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The Implementation of Proposition 227 in California Schools: A Critical Analysis of the Effect on Teacher Beliefs and Classroom Practices

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The Implementation of Proposition 227 in California Schools: A Critical Analysis of the Effect on Teacher Beliefs and Classroom Practices

Anita Tijerina Revilla and Jolynn Asato

This article explores the relationship between race and language as it relates to the educational experiences of bilingual students. Using Latino/a Critical Theory (LatCrit), Asian American legal scholarship, and Critical Theory as related theoretical frameworks, we examine the aftermath of Proposition 227 (Prop 227) in a case study of three California public school districts. Based on data collected at three different school districts, we focus on a case study of one school to discuss the impact of Prop 227 on teacher beliefs and classroom practices.

In 1998, Ron Unz, a Silicon Valley billionaire sponsored Proposition 227, a voter initiative named on the ballots as “English for the Children,” aimed at reforming bilingual education in the state. The text of the proposition blamed bilingual education as the culprit for the poor academic achievement and high drop out rates of immigrant children in California and subsequently proposed that English Language Learners (ELLs) be “taught English as rapidly and effectively as possible” (Unz & Tuchman, 1997). Prop 227 decreed that all ELLs be placed in a “structured English immersion” classroom—defined as a classroom in which “nearly all” of the instruction is in English. Students are to be placed in these classrooms for no longer than a year unless their parents personally apply for a waiver at the school. It is through these waiver exceptions that schools in California have been able to maintain bilingual programs. As similar voter initiatives go on ballots in other states, this allowance has been increasingly tightened.

When Proposition 227 passed in June 1998, the media reported that school districts all over the state were scrambling to implement it. The ways in which school

districts and consequently teachers have begun to deal with its after-effects vary vastly from district to district and, in many cases, from school to school. Some districts worked around the proposition to continue offering bilingual instruction; others eliminated their bilingual programs completely. Questions arose ranging from large-scale implementation down to the everyday mundane details of daily classroom life: How would school districts restructure to facilitate the learning of English Language Learning (ELL) students? How was Proposition 227 going to change teachers’ practices and student learning in classrooms? Newspaper and television reports were thick with a sense of urgency and chaos.

Even after decisions had been made in school districts to either provide alternative bilingual classes or to prevent all bilingual instruction, schools continued to grapple with the hazy description of Proposition 227 and how that would affect the day-to-day lives of teachers. An added pressure is that under the new law individual teachers can be sued if their instruction is not “overwhelmingly” in English; that is, unless they are teaching in an approved bilingual or structured English immersion program. With a hotline where people can “rat” on anti-Proposition 227 activities, the fear of lawsuits looms ominously. Furthermore, Proposition 227 is but one in a constellation of high stakes educational reforms with direct consequences on California students, particularly English Language Learners. The adoption of new state standards and tighter scrutiny on student achievement tests is causing stakeholders in districts to feel squeezed and anxious.

While ostensibly all these reforms claim to be about the technical aspects of pedagogical reform, upon closer examination an ominous political and social agenda aimed at “reforming” students, particularly students of color, begins to emerge. Even in classrooms that

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actively resist Proposition 227, the hegemonic ideologies of “English Only” seep into daily practice.

To address these questions systematically, a group of researchers across the University of California system began to look closely at the day-to-day implementation and effect of Prop 227.¹ The specific purpose of this research was to learn what effects Prop 227 had on students, teachers, parents, and entire school communities. This paper discusses the findings of the research group focusing on Southern California based at the University of California, Los Angeles.

CRITICAL RACE THEORY, LATINO/A CRITICAL RACE THEORY, AND ASIAN AMERICAN LEGAL SCHOLARSHIP AS FRAMEWORKS FOR ANALYSIS

Critical Race Theory (CRT) is a legal movement specifically established for studying the systemic consequences of race and racism. It rejects notions of meritocracy, colorblindness, neutrality, and objectivity as they have traditionally been used in the institution of the law (as well as other fields). CRT scholars maintain that it is impossible to be detached or completely unaffected by the reality of racism, racial stereotypes, and racial power when dealing with social institutions (Crenshaw, Gotanda, Peller, & Thomas, 1995). Crenshaw and her colleagues write, “scholarship—the formal production, identification, and organization, of what will be called ‘knowledge’—is inevitably political” (p. xiii). Thus, the goal of CRT is to present scholarship that will challenge ideologies of white supremacy and help break the oppressive bond between law and racial power. CRT theorists further assert that society has mistakenly confused colorblindness with racial equality and racist practice with racial consciousness. In other words, by refusing to recognize that racism is a systematic form of oppression that permeates all aspects of society, society has sought to dismiss the historical, present, and future ramifications of racism and racial power.

Latino/a Critical Race Theory (LatCrit) is aligned with and sometimes overlaps with CRT, but it further includes intersections of race with ethnicity, culture, immigration status, language, gender, sexuality, and class to engage in analyses that are social justice oriented. LatCrit theory has “an overall commitment to social justice and the elimination of racism. [In this] struggle toward social justice, the abolition of racism or racial subordination is part of the broader goal of ending other forms of subordination such as gender, class, and sexual orientation” (Solórzano, 1999).

LatCrit has been developed as an anti-essentialist, anti-subordination discourse that seeks to problematize black and white binary thinking of race and identity that occurs in many race-centered spaces (including CRT).

Juan Perea (1997) asserts that a black and white binary paradigm

interferes with liberation and equality. If Latinos/as and Asian Americans are presumed to be white by both white and black writers (a presumption not borne out in the lived experience of most Latinas/os and Asians), then our claims to justice will not be heard or acknowledged (p. 366).

Perea (1997) further argues that discrimination against people of color who are not black has often not been perceived as “real” racism. Several reasons account for this problem, including the notion that Latinos/as and Asians are more easily assimilated, the absence of knowledge about Latino/a and Asian American history, and the failure to acknowledge how non-black and non-white peoples occupy racialized America. Therefore, a major goal of both LatCrit and Asian legal scholarship is to ensure that Latino/a and Asian communities are included in race discourse (Chang, 1993; Johnson, 2000).

LatCrit theory is of particular importance in work that explores the educational experiences of Latinas/os because it enables researchers to write about people who have been historically excluded from traditional research. This problematizes binary and dichotomized thinking and offers a clearer understanding of the complex social, historical, and political layers that affect Latinas/os. Not only do race-based categories, such as “Negroid,” “Caucasoid,” and “Mongoloid” leave out the classification of Latino/a as a racially oppressed ethnic group, they also tend to view ethnic and racial membership as monolithic—where all members of that class are seen as the same. At the same time, LatCrit scholars have written extensively about the way Latinos/as continue to be constructed as a “minority” racial group (Haney Lopez, 1995; Perea, 1997). In addition, Latinas/os have suffered extreme racialized prejudice in the legal and educational systems because of the racially specific ways in which Latinas/os are socially constructed in the United States. Asian critical legal scholars Robert Chang and Keith Aoki (1997) have extended the position of LatCrit scholars by “centering the immigrant” in race discourse. Their work has pushed scholars to recognize that many immigrant people are socially constructed as racial subjects:²

This process of placing the immigrant at the center of the analytical discourse on the social construction of borders and national identity—centering the immigrant—offers one model for how LatCrit discourse and Asian American legal scholarship may contribute to the understanding of Latina/os and Asian Americans in the complex terrain of United States race relations (Chang & Aoki, 1997, p. 3)

Because of the complex construction of race itself, various aspects of ethnicity have become proxies for race.

Ethnicity and language marked the race discourse with regard to immigrant status, nationality, class, and other characteristics of Latino/a communities. In terms of language discrimination, this prejudice is most evident in the current trend of silencing people through language policies, for which Proposition 227 is a most recent and serious example (Bender, 1997; Johnson & Martinez, 2000; Moran, 1999; Tamayo, 1999). Kevin Johnson and George Martinez (2000) describe the discriminatory background of Prop 227 through its use of language as a proxy for race:

Because the evidence establishes that race was “a motivating factor” behind the passage of Proposition 227, the law violates the Equal Protection Clause of the Fourteenth Amendment. Language was employed as a proxy for race. Race, although not explicitly raised, can be seen by the near exclusive focus on the Spanish language, the history of discrimination against Mexican Americans in California, including the increase in anti-Latina/o and anti-immigrant animus in the 1990s, statements by the advocates of the initiative, and the racially polarized vote. Race obviously was “a motivating factor” behind the passage of Proposition 227 (p. 19).

Language, culture, and national origin have been deemed mutable realities by the court in the past because they are believed to be changeable and not permanent (Cameron, 1997). In opposition to this view, LatCrit argues that language, culture, and family are fundamental characteristics of Latina/os identity; consequently, analyses of racism against Latinas/os must take into account “racist” assaults based on all aspects of Latina/o identity, including language. Legal scholar Christopher David Ruiz Cameron (1997) has conducted an extensive LatCrit analysis of the relationship between language and power. He identified three common errors by United States institutions when considering language rights under the law. Cameron indicates first, that because of the long-standing use of “racial dualism” in American society (based on a black and white paradigm), the law regularly dismisses accounts of racism and nativism against bilingual people who are not classified as either white or black. He notes that legal decisions about English Only laws regularly assert that forcing people to speak English and silencing their native tongue, while inconvenient, is not proof of discrimination based on national origin. Second, he shows that the law creates a false distinction between language and race on the one hand, and sexual discrimination on the other, holding that language is “mutable” whereas race and sex are “immutable.” Hence, linguistic minorities are perceived to be capable of changing their language, and people of color or women, for example, are not capable of changing their skin color or sex. Cameron argues that this assumption

ignores the importance of language in the construction of identity:

The Spanish language is central to Latino identity. People whose primary language is Spanish constitute a cognizable group—a “discrete and insular minority”—who historically have been, and continue to be, subject to discrimination. Therefore, English Only policies that appear to be neutral workplace [or school] regulations are actually language discrimination against bilingual employees [or students], including Spanish-speakers. This is illegal national origin discrimination, as so many commentators have persuasively argued (p. 5).

In this regard, bell hooks (1994) further notes, “[Standard English] is the language of conquest and domination; in the United States, it is the mask which hides the loss of so many tongues, all those sounds of diverse, native communities we will never hear” (p. 168). hooks goes on to explain that English is not the culprit; rather, it is the oppressor who uses English to silence others who are at fault. As a result, many people have been “tongue-tied,” as Donaldo Macedo (1997) indicates, by the arrogance and dominance of the English language. Embedded in English Only movements are racist politics masked by the discourse of neutrality. Posing their agenda as “educational reform,” the proponents of Proposition 227 seek to disguise a more insidious political project of erasure.

It is in this context that critical theorists have long sought to clarify the point that education and politics cannot be divorced. Paulo Freire and Donaldo Macedo (1987) explain:

The crisis of illiteracy has usually been relegated to the Third World countries. More and more however, illiteracy is threatening the continued development of highly industrialized nations. . . . Illiteracy not only threatens the economic order of a society, [but most importantly] it also constitutes a profound injustice. This injustice has serious consequences, such as the inability of illiterates to make decisions for themselves or to participate in the political process. Thus, illiteracy threatens the very fabric of democracy (p. vii).

While English Only proponents do not blatantly advocate illiteracy, the laws and policies they put in place arguably contribute to the destruction of literacy programs that were put in place earlier to promote the progress and advancement of marginalized people. It is no mistake or coincidence that attacks on bilingualism and biliteracy are occurring in states where the populations are undergoing rapid demographic changes. As the numbers of people of color, particularly bilingual populations, increase in historically white populated areas, anti-immigrant and language laws increase as well.

Steven Bender (1997), a LatCrit scholar, details the connection between “language vigilantism” and English Only initiatives such as Prop 227. He describes, at length, the racist reactions and national trends that white populations have repeatedly exhibited as Latino/a (or Asian) populations have increased. The large influx of Latinos, Asians, and other recent immigrants into areas throughout the Southwest can, if nothing else, be threatening to predominantly white legislative bodies in these regions.

It is with these issues in mind that our research team undertook a project to study the effects of the implementation of Proposition 227 on children, schools, and learning. Specifically, we wanted to examine the impact of Prop 227 in the larger social and political context on the pedagogy of bilingual students. In theoretical terms, we wanted to test Antonia Darder’s (1991) notion that “language domination is sustained [by the fact that] the language that many bicultural students bring to the classroom is systematically silenced and stripped away through values and beliefs that support its inferiority to standard English” (p. 36).

While not all California schools are governed by an anti-bilingual education philosophy, it was our expectation that all California schools would exhibit some evidence of the pervasive English Only ideology. Even in the districts that have been able to sustain bilingual programs, we expected that Spanish language instruction and Spanish language development would be subordinated to English instruction. We wanted to examine whether these attacks on bilingualism are part of a larger, and historically concerted, oppressive regime, calling on large-scale movements of resistance. Darder’s (1991) work with bilingual programs surfaced a similar concern and she concluded that “even where bilingual programs exist, [English language] values and beliefs are reflected strongly in school policies that encourage the rapid mainstreaming of bicultural students into English-only environments” (p. 37).

Bilingual classrooms have served as one of the very few spaces in which bilingual/bicultural students have been validated and where their personal experiences have not been totally ignored. In this post-Prop 227 era, marked with the rise of “backlash pedagogy”—defined as “politics under-girded by a nostalgia for the golden age of entitlement and privilege that existed before the incremental changes of the civil rights movement and rapidly changing state demographics (Gutierrez, Asato, Santos, & Gotanda, 2002, 335–6), the spaces of validation and rich learning environments that promote all aspects of diversity will face a difficult challenge.

METHODOLOGY

In the summer of 1998, our research team launched an ethnographic and participant observation study examining the implementation of Prop 227 at three Los Angeles

county school districts: “A” Unified School District (AUSD), “B” Unified School District (BUSD), and “C” Unified School District (CUSD). All names of people and places are pseudonyms.

AUSD is located in South Los Angeles. Historically an African American community, the area now has a large number of recent immigrants from Mexico and Latin America. At the data collection site, the majority of students were Latina/o (91.5%), and the balance was 4.5% African American, 2.8% Pacific Islander, and 0.7% white. This elementary school has a total enrollment of 1,308 students, with 77.8% classified as English Language Learners.

In this district, our research team conducted extensive observations of classrooms, teacher meetings for Proposition 227, and parent meetings over a one-year period. Although we were invited to initial implementation meetings, we were not immediately allowed into the classroom. The principal felt that many teachers were apprehensive because of the newness of the law. She indicated that our presence would only lead to a greater anxiety concerning teachers’ actions and their implementation in accordance of the law. Hence, approval to enter the classrooms did not actually occur until November 1999. From that date until spring of 2000, we conducted classroom observations for eight hours a week and actively participated as teacher assistants. We also attended meetings designed to prepare teachers for the implementation of the law. We joined the AUSD parent community for parent meetings conducted in October 1998 to inform parents about the law and their options.

The second district, BUSD, is located in the San Gabriel Valley. At BUSD, our research team attended district-wide teacher in-services in October 1998, and interviewed two district administrators, including the coordinator and program director of the English Language Development Department. We then interviewed five schoolteachers from one elementary school in the district. This school serves 926 students: 39.2% Asian American, 53% Latino/a, and 7.8% white. Most students come from a lower-middle to lower class background, with 31.3% coming from families receiving AFDC money and 82.2% qualifying for free or partially subsidized lunches. Sixty-six percent of these students qualify for Chapter One services, which are offered for students from low income families. School administrators are attempting to expand the definition of Chapter One to encompass the entire school population. Interestingly, this school has the highest percentage of Limited English Proficient (LEP) students in the district, 58% of the students—49% Spanish speakers and 21.3% Cantonese speakers.

At the third district, CUSD, we conducted a two-hour focus group interview with nine teachers and a principal at an elementary school located in west Los Angeles. This school serves 437 students: 81.9% Latina/o, 13.7%

African American, 2.8% Asian Pacific Islander, and 1.1% white. Almost all (97%) of the students qualify for free or reduced cost lunches.

DATA ANALYSIS

We coded field notes and interview transcriptions for recurring themes. We will address three salient themes that are particularly illustrative of the relationship between power and language. The three themes are variance across and within districts, the hyper-interpretation of Proposition 227, and the pervasiveness of English Only ideology. These themes illustrate the relationship between language and power in that they reveal the way in which socio-political perspectives of language seep into classroom practices and entire school districts, regardless of the level of commitment to bilingual education from teachers and administrators in certain areas of the districts.

Theme One: Variance Across and Within Districts

In the implementation of Proposition 227, we found significant variance across school districts and also within school districts, not only in the menu of programs available to English Language Learners but also in all aspects of implementation from the kind of participants involved in the decision making processes down to how information was disseminated to parents. Much of this variance perhaps is due to the vagueness of the proposition itself, but it also speaks to the importance of examining how institutions and the participants interpret and enact policy.

Variance Across Districts. Although the goal of the proposition was to guarantee that all schools teach “overwhelmingly” in English, there were provisions embedded in the proposition to maintain bilingual programs. However, districts across the state ranged from aggressively campaigning to maintain their bilingual programs to completely dismantling their programs. Our three focal districts represent this range. In AUSD, most of the schools worked with the district administration to maintain their bilingual programs, whereas BUSD decided to put all their ELLs into Structured English Immersion (SEI) classrooms, thus eliminating their late-exit bilingual program altogether. Finally CUSD, a very large district, left the decision largely up to the individual schools and therefore schools in CUSD fall along the entire spectrum of implementation (See Figure 1).

Our analysis shows that much of the variance can be attributed directly to differences in language ideologies held by school districts, which influenced the interpretation of Proposition 227 and guided each implementation process. For example, in BUSD just days after Proposition 227 was passed, the Physical Services De-

partment rushed to remove a placard labeling the Bilingual/Bicultural Office and replaced it with one reading, “Multicultural Education Office,” even before the district had drafted plans for the upcoming school year. Not surprisingly, this district similarly dismantled its bilingual program, and offered only Structured English Immersion to all its ELLs.

Variance Within Districts and Schools. It is also no surprise in light of the local interpretation of Proposition 227 that we found high variance in how teachers made sense of the proposition. As a policy document, Proposition 227 is unusually vague. Although it institutes a particular program, Structured English Immersion (SEI), the proposition does not lay out the parameters of the program. As one administrator from BUSD complained,

Lots of districts are having a difficult time with that. In a Structured English Immersion setting—notice I didn’t use the word program or project because I’m not sure such a thing exists—there’s no program called Structured English Immersion. Even the state is calling it the Structured English Immersion Process. ‘Cuz we’re not sure what that is. But one thing we do know is that it has to be overwhelmingly or almost all in English. The sliver, or window of opportunity, for primary language is brought in. Districts define that differently. And the state Department of Education, the state Board of Education, has allowed districts in California to interpret that based on their own criteria as long as it’s overwhelmingly in English. . . . The districts are very fearful of being singled out for a lawsuit because there is that provision in 227. So the overwhelmingly “in English”—the nearly all “in English”—is really a nightmare for many of us.

If the proposition is a nightmare for districts to interpret, one can only imagine the daunting task of interpretation faced by individual teachers. Our data showed overwhelmingly that teachers are frustrated at the lack of support and clear guidance from their school districts, which forces them to rely upon their own understandings of what Proposition 227 allows or prohibits. We found that teachers particularly in schools in BUSD and CUSD where the administration had more of a “hands-off” approach to the implementation of Proposition 227, were often at odds with each other as to what they could or could not do under the new law. During a focus group at a school in CUSD, for example, the teachers reported:

- Teacher 3: There was no clear direction from the district.
 Teachers: (collectively) No!
 Teacher 1: There was a question/answer thing.
 Teacher 2: “Here’s the law, do it.”
 Teacher 3: And here’s what you *can’t* do.
 Interviewer: So how did you guys make sense of it?
 Teacher 3: Sink or swim!
 Teacher 1: Well, it’s an assumption that we have made sense of it.

District	ELL program	Decision-making process	Information dissemination
A	Alternative Bilingual Structured English Immersion (SEI) English Mainstream (EM)	District-wide including administrators and teachers. Site-based decisions	Carefully planned district-wide parent meetings at school sites
B	All ELLs placed in SEI classes.	District administrators only	Left to principals at site District letters sent to parents and teachers
C	Alternative Bilingual SEI EM Few schools had the Alternative Bilingual option.	District administrators only	Left to principals at site

Figure 1
Variance in Implementation.

These sentiments parallel what we heard from the teachers interviewed at BUSD. In fact, at both these districts the district administrators informed teachers about the implementation of Proposition 227 through district memos, and local administrators were expected to explain these memos and disseminate updates. It was our finding that the lack of clarity accounted for the great variance in how Proposition 227 was being interpreted and applied in classrooms.

Here it should be pointed out that even in the school district that held many teacher meetings to standardize the understanding of what Proposition 227 meant, our data revealed considerable differences in teachers' interpretations. At these meetings, all teachers participated and teacher "talking points" were distributed. The same efforts were made at parent meetings across the district. Our data revealed however, that these efforts merely attempted to stick to the "facts" and dealt with the practicalities of the law. In failing to translate these

provisions into clear points of guidance and implications for each school, these meetings left teachers and parents with conflicting views and opinions about bilingual education and Prop 227:

Parent 1: Am I keeping my child behind in bilingual education because they [our children] are not learning English?

Teacher 1: That was the bilingual program of the past. Now the children are learning both at grade level. [Our school] is different because instruction has already been coming in English and Spanish. The bilingual program now will serve to move children forward in English. Now it will not be to learn Spanish first, then English. It will be to learn both similarly. Here students are not separated by language. They are mixed. The children will take the exam when they return. If parents want, they can wait to see the child's outcome, then decide.

- Parent 2: I have a child in high school who was in bilingual education and he is behind in English.
- Teacher 1: That is because that child was a product of the past bilingual education program.
- Parent 3: Is it a stronger program if my child is learning both English and Spanish at the same grade level?
- Principal: The law only dictates what language the teacher speaks in, not the child. The child can respond in any language. Unless the child is in English Only, then the child must respond in English. If the child responds in Spanish, the response will be wrong.
- Teacher 2: If they try a program and it doesn't work, then they can change the program.
- Parent 3: I think this law is egotistical because if a teacher can understand both languages then the teacher should respond in both.
- Principal: Yes, but the law mandates that the teacher is responsible by law.
- Parent 4: The children must know both. They are in the U.S. and should speak English, but Spanish must be maintained.
- Teacher 2: In this class, the child will learn both if they are in the bilingual class.
- Parent 5: What happens with homework? If it is only in English, I can't read it.
- Teacher 2: Only in mainstream English will the exam be solely in English. Parents must consider if they can or cannot help the child in English or not. Bilingual is basically a maintenance program. Maintain both languages at grade level.
- Teacher 1: I was always opposed to the old bilingual program because it was primarily in Spanish. Now the program promotes English and maintained Spanish, both at grade level.

It should be noted that the previous exchange occurred at a school that had the most coordination among administration and teachers. Despite the well-coordinated efforts, a variety of viewpoints surfaced in this meeting, even among the teachers and administrator. One teacher condemns the "old bilingual program" while promoting their "new and improved" program that emphasizes English, while her partner teacher focused upon addressing a parent's concern of the loss of Spanish as an instructional language. The data revealed that in the above exchange—and in many other exchanges we observed at this and other districts—the attempt by district administrators to utilize a uniform method of introducing and discussing the law failed to prevent differing views about the actual practice and intent of the law. In many instances, participants left the sessions more confused than before they entered.

Theme Two: The Hyper-Interpretation of Proposition 227

With the convergence of unprecedented educational reforms in California such as high stakes assessment,

the prevalence of scripted reading programs, class size reduction, and English Only immersion programs, our data show that teachers feel more pressure than ever to speed up the acquisition of English, even at the cost of psychological damage and cultural oppression of their students (Gutierrez et al., 2002). Our data further suggest that the combination of high stakes reforms and lack of guidance from school districts made teachers fearful about their potential legal liabilities for their classroom practices. As a result, many displayed a hyper-interpretation of the law that further heightened the emotional harm to students.

Hyper-interpretation means that teachers, administrators, and even parents are interpreting Proposition 227 to have powers beyond the actual specifications of the law. For example, although the law regulates classroom talk, and more specifically, instructional talk, eight of the teachers in the district that eliminated primary language instruction have completely removed all printed text written in primary languages other than English. Many also have removed all primary language games from their classrooms out of fear that the mere presence of such materials would provide grounds for a lawsuit. Teachers reported that the fear of lawsuits inevitably colored their instructional practices and led them to make choices against their better professional judgment, as in the case of one teacher who reported that she no longer sent home forms and notices in Spanish and instructed her students to tell their parents to call her if they didn't understand the content. Thus, the societal pressures of the hostile and vigilant educational climate in California, coupled with continuing confusion as to what exactly the law entailed, led teachers to resort to a hyper-interpretation of Proposition 227. This practice further exacerbated the variance both within and across districts in the meaning and practical applications of the statute, by teachers, principals, and parents.

Theme Three: The Pervasiveness of an English Only Ideology

Sentiments of frustration and confusion were more pronounced among teachers from schools where there were no bilingual class options. However, even in the case of a school that offered an alternative bilingual program, Proposition 227 affected instruction considerably. Although the alternative bilingual class allowed primary language instruction for up to 50% of the day, itself a conservative interpretation of the law which defined bilingual classes as being overwhelmingly in the primary language, we saw that oral English language skills became the focus of instruction. Over the course of the year, English became privileged above Spanish.

Although AUSD structured its alternative bilingual programs to include instruction in the primary language

for up to 50% of the day, the classrooms we observed conducted primary language instruction for only two hours a day (in language arts). As the year progressed, two teachers in the alternative bilingual programs also instituted what they called “double reading,” whereby students began literacy instruction in English alongside Spanish, thus cutting down the average time spent on Spanish literacy development even further to one and a half hours. When asked about the decision to utilize “double reading,” Mrs. Park, the teacher, replied, “I think it’s a good thing so that these kids will be ready to go to SEI next year.” As we can see from her comments, Proposition 227 has led individual teachers to reconceptualize bilingual programs, not as three discrete programs as originally intended, but rather as a three-stage developmental sequence. With this orientation, many other teachers have structured their programs so that students “progress” out of the bilingual program into the Structured English Immersion (SEI) class and into the English Mainstream Program.

Similarly, Mrs. Park organized “literacy learning” to promote better English language development. Students read texts in Spanish first, and a couple of days later they read the same texts in English. Aside from language-specific conventions, every lesson conducted in Spanish was repeated in English—Down to the pictures used on the worksheets and positioning of the correct answers. Our analysis shows, however, that this series was not designed to serve the goals of bi-literacy, as the English skills focused upon were inappropriate for the level of English language development of English Language Learners. During writing lessons, for example, the students were simply expected to translate the texts they had worked on in Spanish directly to English.

At other times, the focus was on form rather than on comprehension. The example below took place during the mandatory Structured English Immersion period. The class was reviewing vocabulary words derived from a Thanksgiving story that Mrs. Park had read the day before.

Mrs. Park: What is a Pilgrim?
 Alfred: Mans who come from England.
 Mrs. Park: Only men?
 The class shakes their heads.
 Mrs. Park: Why did the Pilgrims come to America?
 Alana: To pray to God.
 Mrs. Park: In their own way. [clasps her hands in prayer.]

Following this exchange, Mrs. Park instructs her students to write a journal entry, pretending that they are a Pilgrim boy or girl writing about their experiences.

Mrs. Park: These are the directions. In your journal, you’re going to pretend that you’re a Pilgrim boy or girl. [She turns to the board and writes, “My name is

_____. I am a Pilgrim. I come from ____.”] Then I want you to write a story about why you’re coming to America and how you got there.

Omar: I came to America to pray to God.
 Mrs. Park: In my own way. Pray to God in my own way. [She recites this slowly and brings her palms together again as if praying. About half the class copies her motions.] I want you to show me what you learned about Pilgrims.

One might easily conclude by her repetition of the phrase “pray to God *in my own way*” that Mrs. Park is concerned foremost with the students producing the correct phrases directly. Rather than letting students use language to express their knowledge freely, the teacher directs the students to the correct form and guides the content of the narrative to include this point of religious freedom. This example illustrates the reductive notions of learning that guided future instruction with an emphasis upon “correct form” rather than developing richer literacy skills.

A CRITICAL ANALYSIS

If we were to analyze these practices simply from a pedagogical standpoint, we could note the cognitive consequences of these reductive notions of literacy learning. However, classroom interactions are never simply of pedagogical concern. Entwined in every classroom practice are deep political implications and historical asymmetries that can be uncovered and addressed through a critical analysis. Proposition 227, although purporting to be a reform aimed at improving pedagogy, contains a political agenda of assimilation. By defining linguistic difference as a deficit, Proposition 227 attempts to homogenize and control the “Other” through language colonialization. This is “language vigilantism [that] shames, stresses, and subordinates its victims” (Bender, 1997, p. 4). A LatCrit analysis recognizes that racist ideologies seep into the classroom and generate the privileging of English over the course of the year. For example, during one of our observations, we recorded this conversation between the teacher and students:

Mrs. Durango says, “Class, I’m getting a lot of questions here. If you don’t feel comfortable in English, then can you write in Spanish?” The class choruses, “Yes.” I turn to watch the scene. Mrs. Durango is sitting at a round table and children are surrounding her. She is holding a notebook and facing one little girl. The rest of the class is sitting at the other tables. “Yes, of course,” she continues, “I just can’t speak to you in Spanish.”

This incident makes it clear to the students that while Spanish is accepted from students, it is not accepted from

the teacher. Since the teacher is the central figure of the classroom, her refusal to speak Spanish arguably implies the lower status of Spanish and the increased importance of learning English for full participation in the classroom. This underscores a LatCrit thesis that "Official English laws pose a threat to Latinos/as by symbolizing the subordination of the Latino/a heritage and culture [and language]" (Bender, 1997, p. 11).

Despite the pressures to move toward English that we observed, this teacher notably did not eliminate Spanish all together. The following narrative shows how students were making sense of "official languages" in the course of the school day. For subjects other than language arts, the students were placed into heterogeneous groups and instruction was conducted almost entirely in English. Mrs. Park continued to use Spanish for clarification and problem solving in math class. Here, 14 of 20 students used Spanish language math textbooks guaranteeing the use of Spanish at least during math time. Despite the fact that the majority of students were in the alternative bilingual program, Mrs. Park privileged English in these settings. The following narrative is an example of English dominance. In fact, she continued to use Spanish in other subject areas and consistently wrote the math word problem of the day in Spanish as well as in English. Unlike her colleague in the next room who refused to speak Spanish when any student placed in English Mainstream was within earshot, Mrs. Park continued to use Spanish throughout the day. Coupled with the fact that the materials available to the majority of the students were completely in Spanish, the continued presence of Spanish as part of the instruction refuted the larger societal attempts to completely delegitimize and eliminate it from the classroom.

Mrs. Park directs the students to their books where there is a set of word problems. Each problem consists of three clues that refer to a set of four possible picture answers. Mrs. Park asks the students to read the clues out loud through a choral reading. Since six children have books in English and the remaining fourteen students have books in Spanish, she first looks over a book in Spanish to check if the clues are exactly the same. They are the same so she asks the English readers to read the clues first. After they read, she asks the Spanish readers to read the clues together.

If the narrative ended there, it would serve as an example of how day-to-day interactions could usurp the certainty of societal structures in dictating how people interact or organize interaction. As the teacher introduced and defined the subject matter focus, she used only English, reinforcing its symbolic status over Spanish. But as the subject matter shifted to include reading a text for clues, due to the available materials, which are mainly in Spanish, she reinserted Spanish as a counterhegemonic language. Here, the teacher structured choral reading, which gave a

voice to the students with Spanish books, who outnumbered those with English, and thus reinserted Spanish into the lesson. Ironically, it was the lack of resources that disrupted the hegemony of English language dominance.

Although the students engaged in both English and Spanish in this interaction, the shift from bilingual instruction to English Only became evident. The teacher has structured her lesson in English, but allowed space for both languages. However, the students played a role in the shift away from the focus on English Only, as is seen in the next segment.

Mrs. Park takes volunteers to read the clues individually. Juan, who is in the alternative bilingual class but is also a strong reader in English, volunteers, but declares that he would like to read the English. Since his book is in Spanish, he looks over at Norman who is sitting beside him and reads the next clue. Jose, who is a much stronger Spanish reader than English, calls out to the teacher that he would like to read the next one too. She nods and waits, but the boy climbs up on his knees and strains to see her book on her lap instead of his own, which is in Spanish. Mrs. Park smiles, turns the book around to show him and rolls her eyes playfully toward me. Jose reads off the next clue, "Jake's dog has floppy ears," but reads the word "Jake" as "Jakey." Romero shouts out, "It's Jake!" Jose ignores him and continues reading the clue. He stumbles over the word "floppy."

The teacher has the students read the next example together, but this time looks up at the clock and says, "Oh, we don't have much time before lunch, so let's hurry. English readers, read with me, Spanish readers, read with your eyes." Instead of reading silently, at least half of the Spanish readers crane their necks to see their English reading classmates' books and read along. Romero notices that Jose is reading from his own book and calls out, "Hey, you're not in English reading." Everyone ignores this comment and continues to solve the problem. After finishing this problem, the teacher reviews the previous problem by having students chorus the correct answers.

The time it takes to facilitate the use of both languages separately rather than in concert pushes the teacher to restructure the social participation structure to a whole new effect and instantiation of power. As shown above, she shifted the next choral reading to include only English speaking voices. English is reestablished as the official voice in this space. As shown by the rest of the interaction, the students followed along and reinforced this script, even taking it upon themselves to enforce the boundaries drawn up between languages as shown by Romero's tattling on his Spanish reading classmate. These students learned that social participation is granted to English readers only.

There is another shift in the social participation structure as the students reposition themselves along an

implied but present hierarchy of English speakers over Spanish speakers. Romero, a relatively weak English reader publicly corrects Jose's reading of the word "Jake," indexing his relative academic superiority and power to correct. While there is no uptake by the teacher, neither is there a reprimand. Thus, we see the complicity of these young children as they respond to the unconscious, hidden curriculum that privileges English over Spanish.

There are social implications in how Proposition 227 has shaped and influenced the students and subsequently their senses of self. Children have internalized the political meanings of Proposition 227 in different ways and what that means for their sense of self. Despite the continuation of bilingual education in this school, subtle shifts in the underlying ideologies regarding Spanish language use and bilingualism have affected the ways in which bilingual children construct their own identities. For example, students' identities as English readers or Spanish/bilingual readers followed them throughout the day. They referred to each other and to themselves by the language in which they read.

One student, Christian, struggled with his identity as a Spanish reader. As he gained mastery of the English language, he began to refuse to do his work in Spanish because, as he explained, he knew how to do it in English. When referred to as a Spanish reader, he insisted that he knew *both* languages and could write in both English and Spanish. This revealed a bias for the English language that he did not have when he first came into this classroom. It was important for Christian to make the distinction between himself and the other bilingual education students, who did not share his fluency in English.

CONCLUSION

There have been a variety of responses and reactions to the wording and implementation of Proposition 227. As Anderson and Sahagun (1998) reported in the *Los Angeles Times*, "The initial data show Proposition 227 has hit bilingual education much like a tornado hopscotching through a subdivision, obliterating some programs and leaving others virtually untouched (p. A1)." In other words, while Proposition 227 did not mark the fall of bilingual education, it did create immense obstacles and confusion for entire school communities and bilingual education advocates alike. Yet, as our research shows, whether or not a bilingual program was maintained is only one aspect of the larger battle over language domination.

We have shared various stories to illuminate the complexity of Proposition 227 implementation and its effects on instruction. From the school district to the teachers and down to the students, Proposition 227 has affected

everyday life. Because of the interactions of a multiplicity of factors, we cannot point to an exemplary model of Proposition 227 implementation, nor can we fully condemn any response. Instead, we situate these events within a larger social and historical context of backlash politics aimed at traditional English Language Learners. A critical analysis aids significantly in this process of situating these events. Despite what countless bilingual educators know about effective literacy practices, we found that in launching an open attack upon bilingualism, Proposition 227 makes it virtually impossible to provide appropriate instruction for English Language Learners. Even bilingual programs that have "survived" Proposition 227 do not escape the influences of assimilative ideologies that privilege English.

This research underscores the need to examine further the interactions that continue to serve the interests of those in power, and to provide fresh alternatives. Every interaction and every utterance is rooted in history and carries with it the weight of accumulated actions, many of which reinforce and reproduce traditional power relations. Our research has uncovered instances of power which support the hegemony of English in each of the different forms of implementation of 227. While the school in AUSD had organized bilingual classes as a form of "resistance," the weight of both the current "post 227" sociopolitical conditions and a long history of Americans using school to assimilate and dominate the "Other" doomed that strategy to failure. It is in this context that a "backlash pedagogy" forces even well-intentioned and pro-bilingual school districts to return to traditional pedagogical practices based upon hegemonic relations of knowledge and power—privileging once again the notion that there is one point of view that students must master. The cumulative effect of all these factors would seem to serve as a coherent barrier to any unorganized attempts at resistance. As we have shown, Proposition 227 has had deep sociopolitical ramifications ranging from how the public regards the value of bilingualism to the organization of learning to students' identity formation.

The findings from this study indicate that some school districts are not consciously marginalizing their students of color. However, greater damage occurs when oppressive political agendas are framed in a neutralized proposition that ultimately deceives the voting citizens and educators alike. Consequently, the public, school districts, teachers, and students are led to accept the flawed premises leading to the types of self-contradicting implementation practices that we observed. To address this, we urge informed discussions to reopen the debates on the merits of bilingual education and encourage people to consider studies that document the harmful ramifications of "backlash pedagogy." Change can come about only through organized and concerted efforts by broad coalitions that will challenge the normative ideologies that hinder the education of our youth.

LatCrit and Asian American legal scholars have paved new pathways for coalitions between education and the law. They have documented the historical and legal roots of racist ideologies that underlie English Only laws, and they have called for grassroots movements to help counter "language vigilantism." Critical race scholars in the field of education can find strong alliances with critical race legal scholars, which is of utmost importance as we continue our work against the waves of language discrimination.

NOTES

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2. As were Irish, Italians and Jews in the 19th century and early 20th century.

REFERENCES

- Anderson, N., & Sahagun, L. (1998, October 22). Bilingual classes still thriving in wake of Prop. 227. *Los Angeles Times*, pp. A1, A32, A33.
- Bender, S. W. (1997). Direct democracy and distrust: The relationship between language law rhetoric and the language vigilantism experience. *2 Harvard Latino Law Review* 145.
- Cameron, C. D. R. (1997). How the Garcia cousins lost their accents: Understanding the language of Title VII decisions approving English-only rules as a product of racial dualism, Latino invisibility and legal indeterminacy. *85 California Law Review* 1347.
- Chang, R. S. (1993). Toward an Asian American legal scholarship: Critical race theory, post-structuralism, and narrative space. *81 California Law Review* 1241, *1 Asian Law Journal* 1.
- Chang, R. S., & Aoki, K. (1997). Centering the immigrant in the inter/national imagination. *85 California Law Review* 1395.
- Crenshaw, K., Gotanda, N., Peller, G., & Thomas, K. (1995). *Critical race theory: The key writings that formed the movement*. New York: New Press.
- Darder, A. (1991). *Culture and power in the classroom*. Westport, CT: Bergin & Garvey.
- Freire, P., & Macedo, D. P. (1987). *Literacy: Reading the word and the world*. South Hadley, MA: Bergin & Garvey.
- Gutierrez, K. D., Asato, J., Santos, M., & Gotanda, N. (2002). Backlash pedagogy: Language and culture and the politics of reform. *Review of Education/Pedagogy/Cultural Studies*, *24*(4), 335–351.
- Haney López, I. F. (1995). The social construction of race. In R. Delgado (Ed.), *Critical race theory: The cutting edge* (pp. 191–203). Philadelphia: Temple University Press.
- hooks, b. (1994). *Teaching to transgress: Education as the practice of freedom*. New York: Routledge.
- Johnson, K. R. (2000). Celebrating LatCrit theory: What do we do when the music stops? *33 University of California Davis Law Review* 753.
- Johnson, K. R., & Martinez, G. A. (2000). Discrimination by proxy: The case of Proposition 227 and the ban on bilingual education. *33 University of California Davis Law Review* 1227.
- Macedo, D. (1997). English only: The tongue-tying of America. In A. Darder, R. D. Torres, & H. Gutierrez (Eds.), *Latinos and education* (pp. 269–278). New York: Routledge.
- Moran, R. (1999). Bilingual education, immigration and the culture of disinvestment. *Journal of Gender, Race and Justice*, *12*, 163–210.
- Perea, J. (1997). The black/white binary paradigm of race: Exploring the "normal science" of American racial thought." *85 California Law Review* 1213.
- Solórzano, D. A. (1999) Chicanos and Education. Class presentation. April, University of California at Los Angeles.
- Tamayo, Y. A. (1999) Literal silencing/Silenciando la lengua. *53 University of Miami Law Review* 995.
- Unz, R., & Tuchman, G. M. (1997). English language education for children in public schools. [On-line]. Available: <http://www.onenation.org>.

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