student Aid Commission (SAC) to assume up to 500 student loans of up to \$8,000 each, by 1985-86.

As a result of legislative action taken in 1985-86, the SAC was directed to restructure the program to provide for participation by prospective teachers (the original regulations adopted by SAC allowed for participation of persons currently employed as teachers). Consequently, the newly-structured program will not begin accepting applications until the fall of 1986. It will not be possible, therefore, to make an assessment of the program's effectiveness in attracting and retaining teachers in shortage areas for quite some time. In the absence of such an

assessment, we do not believe that significant funding augmentations should be provided for the APLE program at this time.

Moreover, we believe that the problem of attracting and retaining individuals to the bilingual teaching field could be addressed more directly by providing higher salaries to bilingual teachers.

This option has a number of advantages. First, it would be cost-effective, because it would directly address the shortage problem without raising the salaries of teachers who are not in short supply.

Second, the option would be easy to implement. Senate Bill 813 amended Section 3543.2(d) of the Government Code to allow school districts and unions to bargain over the issue of paying "additional compensation based upon criteria other than years of training and years of experience." Hence, districts already have the authority to bargain for the right to provide teachers in shortage disciplines with higher salaries.

Third, there is some evidence that this option works. We know of at least one major school district that is offering bonuses to bilingual teachers and is finding it an effective way to attract teachers in these disciplines.

SDE Recommendations Relating to Accountability and Evaluation

The department's recommendations concerning accountability and evaluation are very general and do not contain specific proposals or implementation plans. We believe the report is deficient in this respect, because it does not provide sufficient useful information to the Legislature to be used in modifying existing bilingual program evaluation

requirements. Despite the fact that bilingual education requirements have been in existence since 1976, SDE has not developed a comprehensive evaluation plan. In the discussion that follows, we concur with the intent of SDE's recommendations regarding evaluation, but expand on this intent by recommending that SDE develop a funding proposal and plan to conduct a comprehensive evaluation of the bilingual education programs, in order to determine program effectiveness.

Statewide Accountability Plan. The department recommends that a statewide accountability plan be established to evaluate the program outcomes for LEP students at the school, district and state level.

Legislative Analyst's Comments

We Concur With This Recommendation. We believe that such a plan is essential to determine whether the central objective of the Bilingual Education Reform and Improvement Act-- to develop a child's fluency in English, as effectively and efficiently as possible--is being met.

The department's report does not provide (1) a description of the components of such a plan or (2) the timeframe for completing the plan. We believe that, if legislation is enacted to reauthorize the bilingual education program, it should include specific requirements regarding ongoing evaluation of the bilingual education program outcomes, including measurement of pupil progress by program type, and identification of exemplary programs. (These issues are discussed in greater detail below. Our specific recommendations for legislation are discussed in Chapter IV.)

Improving Local Evaluation. The department recommends that model evaluation designs and training for school district personnel be developed to improve the evaluation of services to LEP students at the local level.

Legislative Analyst's Comments

We Concur With This Recommendation. As discussed previously in the Findings section, the evaluation component of the bilingual education program needs significant improvement. The data that is currently collected measures only a small portion of the LEP population. Moreover, because the collection methodology is flawed, the data cannot be used to ascertain the effectiveness of bilingual education programs generally.

As with the preceding recommendation, the department's report does not specify (1) the contents of proposed evaluation designs or (2) the timeframe for completing the designs. We believe that the evaluation of bilingual education program outcomes should also include a component for evaluation of the individual student's academic progress.

Exemplary Programs. The department recommends that a process be established to identify and disseminate information regarding exemplary approaches to the education of LEP pupils.

Legislative Analyst's Comments

We Concur With This Recommendation. Currently, each school district can select from several program options to determine the type of educational program to provide to LEP pupils. Because there has been no comprehensive evaluation of the various program options for providing instruction to LEP pupils, each district is left to its own design to develop a program which may or may not be effective.

The department's report does not specify (1) how this process would be developed, (2) how the information would be disseminated, or (3) the timeframe for completing the process.

We believe that an obvious outcome of a sound evaluation process would be identification of programs that are effective in providing services to LEP pupils. We believe that the evaluation component should (1) identify the most effective programs and (2) require the SDE to develop a mechanism for disseminating this information to districts.

As noted previously, we concur with the department's recommendation regarding the need for accountability and evaluation, but believe that the department's other recommendations need to be expanded to include (1) expenditure data, (2) specific evaluation components, and (3) a timeframe for completing the accountability plan and actual evaluations.

Specifically, we recommend that the State Department of Education develop a plan and funding proposal for consideration in the 1987-88 budget hearings which would encompass (1) an accountability plan to measure success at the state, district, and school level in meeting the program objectives of the Bilingual Education Reform and Improvement Act, (2) model evaluation designs for use at the district and school level, including provision for pre- and post-testing of all LEP pupils enrolled in both classroom programs and individual learning programs, and (3) a process for identifying exemplary programs and disseminating information about these programs to all school districts. The evaluation design should include academic assessment methods for all LEP pupils and the data collected

should be aggregated by the type of program in which each pupil is enrolled.

The plan should also include an expenditure tracking mechanism for bilingual education programs, by program option. This information should be collected on an annual basis and be combined with the program outcome information to determine which bilingual education programs are the most cost-effective.

CHAPTER IV
SUMMARY OF RECOMMENDATIONS

We recommend continuation of the bilingual education program. In order to comply with federal mandate affirmed by the U.S. Supreme Court in Lau v. Nichols that equal education opportunities be provided to language minority students, the state should continue to offer bilingual education programs.

We further recommend, however, that school districts be given additional flexibility in meeting current law requirements. This objective could be achieved by adopting several of the recommendations made by the Department of Education, as summarized below. (A detailed discussion of these recommendations is contained in Chapter III.)

- Modify the classroom composition requirement for bilingual programs at the elementary level to remove the requirement for enrollment of two-thirds LEP and one-third FEP pupils.
- Modify the Home Language Survey to remove the fourth question regarding the language most often spoken at home. (This recommendation has been adopted administratively by the State Board of Education.)
- Expand the use of the Planned Variation Program to the secondary level.

We recommend that, instead of eliminating the requirement for a comparison classroom in districts utilizing the Planned Variation Program

option, the requirement should be relaxed to provide additional opportunities for districts to use this program option. We also recommend that the evaluation of this program option be strengthened.

We also recommend adoption of additional modifications regarding initial identification requirements of LEP pupils. Currently, districts are required to identify LEP pupils within 30 days of enrollment. Although this requirement is easily met in most cases, the language assessment of kindergarten pupils presents special difficulties because of their young age and limited development of any language skills. Accurate assessment is further impeded because such children are attempting to adjust to a totally new environment, and they may be uncomfortable with the assessment process. We believe that districts should be allowed to provisionally identify a kindergarten child as being LEP, based on the child's home language and teacher judgment.

The actual determination of the child's language proficiency should be delayed until the start of grade one, at which time he or she would be better adjusted to the school environment and more able to participate actively in assessment procedures, thereby producing more accurate results. (The Superintendent of Public Instruction made a similar recommendation in his statement to the Assembly Education Committee on February 11, 1986. However, this recommendation was not included in the department's sunset report.)

We agree that modification of the parent notification procedures is warranted, but believe that significant programmatic issues regarding (1)

specific notification activities and (2) placement of pupils should be clarified prior to implementation of this recommendation.

We do not recommend augmenting teacher incentive programs at this time because these programs have not yet been determined to be cost-effective.

We believe that salary increases for teachers in shortage areas offered by local school districts are potentially more cost-effective in attracting teachers to specific disciplines and geographic areas than programs offered on a statewide basis.

We concur in concept with the department's recommendation regarding the need for accountability and evaluation, but believe that its recommendations need to be expanded to include (1) expenditure data, (2) specific evaluation components and (3) a timeframe for completing the accountability plan and actual evaluations.

Specifically, we recommend that the State Department of Education develop a plan and funding proposal for consideration in the 1987-88 budget hearings which would encompass (1) an accountability plan to measure success at the state, district and school level in meeting the program objectives of the Bilingual Education Reform and Improvement Act, (2) model evaluation designs for use at the district and school level, including provision for pre- and post-testing of all LEP pupils enrolled in both classroom programs and individual learning programs, and (3) a process for identifying exemplary programs and disseminating information about these programs to all school districts. The evaluation design should include

academic assessment methods for all LEP pupils and the data collected should be aggregated by the type of program in which each pupil is enrolled.

The plan should also include an expenditure tracking mechanism for bilingual education programs, by program option. This information should be collected on an annual basis, beginning in June 1988, and be combined with the program outcome information to determine which bilingual education programs are the most cost-effective.