



*Education and the Public Interest Center*

The Unintended Consequences  
of Colorado's Anti-Bilingual Education Initiative

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**Education and the Public Interest Center**

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# The Unintended Consequences of Colorado's Anti-Bilingual Education Initiative<sup>1</sup>

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This occasional paper of CU's *Education in the Public Interest Center* (EPIC) describes Colorado's present distribution of programs for educating students who natively speak languages other than English and whose abilities in English are limited. The paper documents that the overwhelming majority of Colorado schools presently do not use bilingual education. The new anti-bilingual education initiative is therefore targeting an exaggerated opponent, but the collateral damage to other programs will be substantial.

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## Introduction

This paper concerns the intersection of (a) the realities of how students are educated in Colorado, and (b) the new campaign to end bilingual education in Colorado. Our recent research has discovered that this campaign is likely based on a mistaken premise about how Colorado's schools teach.

We stress up front that this research does not address the merits of the pro- and anti-bilingual education arguments. Instead, it examines schools' actual practices in Colorado, and it concludes that the overwhelming majority of Colorado schools presently do not use bilingual education.

A research team directed by Professor Kathy Escamilla has conducted a series of three annual statewide surveys (administered in 1999, 2000, and 2001), examining the education of students who natively speak languages other than English and whose abilities in English are limited (called English Language Learners, or ELL students<sup>2</sup>). The most recent survey asked districts to report, among other things, the number of students enrolled who are ELL and the educational approach used with these students. The survey's results may surprise

both sides in the incipient debate over the new ballot initiative targeting bilingual education: Among all the Colorado students who would be affected by the initiative,<sup>3</sup> only about 10% are in the type of bilingual programs that have been the subject of rhetorical attack and defense. The number of Colorado students in Transitional Bilingual Education (TBE) programs is, in fact, dwarfed by the number in English as a Second Language (ESL) programs, which do precisely what backers of the new ballot initiative are demanding: they teach English without using the students' native languages.<sup>4</sup>

## The Ballot Initiative

Although the initiative is sometimes called by its backers the English for the Children Initiative and is popularly known as the Anti-Bilingual Education Initiative or the Unz Initiative, we have chosen in this paper to refer to it as the Immersion Initiative.<sup>5</sup> Our intent, in using this name, is to encapsulate the initiative's key and indisputable effect, should it be passed: mandating statewide use of an approach the initiative calls "structured English immersion." Moreover, we wish to avoid

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<sup>1</sup>The authors thank Heather Riley-Bernal and David Rutledge for their assistance.

<sup>2</sup>Children who are learning English are commonly referred to as ELL or just English Learners (EL) or Limited English Proficient (LEP). In the paper, we use ELL designation.

<sup>3</sup>The included students are those identified as English Language Learners and are those in all districts except Denver Public Schools, which is (as discussed further below) under federal court order and therefore not subject to a change in Colorado's state constitution.

<sup>4</sup>In addition to TBE, one Colorado school offers a program called "Maintenance Bilingual Education" (MBE). The 35 students in this MBE program were added to the 4,682 students in TBE programs to arrive at the 4,717 figure. We have not included the 1,810 students (4% of all affected ELL students) in dual language bilingual programs in this number because—even though the ballot initiative would eliminate such programs—both sides of the debate appear to acknowledge their educational value. Definitions of the various ELL approaches are set forth later in this paper.

<sup>5</sup>Programs where no language instructional support is offered by a trained specialist are often called "submersion," rather than "immersion." Although the initiative's level of instructional support is certainly slight, we have chosen not to engage in the debate over the pedagogical quality of the proposed program.

evoking the controversial figure of Ron Unz (the initiative's promoter) and the question of whether non-immersion approaches fail to provide children with instruction in speaking and writing the English language.

The Immersion Initiative defines bilingual education as "a language acquisition process for students in which all or substantial portions of the instruction, textbooks, or teaching materials are in the child's native language other than English." Under the terms of the initiative, children cannot be educated using bilingual education techniques "or other generally recognized educational methodologies" unless the parents and school negotiate a difficult process, under very limited conditions—with the school employees risking a civil damages claim if the parents later sour on the choice. This waiver process is substantially more limited than the process set forth in California.<sup>6</sup> As a result, the initiative would effectively end all bilingual and ESL programs in Colorado.<sup>7</sup>

ELL students would instead be taught using something called "structured English immersion" (or "sheltered English immersion" (SEI)), which is defined in the initiative as follows: "an English language acquisition process for young children in which nearly all classroom instruction is in English but with the curriculum and presentation designed for children who are learning the language. . . . Although teachers may use a minimal amount of the child's native language when necessary, no subject matter shall be taught in any language other than English, and children in this program learn to read and write solely in English." The SEI would last for one year, followed by immediate mainstreaming into the schools' regular classes.<sup>8</sup>

This initiative has set the terms of a debate between backers of bilingual education and backers of SEI. As shown in the next section, these terms are largely misguided.

## Colorado's Present Programs

As explained in the historical discussion later in this paper, Colorado's system of local control has resulted in the present use of a variety of programs. Figure 1

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<sup>6</sup>The chief sponsor of the initiatives in both California and Colorado, Ron Unz, has been critical of what he considers to be abuse of the waiver process in California. This most likely accounts for the more restrictive provisions in the Colorado version.

<sup>7</sup>The exception here may be charter schools, which have been exempted from the application of the similar initiative in California.

<sup>8</sup>The relevant working in the initiative is as follows, "Children who are English learners shall be educated through sheltered English immersion during a temporary transition period not normally intended to exceed one year" and "Once English learners have acquired a good working knowledge of English and are able to do regular school work in English, they shall no longer be classified as English learners and shall be transferred to English language mainstream classrooms." These provisions seem to leave open the possibility of more than a single year in the SEI classes, but the initiative includes no guidelines for doing so.

<sup>9</sup>National trends also show ESL as the primary method of teach ELL students, although not to this overwhelming extent. See *Public Education: Meeting the Needs of Students With Limited English Proficiency* (General Accounting Office, February 2001, <http://consumer.pub/findlaw.com/education/gao-01-226.pdf?education/co>), p. 18, stating that most students with limited English proficiency "receive English-based instruction (such as English as a Second Language [ESL])."

<sup>10</sup>This definition, which is consistent with the generally accepted usage of the term, is quoted from the Education Commission of the States, <http://www.ecs.org/html/issue.asp?issueID=16>.

portrays the results of this decentralized system, using the school districts' responses to the 2001 statewide survey. Some districts have adopted so-called "dual language" programs, which are almost universally praised. A slightly greater number have pursued transitional bilingual education programs. But an exceedingly large majority use ESL. *Eighty-six percent (86%) of all students who would be impacted by the ballot initiative are presently taught in ESL classes.*<sup>9</sup>

The various programs for ELL students may be characterized as follows:

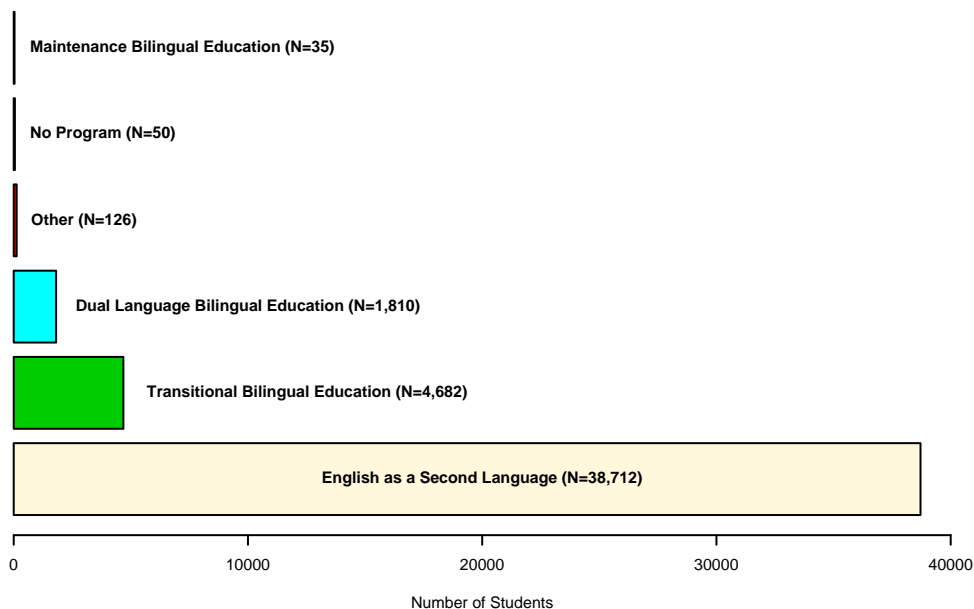
**ESL: English as a Second Language** "The main focus of this program is to teach students the English language. Classes may include students of different languages, all receiving intensive instruction. The language of instruction is mostly English, with little or no use of the ELL's native language."<sup>10</sup> Teachers in ESL classes need not be able to speak the primary language(s) of the students.

**TBE: Transitional Bilingual Education** In these programs, students receive a significant amount of instruction in language skills and on academic subjects in their primary language. As the students progress in English, the programs decrease the amount of instruction in their primary language with the goal of mainstreaming them into the schools' regular classes as quickly as possible.

**MBE: Maintenance Bilingual Education** Again, students receive a significant amount of instruction in language skills and on academic subjects in their primary language. And again the programs pursue the goal of English instruction. However, another major goal of these programs is that the students maintain a fluency in their primary language, resulting in bilingualism.

**Dual: Dual Language Bilingual** These programs combine native English speakers and ELL students in the same classes, with the goal of developing

Figure 1: Numbers of Students Impacted by Immersion Initiative (DPS not included)



proficiency (bilingualism) in all students in both languages. Both languages are used for language instruction as well as for instruction in academic subjects.

**Other** These programs include tutoring, interpretation,<sup>11</sup> or other unique program options.

One clear and overwhelming fact emerges from this data: the primary impact of the Immersion Initiative would be to force ESL classes to switch to the structured immersion approach. Yet it is unclear why or if the initiative's anti-bilingual backers want this to happen. Neither approach (ESL or SEI) uses the students' native language to any considerable extent, and both focus primarily on the quick learning of English. Recall the Immersion Initiative's definition of bilingual education: "a language acquisition process for students in which all or substantial portions of the instruction, textbooks, or teaching materials are in the child's native language other than English." According to this definition, and according to definitions used by educators over the past 30 years, *ESL is simply not a "bilingual" approach.*

<sup>11</sup> "Interpretation" is concurrent verbal translation in the classroom. ("Translation" usually refers to written text whereas "interpretation" refers to speech.)

<sup>12</sup> ESL teachers should, however, know how to make use of the students' native language in their instruction by using diverse materials and community resources. Colorado offers a teacher endorsement entitled, "teacher of the linguistically diverse," documenting special training and skills. This endorsement has two sub-categories: bilingual and ESL. However, Colorado has no requirement that ELL students be taught by endorsed professionals. Some districts have made the local decision to require this endorsement (e.g., Boulder) but others have not (e.g., Denver).

To clarify, popular usage of the term "bilingual education" often encompasses all forms of programs designed to teach ELL students: ESL, SEI, TBE, MBE, dual language programs, etc. But when advocates attack "bilingual education" as, for instance, not teaching students English quickly enough, they are almost surely referring only to two such programs—TBE and MBE—which together teach about 10% of the students who would be affected by passage of the Immersion Initiative. And they are almost surely *not* referring to ESL programs, which in Colorado teach 86% of those students.

## ESL

ESL's popularity in Colorado is likely due, in significant part, to resource and staffing issues. In particular, the teacher of an ESL class need not be able to speak the students' language(s).<sup>12</sup> Further, some school districts choose ESL approaches because of the sheer number of language groups in their districts (i.e., "we have over 80

languages, so we can't possibly use a bilingual education approach"). Another reason sometimes offered by Colorado school districts, in support of their ESL choice, is simple politics: bilingual education has little or no support from the school board and thus local control mandates ESL. Similarly, a lack of support for bilingual education among educators (teachers and principals) may push some school districts toward ESL.

Such local control is part of Colorado's history and constitution.<sup>13</sup> In addition, the dynamic exhibited in local decision-making is consistent with best practices as defined by a prestigious National Research Council report:<sup>14</sup>

*The beneficial effects of native-language instruction are clearly evident in programs labeled "bilingual education," but they also appear in some programs that are labeled "immersion." . . . There is little value in conducting evaluations to determine which type of program is best. The key issue is not finding a program that works for all children and all localities, but rather finding a set of program components that works for the children in the community of interest, given that community's goals, demographics, and resources.*

This approach, valuing variety and responsiveness to local needs and interests, has certainly resulted in some use of transitional bilingual education (about 10%), as well as a few programs using a dual language bilingual approach. But the fact remains that the vast majority of Colorado districts have chosen an ESL approach. Notwithstanding the rhetoric surrounding the new Immersion Initiative, it is these local decisions in favor of ESL that will be on most chopping blocks come November.

## Denver's Exclusion

Twenty-six percent of Colorado's ELL students presently attend Denver Public Schools (DPS). Pursuant to a federal court order, these students are taught using something that the court calls an "English Language Acquisition" (ELA) program. About 84% of the students in the ELA program are taught using Spanish as well as English, in a program called ELA-S. ELA-S has

aspects that resemble a TBE program, but it is more structured and is aimed toward a specified early transition into mainstream classes. The remaining students in the ELA program are taught using only English, in a program called ELA-E, which resembles traditional ESL programs. This ELA policy was a compromise that seemed to please a broad constituency. At the time the ELA policy was adopted by the court, Rita Montero, who is presently chairwoman of English for the Children of Colorado, was on the DPS school board and was quoted in a DPS press release as praising the plan: "This is possibly one of the best programs across the country."<sup>15</sup>

But concerns have since been raised about the quality of DPS's program. In fact, most of the anecdotal criticisms of bilingual education in Colorado arise out of DPS. And the academic performance of DPS's ELL students is not strong. Yet, to a large extent, any such problems can be attributed to broader staffing and resource problems found in DPS and in urban districts throughout the nation. A particular struggle in DPS has been filling its ELA classes with qualified teachers. No education program can be expected to succeed without qualified staff. Further, supporters of DPS and of its ELA program would point to signs of improvement<sup>16</sup> and would likely dispute many of the anecdotal charges. For all these reasons, DPS would be a questionable case study upon which to base broad generalizations about bilingual education.

However, this debate about DPS has little relevance to the merits or value of the ballot initiative. The DPS ELL education program is presently operating under the jurisdiction of a federal court. *The students in DPS's ELA program would not be directly impacted by the initiative's passage.* The initiative would change state law, taking from local school districts their discretion over which program they use to teach ELL students. Yet this relationship between the state and local districts is, and will continue to be, subordinated to federal authority. This scenario has already played out in California's San Jose Unified School District.<sup>17</sup> Simply put, DPS is exempt from the effect of this initiative. As long as DPS is under court order, the federal judge has authority over the district's policy for educating ELL students.

Figure 2 presents the distribution of all ELL students in Colorado, showing that one-quarter of these students are in Denver's ELA program.<sup>18</sup>

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<sup>13</sup>See, e.g., Article IX of Colorado's constitution, which states that local boards of education shall have control over instruction in their district's schools.

<sup>14</sup>National Research Council, *Educating Language-Minority Children* (Diane August & Kenji Hakuta, eds., 1998), p. 54.

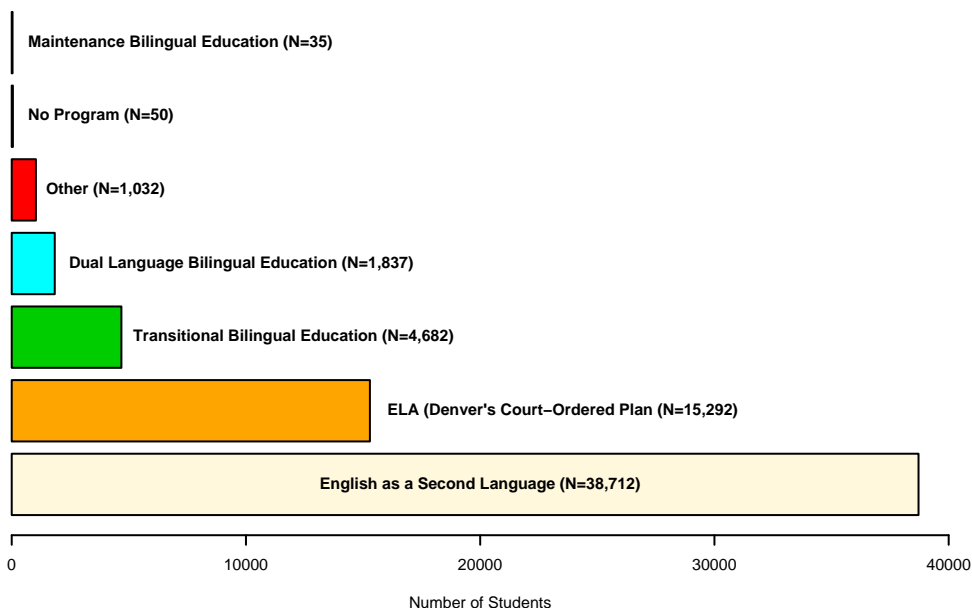
<sup>15</sup>Press release dated February 5, 1999. Available on-line at <http://www.dpsk12.org/news/press/99/02/05.html>.

<sup>16</sup>In particular, Hispanic drop-out rates have dropped, graduation rates have increased, and some measures of test scores have shown improvement.

<sup>17</sup>See Martinez, Anne (December 18, 1998). "San Jose Schools Ruled Exempt from Prop. 227," *Contra Costa Times*.

<sup>18</sup>DPS also has a small number of students in a dual language bilingual (Montessori) school, as well as some students falling into the

Figure 2: Numbers of Colorado ELL Students



## History

### Colorado Demographics: Stability Followed by Rapid Growth

Colorado's population of ELL students remained relatively stable from 1969-1986. While this population grew slightly during this time period, its growth was proportional to the overall growth of the Colorado K-12

population. But from the mid-1980s through the year 2001, this population began to expand and continues to grow rapidly and at rates much higher than the overall Colorado K-12 population. Figure 3 illustrates the growth of ELL students in Colorado.<sup>19</sup>

Thus, this part of our state's population of students has more than doubled in a decade.<sup>20</sup> Moreover, by all authoritative accounts these numbers most likely repre-

“other” category.

<sup>19</sup>Colorado lacks an official or common definition of ELL students. Each district therefore defines and identifies these students based on their own criteria. The data presented here use the state's tally for 1992 and our survey tallies for recent years. See Colorado Department of Education, English Language Acquisition Unit. (2000). *English Language Proficiency Act Report, 1999-2000*. Denver: Colorado Department of Education. Escamilla, K., Aragon, L., Grassi, E., Riley-Bernal, H. & Walker, D. (2000). *Limited English Proficient Students and the Colorado Student Assessment Program (CSAP): The State of the State*. Denver: Colorado Association for Bilingual Education. Escamilla, K. Mahon, E. Riley-Bernal, H. & Rutledge, D. (2001). *Limited English Proficient Students and the Colorado Student Assessment Program (CSAP): The State of the State - Part II*. Denver: Colorado Association for Bilingual Education. Escamilla, K., Mahon, E., Riley-Bernal, H. & Rutledge, D. (in press). *Limited English Proficient Students and the Colorado Student Assessment Program (CSAP): The State of the State - Part III*. Escamilla, K., Mahon, E., Riley-Bernal, H., & Rutledge, D. (April 2002). *High Stakes Testing, Latinos, and Limited English Proficient Students: Lessons from Colorado*. Submitted for publication to the *Bilingual Research Journal*.

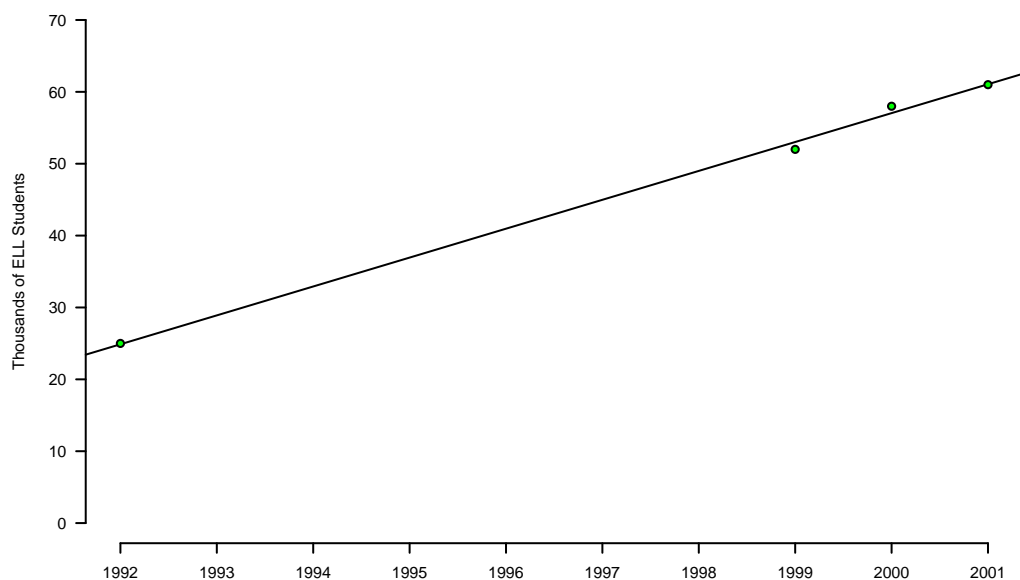
In this regard, the Colorado Department of Education (CDE) began in 2000 asking districts to report their numbers of LEP students to the state and made this information available on their website. Interestingly, the number of LEP students that CDE reported for many districts in fall 2000 and fall 2001 is greater than the number of LEP students the same districts reported in response to the survey discussed in this paper. This discrepancy does not exist for all districts and in some cases CDE reported smaller populations of LEP students than the survey numbers. Some of this confusion may be lifted in the future, since Colorado's legislature passed S.B. 109 in 2002, which requires school districts, within three years, to use one test of English language proficiency and establish “cut scores” for varying levels of English language proficiency (e.g. NEP, LEP and FEP).

<sup>20</sup>While over 80% of the linguistic diversity in Colorado is accounted for by one language (Spanish), over 102 language groups are spoken by ELL children.

<sup>21</sup>The numbers do not include students who are, in reality, still second language learners, but who have been reclassified by school districts from LEP to Fluent English Proficient (FEP). Many of these formerly LEP students continue to struggle in school, but are no longer included in formal second language programs and thus are deleted from the counts.



Figure 3: Growth in Number of ELL Students in Colorado



sent an undercount of Colorado's ELL students.<sup>21</sup>

The growth of this population is primarily attributable to two phenomena. Most obviously, the 1990s saw increased immigration, a booming state economy, and the need for cheap labor, which all contributed to rapidly growing numbers of ELL students in Colorado. At the same time, Colorado school districts became better at identifying second language students. In addition, reading and writing were added to oral abilities in school districts' criteria for identifying second language students.

### **ELL Education in Colorado: 1969–Present**

In 1968, the U.S. Congress passed Title VII of the Elementary and Secondary Education Act. Title VII offered seed money for school districts to create experimental and demonstration programs designed to better meet the educational needs of students who come to school speaking languages other than English. Title VII became known as the “bilingual education act,” and many programs receiving Title VII monies implemented transitional bilingual education. In 1970–71, the first Title VII programs came to Colorado. These programs were funded at two elementary schools in the Denver Public Schools and a rural Colorado school district (John-

stown). In 1972, two additional school districts received Title VII monies (Ft. Lupton and Alamosa). Over the subsequent 30 years, various school districts in Colorado have received Title VII grants, which have funded a variety of bilingual education programs. But the money was available on a competitive basis and, overall, few districts or schools in Colorado chose to participate.

In 1975, the Colorado State Legislature passed the Bilingual and Bicultural Education Act. This act mandated that bilingual programs be implemented in Colorado schools enrolling at least 20 LEP children speaking one common language. While this act promoted bilingual education, its impact was minimal for several reasons. First, outside of the Denver Public Schools, there were few districts that had enough students who spoke a common language. Accordingly, many school districts were not required to implement the law's bilingual provisions. Secondly, the act was short-lived; it was replaced in 1981 by the English Language Proficiency Act (ELPA).<sup>22</sup>

This new law replaced mandatory bilingual education with a system more attuned to the state's commitment to local control. The ELPA program allowed school districts in Colorado to choose which type of instructional programs they felt were in the best interests of second language learners. Under ELPA, school districts could qualify to receive per capita funding for

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<sup>22</sup>Colorado Revised Statutes, Title 22, Article 24.

two years per student to assist in teaching English to ELL children. ELPA, which has never mandated any particular educational approach, remains the only state educational program that provides support for English Language Learners. Despite the drastic growth in the numbers of second language learners in Colorado, ELPA funding has remained static since 1981.<sup>23</sup> And state law continues to give discretion to local decision-makers in each Colorado community to choose among ESL, bilingual education, SEI, etc., for teaching ELL students in that community.

## Conclusion

Both sides of this debate should understand that, while bilingual education is at the center of the rhetorical battle, the largest impact of the initiative would be its immense collateral damage to ESL programs. Ironically, these ESL programs, which are locally chosen, do precisely what backers of the new ballot initiative are demanding: they teach English without using the students' native languages.

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<sup>23</sup>In non-inflation adjusted dollars, the state allocation has only increased from \$2.6 million in 1992–93 to \$3.3 million in 2001–02, notwithstanding the doubling of the number of ELL students. A study by the *Rocky Mountain News* calculated the resulting decrease in ELPA per pupil funding as follows: from \$221 in 1992–93 to just \$90 in 2002–03. See Burt Hubbard and Nancy Mitchell, “Many Tongues Fewer Dollars,” *Rocky Mountain News*, March 4, 2002, p. 12A; [http://www.cde.state.co.us/cde\\_english/download/0102\\_10year\\_statereport.pdf](http://www.cde.state.co.us/cde_english/download/0102_10year_statereport.pdf).