

Why Bilingual Education Policy Is Needed: A Philosophical Response to the Critics

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Abstract

What role does bilingual education policy have in the educational opportunity structure for heritage language (HL) students? In what ways might bilingual education enhance students' self-determination? In this article, I shall argue that the various criticisms against bilingual education policy are myopic and focused on nostalgic notions of Americanization and assimilation, which often cost heritage language students a secure sense of cultural identity, an expansive social context of choice, and consequently, their self-determination. When students have a secure sense of authenticity in their cultural identity, and a favorable social context within which to make important life choices, they then have the best chance of become self-determining. Thus, I examine how bilingual education policy should be justified based on the principle of self-determination.

Depending on the context of choice in which given opportunities exist, exercising them can exact markedly higher "opportunity costs" for certain individuals than for others. For they can come at the expense of one's personal identity and continued participation in one's cultural group. (Howe, 1997, p. 53)

Even though various research studies have underscored the effectiveness of bilingual education (Cummins, 1981; Hakuta, 1986; Krashen, 1996; Miramontes, Nadeau, & Commins, 1997; Ramírez, 1992; Wong Fillmore, 1991), it is still often the object of criticism and disdain. This is due in part to its focus on language, which is, as Crawford (1991) observes, "a subject that is dear to all of us, bound up with individual and group identity, status, intellect, culture, nationalism, and freedom" (p. 15). Indeed, language in general, and bilingual education in particular, get to the heart of issues of heritage, culture, assimilation, and quality of life. In light of the present (negative) political climate for bilingual education policy in the United States, this article focuses

on a defense of the policy that centers on the relationship bilingual education has with students' sense of identity and their freedom to pursue the good life. Most specifically, I propose that if we view the development of self-determination as a central aim of a good and just education, then bilingual education is required because it plays a crucial part in both fostering heritage language¹ (HL) students' authentic cultural identities and expanding their social "contexts of choice" (Kymlicka, 1991, p. 166). The argument herein will be based on the notion that one's cultural identity has three main facets: (a) racial and ethnic heritage, including bicultural and multicultural heritages, (b) connection to one's cultural community, and (c) a sense that one's race and culture have worth and deserve respect. Self-identification and identity development are continuous processes, and, as such, identities are fluid, not static; open, not monolithic; and multiple and contingent, rather than unalterable essences (Ginsberg, 1996). With a secure sense of identity and a favorable context from which to make life decisions, heritage language students are better able to avoid the high "opportunity costs" of which Howe (1997) warns, and they have the best chance of achieving self-determination, or so I will argue.

Despite a history of polylingualism in the United States, bilingual education was not endorsed as national policy until 1968. Since then, however, bilingual education and its various implications have been hotly debated. The criticism of bilingual education has led to repeated attempts to decrease or abolish it, most notably the 1998 passage of Proposition 227 in California and the 2000 passage of Proposition 203 in Arizona, both of which virtually banned bilingual education in those states. Debates center on the role that schooling ought to have in helping heritage language students to learn English and subsequently gain broader access to the educational opportunity structure. Few contest the idea that schools should play a role in helping heritage language students learn English, especially following the 1974 Supreme Court decision in *Lau v. Nichols*, which endorsed the idea that schools must teach students in a language that they can understand. Bilingual education, in its various incarnations, is not only a vehicle for acquiring English, but it has significant implications for students' identities as well.

The controversy, then, concerns three main factors: (a) how learning (of English and other subjects) should occur, (b) what place a student's heritage language should have in the process, and (c) whether or not efforts should be made to preserve aspects of native culture. Proponents of bilingual education generally maintain that public schools have a responsibility to aid heritage language students in learning English, while at the same time—and this is a key point—help students to advance their learning in the academic subject areas while sustaining their cultural identities as well. By using heritage languages for instructional purposes, students receive the best start in their overall learning and academic achievement. It is most important, the argument

goes, first to support students' learning in the content areas, and second, to teach them English (Andersson & Boyer, 1976; Cummins, 1981; Krashen, 1996; Miramontes et al., 1997). On the other side of the debate, critics of bilingual education contend that learning English should be students' central activity in such a way that the heritage language is either barely used as a language of instruction or not at all. In addition, critics reject the importance of preserving students' cultural identities (Chavez, 1991; Ravitch, 1983; Rodriguez, 1982).

In an effort to shed some philosophical light on this sometimes hostile debate, this article will address two main questions. First, what role does bilingual education policy have in the educational opportunity structure for heritage language students? And second, in what ways might bilingual education enhance students' self-determination? I shall argue that the various criticisms against bilingual education policy are myopic and focused on nostalgic notions of Americanization and assimilation, which often cost heritage language students a secure sense of cultural identity, an expansive social context of choice, and consequently, their self-determination. In so doing, I examine how bilingual education policy should be justified based on the principle of self-determination. I end with a look at recent challenges to the policy.

Bilingual Education's Role in the Promotion of Self-Determination

The ideal of self-determination is defined by the capacity to write one's own life story without having to capitulate to social factors that are outside of one's control. There are two main conditions associated with it. The first condition of self-determination is that persons have a favorable social context within which to make the significant choices about their lives. This affects the character of people's choices; even if a choice is not directly coerced, it cannot properly be thought of as a meaningful choice if it is made within an impoverished context. The second condition is that persons maintain or develop an authentic cultural identity. The identity that individuals subscribe to is one that they want to have, not one that they internalize due to oppression or one that is forced upon them. This enables people to avoid having to sacrifice their authentic personal and cultural identity in order to attain success as defined by mainstream culture. Thus, they can be true to themselves and become self-determining.

It seems that this philosophical perspective is missing from the current debate, and that it could add a great deal of foundational support for bilingual education policy. Given that the development of self-determination among students is a key aim of a good and just education² (Moses, 2001), educational policies such as bilingual education are important because they contribute

significantly to heritage language students' development of self-determination. When students have a secure sense of authenticity in their cultural identity and a favorable social context within which to make important life choices, they then have the best chance of become self-determining. Bilingual education policy supports this. First, it supports the maintenance of students' cultural identities by publicly recognizing the importance and equal worth of the students' heritage language and culture (Taylor, 1994). Second, bilingual education policy contributes to a favorable social context within which students have knowledge of and the ability to pursue meaningful life options. Ultimately, authenticity and good contexts of choice move students toward the ideal of self-determination.

Let us look first at how the specific relationship between bilingual education and cultural identity fosters self-determination.

Fostering HL Students' Authentic Cultural Identities

The debate over bilingual education policy centers primarily on language but also touches significantly on culture. More often than not, heritage language students are also students of color, as the lion's share of heritage language students are Latino or Asian American. Heritage language students' identities are bound to change and shift as they learn English and adjust to the dominant culture of U.S. schools and society. That is an expected developmental outcome. However, their schooling should not jeopardize their feelings about the worth of their language, culture, and concomitant cultural identity. Bilingual/bicultural education can stave off such a negative effect of schooling. As such, the issue of cultural identity plays a significant role in the overall equation for educational equality for heritage language students. Kymlicka (1995) puts it well: "Cultural membership has a 'high social profile,' in the sense that it affects how others perceive and respond to us, which in turn shapes our self-identity" (p. 7). Indeed, culture has been characterized as the "hidden dimension" of bilingual education efforts (Tennant, 1992, p. 279). In addition, issues of race, ethnicity, and racism enter into people's passions surrounding bilingual education policy.

Without bilingual education, heritage language students of color are not only denied the opportunity to advance academically in their heritage language and in English, but they are given the message that their culture is unworthy of preservation. This has two main effects. First, heritage language students are forced to assimilate fully into the dominant culture if they want to succeed within the educational system. Through the educational system they learn that their native culture is less worthy than the mainstream culture in general, and less worthy of maintenance in particular. Educational opportunities thus come at a high personal and cultural price. Now, one's cultural identity will not necessarily be lost if one's heritage language is lost. Many Native American persons in the United States, for example, have lost their heritage languages,

yet retain close connection and identification with their culture. How and why this occurs is complicated and beyond the scope of this article. Suffice it to say that for students who need bilingual education, entering into an educational system that allows (forces) them to lose their heritage language would likely result in, at the very least, a shift in their cultural identity. Persons' identities are fluid and inevitably will change, regardless of whether or not bilingual education is available. However, students need not experience total loss of their heritage language due to their pursuit of education.

The second effect of not receiving a bilingual education is that students' self-determination is diminished. When students are forced to neglect their heritage language and culture in order to participate meaningfully in the educational system, they lose the ability to be who they authentically are. Rather, they must change themselves fundamentally in order to receive an adequate education. When this happens, their ability to determine how their lives will go is severely restricted. Meaningful self-determination is lost.

When we pay serious attention to the arguments against bilingual education, we see a discernible pattern. Opponents of bilingual education are not only concerned about the potential loss of the primacy of the English language, although that is the most publicized complaint. They are also fearful of criticism and disdain for the dominant culture, which could result in conscious non-assimilation by heritage language students. By affirming students' heritage languages and cultures, bilingual education policy challenges the myth of the necessity of minority assimilation into the mainstream culture in order to succeed in America. It also encourages students' self-determination and furthers the goals of social justice.

Therefore, the absence of maintenance or even good transitional bilingual programs in favor of simple immersion or ESL programs lessens significantly the opportunity for students to become self-determining. Students may end up learning English (sometimes not very well) to the detriment of their heritage language, which in too many cases causes them to lose valuable connections to their families and communities, and, consequently, an important link to authentic identity. Salomone (1986) says it well:

For proponents of transitional bilingual-bicultural education, the most difficult obstacle to overcome is a growing national trend away from the conventional conception of this method toward alternative approaches that give only ancillary recognition at best, and no recognition at worst, to the child's home language and culture. (p. 105)

Similarly, Wong Fillmore (1991) points out that losing their heritage language forces students and their families to pay a significant price, especially when the parents do not speak English. Consider the story of a young Latino boy from a Bolivian immigrant family.³ He grows up speaking primarily Spanish at home with his parents and grandmother, but when he enters public school in Queens, New York, there is no bilingual program to speak of. He ends up having a

very difficult time with both Spanish and English, so much so, that his family switches him into a private Catholic school. Almost immediately, some nuns from the school visit his home and instruct his family that they are not to speak to him in Spanish under any circumstances. English, they advise, must become their language of choice. However, his grandmother does not speak any English, so this poses a big dilemma for the family. Of course, they feel compelled to do what the nuns ask since they believe it would be in his best interests. He soon loses the ability to communicate effectively in Spanish, but he never really becomes proficient in English either, and school is forever a chore. At 16, he leaves school. This is an instance of what Crawford (1991) describes as “instruction that strives to change students into something else,” which “inevitably discourages academic achievement” (p. 27). Even worse than academic troubles, though, is the rift this causes within families. Students become ashamed of their heritage language; the language of intimacy is lost. Hirsch (1987) maintains that “multilingualism enormously increases cultural fragmentation, civil antagonism, illiteracy, and economic-technological ineffectualness” (p. 92). However, in the boy’s case, a push toward monolingualism threatened his literacy and did not help him embrace the dominant (common) culture. This story is meant simply to be illustrative. It provides a good example of the dismal consequences that a lack of bilingual education had for this student, as it does for countless other students like him.

Bilingual education researchers find that excellent competence in their heritage languages helps students to reach what Krashen (1996) calls a “healthy sense of biculturalism” (p. 5; see also Wong Fillmore, 1991). In addition, instructing students in their heritage language while they are learning English in school has two other positive outcomes. First, their heritage language literacy can be transferred to the second language; “once you can read, you can read” (Krashen, 1996, p. 4). Second, heritage language students continue to learn—generally and in academic subjects—so that it is easier for them to understand more and more English. Miramontes et al. (1997) make a relevant point: “The more comprehensive the use of the primary language, the greater the potential for linguistically diverse students to be academically successful” (p. 37). Too often heritage language students learn English at the price of their heritage language. Josué González, former director of the federal Office of Bilingual Education and Minority Language Affairs, points out that instruction should not aim to “change students into something else. . . . When children are painfully ashamed of who they are, they are not going to do very well in school” (in Crawford, 1991, p. 27).

As the aforementioned case illustrates, assimilation into English came at a high price. The English language learner could no longer communicate with his family on an intimate level. Heath (1986) found that parents should speak to their children in their heritage language so that the children receive the best opportunities to use language in a myriad of settings and for many different

purposes. The children will then best be able to learn English in school. There is no reason to place students in the either/or bind of choosing between school success on the one hand, and authentic cultural identity and family life on the other. Such a choice characterizes an education that comes at too high a price.

In fact, the very idea of a common culture embraced by critics such as Ravitch (1983) and Hirsch (1987) is an oppressive one. It requires that people of color change their identities in order to participate successfully in the dominant culture. Young (1990) criticizes this and calls attention to the fact that “self-annihilation is an unreasonable and unjust requirement of citizenship” (p. 179). In Oboler’s 1995 study of urban Latinos, Young’s sentiment was an underlying theme in their experiences. One Colombian American woman commented, “How could we leave our customs and culture aside? We’re not machines to be programmed! We are human beings born into a culture and educated with love for our home” (p. 144). Schooling in the United States is compulsory, and equal educational opportunity is required for all students. As the *Lau* opinion emphasized, when a student cannot understand the language of instruction and no help is given to that student so that she or he might begin to understand, that cannot rightly be called education. And it is certainly not a *meaningful* opportunity by anyone’s standards. Without a federal policy requiring bilingual education, English language learners will be subject to an education that will likely result in forced assimilation and injustice.

Critics such as Ravitch (1983) do not believe that this type of education is unreasonable. She notes that bilingual education was intended to help students achieve better academically, dropout less, and have better self-respect. “Real as those problems were,” she says, “there was no evidence to demonstrate that they were caused by the absence of bilingual education” (Ravitch, 1983, p. 279). Maybe not. However, the absence of bilingual education does cause heritage language students to be placed in English-only classrooms, in which they cannot understand the instruction. The absence of bilingual education, then, perpetuates the problems of low achievement, dropping out, and feelings of low self-worth, which is inexcusable due to the fact that schools have access to effective bilingual programs for heritage language students. The *Lau* case in particular demonstrated this common sense point. Students cannot learn anything if they do not understand the language of instruction. If they cannot learn, then they clearly cannot be high academic achievers. It is no big leap to conclude that this would have a negative effect on school persistence and self-respect. As Kymlicka (1995) contends, “people’s self-respect is bound up with the esteem in which their national group is held. If a culture is not generally respected, then the dignity and self-respect of its members will also be threatened” (p. 7). Federal bilingual education policy promotes the respect and recognition of language

and culture that is necessary if heritage language students are to be guaranteed the right to develop their sense of a bicultural or multicultural identity. In this way, students would feel connected to their cultural communities as well as feel that their cultures are worthy of respect.

How Bilingual Education Affects Students' Contexts of Choice

Along with having an authentic sense of cultural identity, heritage language students need to be able to make meaningful life choices in order to become self-determining. Meaningful choices can most readily be made when students are operating within a social context of choice that is expansive rather than restrictive. Education either can serve as an empowering institution in students' lives or a further disempowering one.

The pivotal question is whether or not schools will provide bilingual/bicultural programs that allow heritage language students genuinely to pursue every possible educational advantage. If schools do provide such programs, then the students' education would be contributing to a more favorable context of choice rather than a more constrained one. If, however, schools do not provide adequate bilingual programs, heritage language students would probably still learn English, but too often would fail to reach their intellectual potential and would lose their secure cultural identity in the process as well. That is why federal bilingual education policy is a necessity. Ideally, it ensures that individual school districts will provide heritage language students with a just educational experience. Otherwise, inadequate education would likely cause feelings of linguistic and cultural inferiority that would serve to limit learners social contexts of choice. It is worth quoting Andersson and Boyer (1976) at length on this point:

To the extent that English is the only medium of communication and the child's language is banned from the classroom and playground, he inevitably feels himself to be a stranger. Only as he succeeds in suppressing his language . . . does he feel the warmth of approval. In subtle or not so subtle ways he is made to think that his language is inferior to English, that he is inferior to the English-speaking children in school, and that his parents are inferior to English-speakers in the community. (p. 44)

Such an education ends up limiting heritage language students' range of options. When they feel that they do not belong, their heritage language and culture invites disapproval, and they cannot take pride in their heritage and home knowledge; it should not be surprising, then, when heritage language students are unable to envision academic success or educational opportunity. And even when they can envision such success, they may refuse to conform to dominant norms in order to achieve it, as Ogbu and Gibson (1991) have documented. The point is that heritage language students' education should not serve as a limiting factor within their educational opportunities or life

choices. Consider the findings of Gray, Rolph, and Melamid (1996) in their study of immigrant and first-generation students pursuing higher education. They found that inadequate English language skills are the largest barrier to admission to and graduation from higher education. Most of these students did not have access to bilingual/bicultural education. Thus, this is an example of a tangible negative outcome of inadequate educational opportunities for heritage language students.

Unfortunately, it seems that those opportunities may be kept willfully from students. For example, in the late 1950s and early 1960s after Sputnik, the study of foreign languages was encouraged and even became a requirement for admission into competitive colleges and universities. Still, the heritage languages that students brought to school were usually not given credit. To make matters worse, some school systems required all students to have a minimum grade of B or C in English before they could take a foreign language class. This often precluded many students of English as a second language from taking a course in their heritage language, and thus from qualifying for college admission (Castellanos, 1985). Too often educators and the public tend to believe that students are actually deficient in some way if English is not their heritage language. Bilingual education, then, is viewed only as a compensatory program. This is a problem because it is simply not a deficiency to have a heritage language other than English (Fránquiz & Reyes, 1998). If it were, the majority of people in the world would be considered deficient. What is true is that as a resident of the United States it is critical to learn English. Hardly anyone disputes that. Consider what an immigrant from the Dominican Republic has to say:

I want to get a good profession, a good job and I want to know more about the culture of this country, and I have to relate to people who speak English. It's the language you have to use in this country. (Oboler, 1995, p. 145)

Indeed, Oboler found that this exemplified the feelings of the vast majority of the Latinos she studied. However, it is also important to nurture one's heritage language while learning English. Schooling is compulsory and, therefore, school districts have a distinct responsibility to educate students whose heritage language is not English, especially in order to provide them with opportunities to improve their contexts of choice and, consequently, foster their self-determination as well. Not only is this just, but the Supreme Court supported the idea in *Lau v. Nichols*. Nonetheless, students often get the detrimental message in school that "foreign language" study is valued, but a language other than English that students already know is not. How can this kind of message and educational constraint *not* serve to harm students' cultural identities and their contexts of choice? To view students as having a cognitive deficiency just because their heritage language is not English is to treat them unjustly. While they may find themselves in a disadvantaged

situation due to their lack of proficiency in English within a country where knowledge of English is critical for mainstream success, this does not mean that they are in any way unintelligent or unable to excel academically. As such, a good and just education would serve to help students maintain their heritage language, thus expanding their social contexts of choice. Indeed, in her study of academically and professionally successful Chicanos, Patricia Gándara (1995) found that the majority (84%) came from Spanish-speaking homes. This provides evidence that refutes the belief that coming from a Spanish-speaking home is somehow detrimental for students. This, *per se*, does not constrain students' social context of choice; it is the way that the educational system treats them that does so.

Good bilingual education, then, will help students learn English and at the same time provide heritage language instruction in other academic subjects, along with affirmation of students' cultural identities. This way, heritage language students will gain access to the dominant language, keep up with their learning of other subjects, and have their heritage language and culture publicly recognized by the educational system. The decisions they then make for their lives are much more likely to be chosen from among meaningful options. Thus, heritage language students will be operating within a favorable social context of choice, and their education will be able to foster their self-determination.

Bilingual Education Policy and Self-Determination

Through the civil rights history of the United States, we have learned that it often takes federal intervention in states and localities to ensure that social justice is served by the educational system. Unfortunately, federal bilingual education policy has been the subject of intense debate. What seems to me to be good *prima facie*—bilingual education policy to ensure that heritage language students are well served by education—is often seen as actually harmful to students. Of course, bilingual education and the federal policies that support it have been defended from a variety of perspectives. Still, relatively little attention has been paid to the role bilingual education policy has in fostering heritage language students' self-determination.

In this article I have thus far made the case that bilingual education and its concomitant federal policy have two major effects on heritage language students. First, they provide the students with public recognition and support of their heritage language and culture and, consequently, their authentic cultural identity. Second, they enhance the social context within which students make important decisions about the way their lives will go. Laws that ban bilingual instruction are oppressive in that they serve to suppress students' cultures and constrain their contexts of choice. As such, they are antithetical to the ideal of self-determination, and they degrade social justice.

In contrast, policies that support bilingual education also support the development of students' self-determination. They help students gain access to what Delpit (1993) calls the "culture of power" without harming their personal and cultural identities (p. 121). As a result, heritage language students have the tools to understand and participate in the dominant culture without sacrificing themselves in the process. In their study of 700 Latino students, ages 12 to 14, Russell Rumberger and Katherine Larson found that Latino students gain academic success (as defined by grades, retention, and high school graduation credits) through bilingualism more so than through fluency in English alone. They concluded that proficiency in both Spanish and English led students to better academic achievement than monolingual Spanish or English speakers ("Knowledge of English and Spanish," 1998). Consider the experience of Richard Rodriguez. His case is an interesting and illustrative one in that he comes from a Spanish-speaking home and laments the way that learning English and gaining academic success made him lose his proficiency in Spanish and the close connection with his family. To succeed in the dominant culture he felt that he had to—literally and figuratively—change who he was. He says, "the social and political advantages I enjoy as a man result from the day that I came to believe that my name, indeed, is *Richard Road-ree-guess*" (Rodriguez, 1982, p. 27). Throughout his autobiography, Rodriguez insists that this was necessary and ultimately good for him. But couldn't he have made the same gains and still have been *Ricardo*? And still have been able to talk to his parents—*Mamá y Papá*? I am compelled to say "yes," if the education he had received had helped him to develop self-determination rather than forcing him down a path leading to internalized oppression and full assimilation. It seems that if Rodriguez had had the opportunity to experience good bilingual/bicultural education, he would have been able to maintain his heritage language, family intimacy, and respect for his ethnicity and culture, while still learning English and achieving academically. He would not have felt as though he *had* to choose between his family and mainstream society. Some assimilation is inevitable, necessary even, for immigrants in a new country. However, in the process, students should not lose the right to learn English while maintaining their heritage language. The goal of one common culture, or an homogeneous public, championed by assimilationists, does not lead necessarily to an harmonious society (Young, 1990). Conflicts are inevitably caused, not by multiculturalism and multilingualism, but by the racism and oppression exemplified by forced assimilation.

What this all means for bilingual education policy is that, ultimately, instruction that is not understood because of a language barrier is meaningless and limits students' freedom and self-determination. Such education is profoundly miseducative in a Deweyan sense; students collaterally learn that their heritage language and culture are inferior to English and the dominant

culture. What they should learn instead is that while their heritage language and culture may be different from the U.S. mainstream, both are deserving of respect and recognition. Their schooling should teach them, explicitly and implicitly, that being bilingual and bicultural is an asset. A federal policy of bilingual education supports that lesson and thus, aids students in their crucial development of self-determination. Consequently, it fosters social justice as well.

In the next section, I explore the current legislative climate for bilingual education policy, paying particular attention to Propositions 203 and 227.

Recent Legislation

Cortés (1986) writes about a young Mexican American student who is forced to write “I will not speak Spanish at school” on the blackboard 50 times during “Spanish Detention” after he was caught speaking Spanish with his classmates during recess (p. 3). Although this type of school policy is no longer tolerated, we can imagine it occurring again, especially in light of the passage of laws like Proposition 227 in California and Proposition 203 in Arizona. Laws such as these could foster a faster regression back to such shameful, discriminatory practices. Due to the success of these propositions, proponents have pledged to end bilingual education in other states as well.

California’s Dubious Leadership

As with other political issues related to race and ethnicity, the state of California took the lead in legislation against bilingual education and languages other than English. California was the first state where, in 1994, voters passed Proposition 187, an initiative widely seen as anti-immigrant. Four years later, California voters passed Proposition 227, also called the Unz Initiative, which virtually abolished bilingual education in favor of only immersion or English as a second language (ESL) programs for English language learning students. A full 42% of all English language learners (ELLs) in the United States reside in California. Politicians, usually Republican, in California seem to try to capitalize on wedge issues such as immigration policy, bilingual education policy, and affirmative action policy in order to anger white Anglo voters into supporting them. The recent passage of initiatives opposing these policies, in conjunction with an earlier vote for English as the state’s official language, place California in the dubious position of leading the nation toward voter referenda that undo some of the greatest gains of the civil rights movement.⁴

Proposition 227

In June of 1998, voters in California passed Proposition 227, an initiative called “English Language Education for Children in Public Schools” (“English Language Education,” 1998, p. 12). The initiative virtually bans

bilingual instruction in public schools. It marks the first time an initiative process has had a hand in determining public school curricula, as it calls for English language learners to be put into English-only immersion classes for one year before being transferred to mainstream classrooms. This ignores well-respected research that has found such limited, English-based types of instruction for English language learners to be counterproductive to their academic learning and achievement (Andersson & Boyer, 1976; Cummins, 1981; Hakuta, 1986; Heath, 1986; Krashen, 1996; “Knowledge of English and Spanish,” 1998; Wong Fillmore, 1991). In addition, school personnel may be legally liable if they choose to circumvent the proposition (Rodriguez, 1998). Thus, some politics of intimidation were at play, with threats that teachers and administrators could be held personally liable and potentially lose their homes for resisting Proposition 227 (Crawford, 1999).

Not only does Proposition 227 go against research-supported bilingual pedagogy, but it flies in the face of what *Lau v. Nichols* outlawed in 1974—educational approaches for English language learners that limit their equal opportunities. For how can English language learners receive equal educational opportunities when they have only one (school) year to learn English with enough fluency to enter mainstream classrooms, when in so doing, they lose a year of instruction in other academic subjects and when no one would even suggest that anyone else could easily learn a second language in 180 days? In essence, Proposition 227 advocates what Reyes (1992) calls a “one size fits all” approach to education for English language learners who come to school with varying levels of literacy and English-language proficiency (p. 427). With 25% (1.4 million) of all students in California categorized as English language learners, this has an adverse effect on quite a large number of students, many of whom are Latinos (Crawford, 1999). How did this seemingly senseless proposition manage to get passed?

Ron K. Unz and the “English for the Children” campaign (or where there is a million, there is a way)

Ron K. Unz, co-author and sponsor of the English for the Children campaign for Proposition 227, is a millionaire businessman in California’s computer industry. Unz is a member of the board of the Center for Educational Opportunity, which is led by Linda Chavez, a long-time opponent of bilingual education (Miner, 1999b). In 1994, he attempted a bid for the Republican nomination for governor, but lost to Pete Wilson, so he seems to have some aspiration to elected office. Proposition 227—the Unz Initiative—is one way he was able to get name recognition, political clout, and a reputation as a political player. Unz’s political strategy was to, as Crawford (1999) words it, “attack bilingual education *on behalf* of the groups it was designed to benefit, as a ‘well-intentioned’ program that was failing to teach English” (p. 5). Interestingly, some 63% of Latinos

voted against the initiative, despite press coverage beforehand that claimed widespread Latino support (Crawford, 1999). With seemingly unlimited funds and advertisement, Unz was able to get the Unz Initiative on the ballot, even though most Anglos in the United States as a whole feel generally supportive of bilingual education⁵ (Huddy & Sears, 1990; Krashen, 1996). Of those who do not support it, most also have negative attitudes toward people of color and immigrants. Unz contends that Proposition 227 is not anti-immigrant or anti-Latino, but anti-bilingual education, which he views as a failed educational policy largely responsible for the high dropout rate among Latino youth. However, as Lyons (1998) points out, only 30% of California's English language learners received actual bilingual instruction; the rest received instruction in English only. So, if education has failed English language learners, it is likely due to the fact that most of their instruction has been conducted monolingually in English (Lyons, 1998). Nevertheless, the Unz Initiative mandates that "all children in California's public schools shall be taught English by being taught in English" ("English Language Education," 1998). Perhaps Unz and his co-author, Gloria Matta Tuchman, truly believe that English-only instruction is the best way to provide equal education for English language learners. Whether or not this initiative was in fact well-intentioned is unimportant. What is important is the fact that the initiative was conceived of at all, and that a majority of voters thought it was a good idea. Proposition 227 passed with 61% of the vote (Crawford, 1999). If nothing else, these facts underscore the strong need for federal bilingual education policy. Baron (1990) makes the point that:

It is painful to realize that American public schools refused to cater to the needs of nonanglophone children until recently, when court rulings and federal legislation forced them to deal with the issue, and it is discouraging to observe that even after the need for formal language instruction has become clear to educationists, many schools continue to resent and resist providing their clients—the students—with what those clients need and want, an education. (p. 175)

Federal policy in support of bilingual instruction provides school districts with at least some guidelines regarding the needs and rights of heritage language students. This is crucial if the educational system is to contribute to heritage language students' development of self-determination.

After Proposition 227 passed, opponents attempted to get a court injunction against it, but a judge turned them down because they could not yet show irreparable harm to students due to the proposition (Crawford, 1999). There is, however, one way for parents to try to bypass the restrictions of Proposition 227 now. The initiative stipulates that after 30 days,⁶ families may request a waiver of the law, with students under age 10 classified as having "special needs" in order to receive bilingual instruction (Crawford, 1999, p. 1).

By using this exception, opponents of Proposition 227 have been able to organize some positive counteractions to the initiative. One example of this in use is Starlight Elementary School in Watsonville, California. Approximately 80% of its students are Latino, many of whom are new immigrants or migrants with limited proficiency in English. Starlight parents signed the allowed waivers and the school's bilingual/bicultural programs survived. It is important to note that there is also leadership from the top, in that the superintendent in Starlight's district supports bilingual education in spite of Proposition 227 (Miner, 1999a). Cases like Starlight, however, are in the minority. It is likely that bilingual education soon will face challenges in places other than California and Arizona as well.

Other Challenges to Bilingual Education

It is not uncommon for the federal government to follow California's political mood. For example, after Proposition 187 passed in 1994, in 1996 Congress passed legislation to curtail illegal immigration to the United States, which resulted in the deportation of nearly 300,000 immigrants, double the deportations of 1994. In 98% of these deportations, the immigrants were sent back to Latin American Spanish-speaking countries (Miner, 1999b). In fact, the federal government has tried to follow California's lead regarding bilingual education; immediately after Proposition 227 passed in the Summer of 1998, the House of Representatives passed a bill aimed at stopping federal funding for bilingual education and mandating that all English language learners be mainstreamed within two years. If not for the intervention of the Clinton administration, bilingual education policy would have been annihilated (Crawford, 1999).

Proposition 203

Proposition 203, Arizona's more restrictive version of Proposition 227, passed in November 2000 with 63% of the vote (Crawford, 2000). The Arizona initiative, also known as "English for the Children of Arizona," was funded in large part by Unz. It restricts instruction to English only and holds that English language learners must receive instruction in English immersion programs for a maximum of one year. Though it leaves the possibility for schools to provide bilingual education, a school would need to receive 20 parental requests for such a program. Perhaps the most difficult circumstance brought on by Proposition 203 is that the Arizona legislature may not repeal it. The only way it can be reversed is by the passage of another ballot initiative (Crawford, 2000). And yet, studies of bilingual education in Arizona show that it is effective and worthwhile (Krashen, Park, & Seldin, 2000). Regardless of such findings in Arizona and other states, Unz told reporters that he hopes to target the states of Massachusetts, Colorado, and New York as well (McCloy, 1999).

Still, there is some hope to be found. Supporters of bilingual education in other states have reacted against the threat of anti-bilingual ballot initiatives. Colorado successfully staved off having such an initiative on their November 2000 ballot. Bilingual education supporters brought suit against the Unz-proposed initiative, citing its deceptive wording. Four months before the election, the Colorado Supreme Court ruled against the initiative because it misled the public by inadequately explaining that the law would restrict schools' ability to choose between a variety of different programs for heritage language students (Weber, 2000). In Florida, the Miami-Dade County School Board unanimously voted to reaffirm the district's commitment to bilingual education programs. In Texas, another state with a large proportion of heritage language students, 72% of Texans recently polled said that they thought bilingual education was an important program (Miner, 1999b).

Conclusion

It seems that a key issue within the debate over bilingual education is that bilingual programs often are based on a weak compensatory model within which, as Nieto (1992) contends, students' "knowledge of another language is not considered an asset but at best a crutch to use until they master the 'real' language of schooling. This is at best a patronizing and at worst a racist position" (p. 164). She goes on to cite examples of children who will no longer speak Spanish because they think that it is the language of the "dumb kids." These students obviously have received a negative message about languages other than English. If Spanish is the language their families speak, what must they be thinking about their parents? If opponents of bilingual education meet their objectives, heritage language students will not only end up suffering within the school system, but in their homes and communities as well.

In this article I have aimed to make the case that bilingual education is a valuable and necessary approach to the education of heritage language students. As such, it plays a positive role in enhancing the educational opportunity structure for heritage language students. I argued that bilingual education fosters students' self-determination in two main ways. First, instruction in students' heritage languages and recognition of their cultures serves to create an atmosphere that supports and values their cultural identities. Second, when educational programs give students the opportunity to learn English while maintaining their heritage language and moving forward in other academic subjects, those programs serve to enhance the context from which the students make their life choices. Consequently, heritage language students receive an education that helps them develop their self-determination. The development of self-determination is key to a just education in that it enables students to participate in our democracy and lead good lives. Self-determination, then, is characterized by the ability

to make meaningful choices about opportunities, rather than merely empty or forced choices. For heritage language students, this would mean access to good bilingual instruction that leads them toward a “real” opportunity to learn both English and other academic content (Howe, 1997, p. 18). As Howe (1997) observes, educational opportunities are not “equally worth wanting solely because they are there for the taking” (p. 53). As such, when a heritage language student is placed in an English-only instructional situation, that student has only a “bare” opportunity to learn and, subsequently, to advance academically (Dennett, 1984, p. 116). The opportunity exists, but it is a hollow one, or one not worth wanting, because the student would have to overcome nearly insurmountable obstacles in order to take advantage of it (Dennett, 1984; Howe, 1997). In addition, the heritage language student would end up paying a high “opportunity cost” (Howe, 1997, p. 53) for the educational opportunity, as it likely would come at the expense of her or his cultural identity and community connection.

The dismantling of bilingual education policy would have the effect of closing the very doors of opportunity that opponents of bilingual instruction like Unz claim they wish to open. To offset the negative societal messages fostered by laws such as Proposition 203, educators and policymakers have a responsibility to find a way to reconceptualize the language issue in schools. Languages other than English must not continue to be perceived as deficient, but as assets that significantly enhance a student’s knowledge base (Fránquíz & Reyes, 1998). Educators should never contribute to the further alienation of already dominated groups (Nieto, 1992). Policymakers have the ability to help schools change in order to accommodate the present and future diversity of students, instead of forcing the students to change fundamentally in order to adapt themselves into the dominant structures. As discussed earlier, the process of assimilation can be painful and counterproductive for heritage language students. The research supporting heritage language instruction and non-assimilationist models of education can help students only if educators and policymakers take heed and change their practices accordingly.

Because bilingual education makes such a positive contribution to the cause of social justice in education, it is incumbent upon the federal government to at least support existing policy that requires school districts to offer bilingual education programs in the name of treating heritage language students as equals and providing them with equal educational opportunities. Currently, the lion’s share of bilingual programs fall into the early-exit transitional category (Ramírez, 1992). It would be wise for the federal government to expand bilingual education policies such as the Bilingual Education Act so that bilingual programs would be required to follow the philosophy of a maintenance program or a late-exit transitional program, which are more likely to help heritage language students gain the skills necessary to excel academically (Ramírez, 1992).

Of course, there are still critics who maintain that heritage language students should only be taught in English. The anti-bilingual education ballot measures underscore that point. These critics are endorsing an education that can really only be described as oppressive to heritage language students. In summary, then, bilingual education fights oppression by supporting the development of self-determination through its support of students' feelings of authenticity as well as through its important contribution to expanded contexts of choice. Without it, there is the significant danger that for heritage language students to succeed in mainstream education, they will be forced to change who they are fundamentally (in a negative way). As educational history has shown us, without bilingual education, heritage language students either languished in classrooms where they could not learn, or, achieved academically, but lost a valuable piece of themselves in the process. In order to support justice, the dominant culture manifest within schools ought to adjust to the diversity of students, rather than assume that it is the heritage language students—often students of color as well—who must change who they are in order to fit themselves into the existing structures.

For good or ill, the reality in the United States is that English is already the predominant language in our society. It is important to learn English in order to have access to mainstream power and status. Heritage language students know this better than anyone. When all is said and done, the opponents of bilingual education seem to be wasting energy. Heritage language students and their families *want* to learn English as quickly as possible. They want to succeed within mainstream society. I maintain that our educational system has an obligation to help them do so, without forcing them to forfeit their particular cultural identities. Through bilingual education, heritage language students can maintain their cultural identities and expand their contexts of choice, both of which lead them to a greater sense of self-determination. When we get down to it, bilingual education is about the students—students who, through circumstances beyond their control, come to English-dominant schools primarily speaking their heritage language. They also come to school ready to learn and ready to embrace the opportunities promised by education in the United States. Policies that will strongly support bilingual education are needed so that we can provide the students with an education that feeds their minds *and* their hearts.

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Endnotes

¹ There are a variety of different terms used to describe the students who either do not know or have little knowledge of English because their native or primary language is a language other than English. These terms include "heritage language student," "English language learner," "limited English proficient," "second language learner," "linguistically different," "linguistically diverse," "linguistic minority," "language minority," and

“English learner.” Herein I mainly refer to such students as heritage language students or as English language learners because those seem to be both the most positive and most descriptive terms.

²This claim is certainly subject to argument, and I defend it in depth elsewhere (see Moses, 2001).

³It is based on the experience of one of my relatives.

⁴Taken together, California’s three propositions—187, 209, and 227—send a strong message that is anti-people of color in general, and anti-Latino and anti-immigrant in particular.

⁵What is not strongly supported is the maintenance of the primary language *at the expense of* the learning of English (Krashen, 1996).

⁶As stipulated by Proposition 227, 30 days is the minimum amount of time that every student must be in English only instruction (Crawford, 1999).

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