The Legacy and Future of EL Advocacy-
the ELLLlI Story

March 21, 2019

Norm Gold, Ruth Barajas, Graciela García-Torres,
Lilia Torres-Cooper, and Maxine Sagapolutele

CABE 2019
Long Beach
Multiple Ways to be an EL Advocate
Self-Assessment

<table>
<thead>
<tr>
<th>Examples of some advocacy actions</th>
<th>I have substantial experience</th>
<th>I have some experience</th>
<th>I have limited experience</th>
<th>I have little to no experience</th>
</tr>
</thead>
<tbody>
<tr>
<td>I have...</td>
<td>4</td>
<td>3</td>
<td>2</td>
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<tr>
<td>1. enrolled my child/ren in a Dual Language or bilingual program.</td>
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<td>2. given informational testimony before a public body (e.g. school board, legislators, etc.).</td>
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<tr>
<td>3. given advocacy testimony before a public body (e.g. school board, legislators, etc.).</td>
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<td>4. worked on a study or done other research as part of an advocacy campaign for EL education.</td>
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<tr>
<td>5. urged my grade-level team to use the ELD standards when planning content lessons.</td>
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<td>6. advocated for the use of classroom materials that are linguistically and culturally relevant.</td>
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<td>7. personally met with my school board member, legislator, or other deciders to advocate for ELs.</td>
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<td>8. worked on a piece of legislation as a part of an advocacy campaign.</td>
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<td>9. been an active member with my local CABE chapter.</td>
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<td>10. written advocacy letters to school board members or other deciders (e.g. legislators, etc.).</td>
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<td>11. organized or participated in a protest or march.</td>
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<td>12. worked on a political campaign.</td>
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## EL Advocacy Self-Assessment

<table>
<thead>
<tr>
<th>Examples of some advocacy actions</th>
<th>I have substantial experience (4)</th>
<th>I have some experience (3)</th>
<th>I have limited experience (2)</th>
<th>I have little to no experience (1)</th>
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<tr>
<td>13. worked with ELACs and/or DELACs to support improvements in EL education.</td>
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<td>14. contacted voters in support of candidates and/or propositions that support ELs and DLLs.</td>
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<td>15. mentored others to be advocates.</td>
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<td>16. advocated in my local district(s) for dual/bilingual programs, Seal of Biliteracy.</td>
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<td>17. organized an educator or parent conference focused on ELs and DLLs.</td>
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<td>18. worked to publicize the advantages of the students graduating with bi-literacy skills.</td>
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<td>19. created support groups for EL/DLL educators.</td>
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<td>20. created opportunities for parents to learn about the education system, dual immersion, and Prop. 58.</td>
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<td>21. used social media to Tweet or post about EL issues.</td>
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<td>22. served on an LCAP committee as a stakeholder and EL advocate.</td>
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<td>23. Other (specify):</td>
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<td>24. Other (specify):</td>
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**Totals**……………………..  ____(x4)  ____ (x3)  ____ (x2)  ____ (x1)

**Score:** / _______ /

ELLI-3-21-19
Leadership and Advocacy Objectives
ELLI has identified ten content objectives (knowledge) and five process objectives (abilities) as the principal areas for fellows to focus on. While some of these may overlap with university graduate programs in leadership, and related fields, these objectives are derived from an analysis of the specific knowledge, skills and abilities that senior EL leaders and advocates have developed through experience over many decades of work in the field. These objectives aim to help fellows build on skills and abilities that they may have already begun developing through formal study and apprenticeship.

Table A. Content Objectives
After participating in ELLLI, Fellows will know the following:

<table>
<thead>
<tr>
<th>Objective</th>
<th>Content</th>
<th>Details</th>
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<tbody>
<tr>
<td>1</td>
<td>History, Context and Legacy</td>
<td>1.0 U.S. Language history and language policy: 17th – 20th centuries.</td>
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<td></td>
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<td>1.1 History of EL advocacy in California: milestones, players (allies and opponents), and documents leading to the first bilingual legislation in the 1970s. Note case law (Méndez v. Westminster, 1947; Lau v Nichols, 1974; Castañeda, 1981), and legislation and policy to the present, including: Max Rafferty as SSPI, state policy to put ELs in classes for the retarded, the Diana case, and specific legislation: AB 2284 (1972), AB 1329 (1976), CDE’s Bilingual Bicultural Education Office, Title VII of ESEA, Assembly Bill (AB) 507—The Chacon—Moscone Bilingual—Bicultural Education Reform and Improvement Act of 1980, OBEMLA @ USDE (later OELA), SB 6, Sunset of AB507, and state English-only policy (Prop 63 of 1986).</td>
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<td>1.2 History of EL protests and advocacy (e.g.: Latinos, Japanese-Americans, desegregation, and others), including successes and failures. Note related demographics, civil rights and political context., and advocacy beyond EL education.</td>
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<td>2</td>
<td>What Works: EL Theory and Research</td>
<td>2.1 EL theory and research L1 instruction, L1 support, what it means to be biliterate and the advantages of bilingualism, LTEL, ELD, SDAIE, 2nd language learning/ acquisition, interface between ELD &amp; ELA, etc. Best instructional and school organization practices for ELs, including assessment and evaluation.</td>
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<td>2.2 Program models for biliteracy and research related to effectiveness of each model.</td>
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<td>2.3 Major education research and information sources: IHEs, major websites, ERIC, NCELA, Education Week, UC LMRI archives, CDE.CA.Gov (DataQuest).</td>
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<td>3</td>
<td>3.2 <strong>Education policy roles</strong> of the SBE, CDE, CCTC, Governor, Assembly and Senate Education Committees, IQC (Instructional Quality Commission), local school boards and EL advocates. How policy is made and implemented through the budget, legislative, monitoring and regulatory processes, adoption of frameworks and materials adoptions. Federal education policy such as Title I, Title III, immigration policy, Migrant Education, Common Core. How polls, politics and demographics influence policy.</td>
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<tr>
<td>3.3 <strong>Map the system</strong>: Identify where we need to be, and what the opportunities are. Describe the processes.</td>
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<td>4.2 <strong>National education players and their roles</strong>: Publishers, hardware, software vendors and other businesses, USDE, ACLU, MALDEF, NABE, NCLR, NAME, OBEMLA, OELA.</td>
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<td>4.3 <strong>Know your allies; know your opponents.</strong> Identify history, strengths and weaknesses and power positions of organizations, both allies and challengers.</td>
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<tr>
<td>4.4 <strong>Identify key people in key positions</strong> at the national, state, regional, local levels, including those in official power positions, and those whose influence extends beyond official position. Approaches to keeping up-to-date.</td>
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<td>4.5 <strong>Know who is responsible for adoptions of materials and assessments</strong>, and purchasing of content area texts and other instructional materials and how/when to influence them. Issues of cultural and linguistic appropriateness/relevance and scaffolds. Include materials and assessments for ELD, L1, teacher training, parent engagement &amp; participation.</td>
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<td>5</td>
<td>Reality Check: School, District, County, State and Federal Operations</td>
<td>5.1 <strong>Look at the ideal EL programs</strong> and the current status through lenses of core components of EL programs: identification, curriculum and materials, teacher preparation and support, pupil evaluation and measures of success, parent roles and rights, monitoring and evaluation; plus organizational/advocacy, research, higher ed., parent organizing and organizations, CDE/SBE and media.</td>
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<td>5.2 <strong>Know how the evolving atmosphere and attitudes toward</strong>: biliteracy, immigrants, legal framework, school reform, and school funding (now: LCFF) impact the implementation of EL programs.</td>
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<td>5.3 <strong>Know the critical issues</strong> related to EL Identification and reclassification and other issues related to assessment of English learners. Identify strengths and weaknesses of various measures of success.</td>
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| 5         | Reality Check: School, District, County, State and Federal Operations | 5.4 Know reality of school operations and current curriculum and instruction issues, parental involvement and leadership. What really goes on in schools. See also A.4.4 (Materials). Identify the roles of SBE and local school boards and how to influence these boards. See also: Items A.3.1 and A.3.2.  
5.5 School district, county and state operations and curriculum/instruction issues. Role of district Chief Business Officers. Current realities in the agencies. |
| 6         | What Works: Leadership, Systems and Implementation on the Ground | 6.1 Understand the emerging science of implementation.  
6.2 Identify key features of successful advocacy-oriented leadership, implementation and evaluation, (e.g., Project SEAL, Promise Initiative, and others).  
6.3 Note examples of particularly effective districts, EL leaders/superintendents, principals and characteristics of these. |
| 7         | Media | 7.1 Identify roles of media and messaging and polling in advocacy; know regional and state news sources/reporters working education and multicultural beats. Newspapers, TV, Radio, ethnic press and outlets. Understand how to establish productive media relationships, and relationships with entertainment figures.  
7.2 Know the roles of social media: Facebook, Twitter, Instagram, blogs, letters to editor, etc. |
| 8         | Parent and family partnership and leadership in the EL movement | 8.1 Understand research and evidence on best practices to organize and ensure parent engagement and empowerment. Note: CABE’s Project 2INSPIRE, PIQE, MALDEF, Advancing Justice, roles of DELACs, ELACs, Families-in-Schools, Title I and Migrant parent groups.  
8.2 How to engage parents and community in local and state campaigns.  
8.3 How to support development of parent leadership. |
| 9         | Frames of Exclusion and Inequality: Racism, Culture, Language and Class | 9.1 How the current educational system perpetuates exclusion and inequality. What are the key components of institutionalized racism that need to be transformed.  
9.2 Examples of cases where campaigns/initiatives have transformed at least some of the exclusionary institutional racism: Méndez v. Bd of Ed (1947), Brown v Board of Ed., Williams, anti-227 campaign, student walk-outs, Challenges to Reading First.  
9.3 Identify what Latino, Asian, and other language communities want beyond “access” to schools and quality education. Consider elements of global education, multicultural education, and how to set agendas for the future re: language and cultural rights. Note: UN Declaration of Human Rights and related. |
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| 10        | Lessons Learned From Past and Current Initiatives | **10.1 Successful Initiatives** - Deconstruct how they became successful i.e. Bilingual Case Studies (1980s), Schooling and Language Minority Students (CDE. 1981), Improving Education for ELs (CDE, 2010), more recently: action for LTEIs, Seal of Biliteracy, ELA/ELD Framework.  
**10.2 Less successful initiatives:** Prop. 227 campaign, Limited enforcement of EL requirements (Title III Accountability, CCR, CPM, FPM) – Alejo et al., only limited data on LTEIs [limits in legislation], etc.  
**10.3 Initiatives that laid the groundwork for later impacts:** The Promise Initiative/Schools, Project SEAL, etc. |
**Table B. Process Objectives**
The Institute, Mentoring and Project Participation are all designed to develop new and existing skills and abilities. After participating in ELLLI, Fellows will be able to do the following:

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| 1 | Use Effective Communication | 1.0 Understand how to make most effective use of cultural references (lenses) in making presentations based on purpose, audience, etc. (Consider traditional sources, e.g., Toastmasters, ACSA, CSBA, and other materials).  
1.1 Use positive social/ interpersonal skills. Listen. Make use of humor.  
1.2 Speak with and influence superintendents, local board members, legislators, leg. staff, organization leaders. Speak and write to persuade diverse audiences.  
1.3 Speak with and organize parent groups.  
1.4 Bilingual and Biliterate (Preferred) Be proficient in at least one language in addition to English. Write and speak effectively in a language other than English (preferred).  
1.5 Media Talk to (and write for) TV, Radio, newspaper reporters. Build/ cultivate relationships with media contacts. Write and make use of press releases. Know when and how to use a press conference.  
1.6 Think and respond quickly and effectively to major challenges. Write quickly and clearly.  
1.7 Use technology & social media, including the roles of email, texting, spreadsheets, Word, Facebook, Twitter, Instagram, Google Apps, etc.  
1.8 Present complex information concisely and effectively to various audiences. <See also B.5.2> |
| 2 | Provide Effective Facilitation and Leadership | 2.1 Use networks to find who knows what you need to know.  
2.2 Develop relationships and contacts across all education and community sectors to support campaigns and actions.  
2.3 Build coalitions. Collaborate, facilitate dialogue, build consensus. Make use of negotiation skills. Give credit to others.  
2.4 Solve problems. Facilitate work of teams. Plan complex work/ manage projects.  
2.5 Know and use group facilitation strategies when conducting meetings and workshops for a variety of audiences.  
2.6 Lead and support others. Organize and mobilize others for action.  
2.7 Delegate and share responsibilities and roles. |
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| 3         | Analyze and Develop Effective Strategies     | 3.1 **Analyze political dynamics** (challenges and opportunities); develop political acumen. Decide when and where to take a stand. What is happening here? What is needed next?  
3.2 **Identify and make use of best tactics and strategies** needed to move the agenda (develop and implement campaigns) for changes in policy and implementation of best practices.  
3.3 **Develop and implement action plans.** Create a vision and strategic plan, and add the details for project success.  
3.4 **Determine how to learn about opponents;** find common ground with them, as well as natural allies.  
3.5 **Know the differences in how policy is made and implemented through the budget, legislative and regulatory processes, and determine** when and how to make use of each. See content objectives 3.1 & 3.2  
3.6 **Identify most significant issues/concerns and opportunities** in order to create an EL advocacy agenda.  
3.7 **Biliteracy – Contribute to the movement to advance biliteracy,** and act to change hearts and minds to support biliteracy. |
| 4         | Make Use of Sound Judgment, Courage and Reflection | 4.1 **Build/ access your courage and voice.** Take personal and professional risks as required by advocacy. Understand the consequences of those risks.  
4.2 **Judge when and how to celebrate victories.**  
4.3 **Apply strategies for recovery and resilience.** Use your own energy and that of colleagues to continuously rejuvenate, build new skills and develop additional emotional support.  
4.4 **Exercise sound judgement.** Know when to negotiate, when/ what to compromise.  
4.5 **Engage in continuing cycles of self reflection/evaluation and improvement.**  
4.6 **Make concrete commitments for learning/growth and for future advocacy.** |
| 5         | Use and Conduct Research                     | 5.1 **Judge quality/credibility of information/data from various sources.** Distinguish among research of varying degrees of power: experimental, quasi-experiments, correlational studies, case studies, etc.  
5.2 **Write concise summaries of research and policy documents for lay audiences.**  
5.3 **Initiate, foster and influence the development of needed research to inform practice and policy.**  
5.4 **Frame research questions, design and conduct action research.** |
ELLLI Case Studies Produced
February 2016 - June 2018

1) Diana v. State Board of Education (6 pp.)

2) Long Term English Learners (7 pp.)

3) Appointments to Public Policy Bodies (6 pp.)

4) State Seal of Biliteracy (11 pp.)

5) County Offices of Education – Networks and Relationships (19 pp.)

6) Reading First, 2002-03 (4 pp.)

7) CDE Publications, 1981 – 2010 (9 pp.)

8) California Tomorrow’s Secondary School Leadership Program (6 pp.)

9) Addressing the Teacher Shortage for English Learners (21 pp.)

10) Building a Movement for Latino/Chicano Educational Equity and Access: The San Diego Story (33 pp.).
Case Study #9: ADDRESSING THE TEACHER SHORTAGE FOR ENGLISH LEARNERS
by Laurie Olsen

June 2017
This paper was researched and authored by Laurie Olsen for the English Learner Leadership and Legacy Initiative. I am much indebted to the contributions from the following individuals who consented to be interviewed, shared materials, read drafts of the paper and/or offered edits including: Norm Gold, Claudia Lockwood, Magaly Lavadenz, Maria Quezada, Katie Riggs, Elizabeth Jimenez Salinas, Peter Schilla, Shelly Spiegel-Coleman, and Martha Zaragoza Diaz. I am inspired, as always, by the decades of commitment and activism of these wonderful advocates. It is an honor to tell their story.

Introduction
As with all students, English Learners’ access to education is profoundly impacted by whether or not they have teachers prepared to understand and address their needs. Ever since the landmark federal Civil Rights Act was passed in 1965 establishing that discrimination would not be tolerated on the basis of national origin (later interpreted as the foundation for language discrimination), efforts to ensure an adequate supply of prepared and qualified teachers have been central in building a system that ensures equal educational opportunity for English learners. It is a history that has included everything from federal mandates, landmark court decisions, state legislation, public ballot initiatives, major advocacy battles and more. Some of these (Prop 227 and NCLB, CA Education Budget shortages) contributed to severely discouraging the preparation of bilingual, biliterate teachers. In 2017 we are confronted again with the need to mount a vigorous “catch up” effort to address this most fundamental issue.

THE 1960s AND 1970s
Establishing the need for Programs for English Learners: Bilingual Education Programs as a Response

In 1967, Ronald Reagan, then Governor of California, signed Senate Bill 53 ending a 95-year old state education mandate that required all schools to carry out instruction in English. A year later Title VII of the federal Elementary and Secondary Education Act was passed providing

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1 Throughout this document, the term “English learner” is used to reflect the terminology in current policy. However, historically, the initial term was LES/NES for “Limited English Speaking/Non-English speaking”. At that time, only oral language was tested. Once the understanding that proficiency included reading and writing in English, the term was changed in policy to LEP for “Limited English Proficient”. 
funds for staff and materials to address the needs of students of limited English skills and funding the first 68 bilingual education programs in the nation. Following suit, in 1972, California Assembly Bill 2284, the Chacon Discretionary Bilingual Education Act passed as the state’s first bilingual education bill, allowing bilingual education programs and establishing competitive state grants to enable districts to start bilingual programs. It did not mandate a bilingual model, leaving it up to local school boards’ discretion as to how to address the needs of their English Learners. However, providing state funding was a key enabler in starting the movement for bilingual programs in the state.

Court Action Sets Expectation and Legal Framework for qualified teachers:
In 1974, the US Supreme Court decided in the Lau v. Nichols case that schools must take affirmative steps to rectify the language barrier preventing equal educational access. The courts statement read “There is no equality of treatment merely by providing students with the same facilities, textbooks, TEACHERS and curriculum, for students who do not understand English are effectively foreclosed from any meaningful education” (emphasis added). No specific remedy was suggested, only that Boards of Education “be directed to apply expertise to the problem and rectify the situation.” But the courts set the framework of expectation that, in order to overcome the language barrier, teachers somehow had to be prepared in ways that differed or went beyond that which was required for teaching everyone else.

In 1975, the U.S. Commissioner of Education, Terrel H. Bell, issued the “Lau Remedies”, requiring bilingual education where there were at least 25 English Learners with the same native language. Though they were withdrawn several years later by then President Ronald Reagan, they were the backdrop for California’s next Bilingual Education legislation.

California Legislation responds by requiring Bilingual Education, and mandating qualified teachers
In 1976, California’s AB1329 (Chacon) was passed with support from a broad constituency. The Chacon-Moscone Bilingual Bicultural Education Act contained 8 programmatic provisions that districts were mandated to implement and also set teacher certification requirements. The bill required that all limited and non-English speaking students enrolled in California’s public schools receive instruction in a language they understand, and explicitly declared bilingual education as a right of English Learners. It established a mandate for appropriately trained teachers.

Four years later, California sought to codify the qualifications of teachers for English Learners through the creation of credentials and authorizations. Two competing bills were proposed, each by a Chicano legislator. Assemblyman Richard Alatorre co-authored with Assemblyman Dennis Mangers, then amended the content of Mangers bill into his own AB 800. This proposed

3 Simultaneous to the rise of focus on English learner and bilingual programs, California established the mechanism for authorizing and credentialing teachers. In 1970, the Ryan Act established the Commission on Teacher Preparation and Licensing (later to become the Commission on Teacher Credentialing) as a government agency to establish standards for educator preparation, license and credential the education workforce, and enforce professional practices of educators. The Commission consists of individuals appointed by the Governor, the state Superintendent of Instruction, and representatives of the higher education system.
legislation focused on creating a Language Development Specialist credential, and allowed (but did not mandate) the Transitional Bilingual Education model but did not include a cultural aspect. In an article by Eric Brazil, Gannett News Services, Mangers was quoted as recommending for inclusion, “A transitional bilingual program similar to the existing program, but without the bicultural aspect of current programs. Cultural instruction belongs in social studies, not in a language program”.

Pete Chacon was the other Chicano author. His bill, AB507 would mandate bilingual education and create Bilingual Specialists. Advocates argued against the Mangers-Alatorre bill establishing a Language Development Specialist as the authorization because it would have made English instruction the default program by authorizing teachers with no second language skills to teach English learners; and, without creating a bilingual teaching authorization of any kind, districts would not have access to a certified bilingual teaching corps. During this era, the 120 members of the Senate and Assembly had a five-member Chicano Legislative Caucus. The caucus members had heard from other vocal legislators that the bilingual community couldn’t even agree on an approach so they met behind closed doors and decided to go with Chacon’s bill focusing on Bilingual Specialists. And thus, AB507 (The Bilingual Education Improvement and Reform Act of 1980), a reauthorization of the original Chacon-Moscone Bill became law, maintaining the basic provisions and intent of the original law, and for the first time, specifying that bilingual education programs were mandatory in schools with 20 or more English Learners who speak the same primary language and are in the same grade, requiring that each LEP pupil receive ELD instruction as well as instruction in a language understandable to the pupil, and requiring a Bilingual Specialist credentialed teacher.

AB507 (Chacon) outlined various types of allowable bilingual programs: Basic Bilingual, Bilingual Bicultural, Innovative elementary Individual Learning Plan (a compromise), Secondary Developmental Language, and Secondary Individualized Learning Programs. Additionally, AB 507 contained a key provision related to the need for programs to be staffed by qualified teachers, defining a “bilingual cross-cultural teacher” as a person who holds a valid, regular California teaching credential AND holds either a bilingual cross-cultural certificate of proficiency or other credential in bilingual education authorized by the Commission for Teacher Credentialing OR a bilingual cross-cultural specialist credential (BCC). The legislation went on to specify that “such a person shall be fluent in the primary language of the LEP pupils, and shall have the professional working knowledge of the methodologies which must be employed to effectively educate LEP pupils”.

The State Board of Education was charged with approving the regulations for implementation of AB507 but actual credentialing requirements were to be set by the Commission on Teacher Preparation and Credentialing (later known as the Commission on Teacher Credentialing). Bill Honig, then a member of the State Board of Education, argued that the regulations should require parents of English Learners who want bilingual education to request it rather than make it the default programs. His request was declined by the Office of Administrative Law because the statute specifically mandated that students be placed in a bilingual program and later withdrawn if parents requested it. Elizabeth Jiménez Salinas, Legislative Assistant to Assemblymember Chacon at the time, shared that the bill was specifically designed this way to prevent schools from putting up barriers to bilingual programs, knowing that many parents of English learners may not know it is their child’s right to enroll in bilingual programs. While the
AB507 regulations ended up following the language and intent of the legislation, Honig’s argument almost word for word appeared a decade later in Proposition 227.

Upon passage, the bill took effect within six months of signing, preventing institutions of Higher Education from gearing up adequately, and the new mandate placed enormous pressure on school districts to create bilingual programs and staff them appropriately. An adequate supply of bilingual teachers did not exist in the state, nor instructional models or curriculum for teacher preparation. AB507’s mandates required districts to immediately catch-up to recruit, train and employ qualified teachers. In the field, a flurry of activities set out to create the mechanisms for preparing teachers. Institutions of Higher Education (IHE’s) were not required to develop bilingual credentialing programs. However, due to the immediate demand, county offices and consortiums stepped up to create a variety of mechanisms to provide training and certification for teachers already in schools. San Diego State, Sacramento State, Cal State Fullerton, the University of LaVerne, Chico State and Fresno Pacific (among others) took early steps to develop programs, but there was no state incentive or funding. Instead those IHE’s that moved forward did so with federal Title VII funding and on the initiative of individual faculty members who were able to garner fellowship money for students pursuing bilingual teaching authorization. But the number of programs, and the number of candidates was low -- far too low to meet the demand.

The state subsequently established Bilingual Teacher Training Programs (BTTPs) to provide pathways for teachers to develop bilingual proficiency - beginning with four centers in the most impacted counties of the state (this later expanded to 14 by the mid 1990s). While many teachers cycled through these BTTPs, the push to move an existing teaching force to get the training to become authorized was a hard-sell. Estimates were that, with almost a quarter of a million LEP students in the schools, there was a shortage of over 18,000 bilingual teachers. Advocates understood that California's success or failure in adequately staffing programs would determine whether or not the potential of bilingual education could be realized. In examining data from 1980 to the current time from the Commission on Teacher Credentialing, the UC system and the California Department of Education and anecdotally through interviews, it points to a severe shortage of teachers who spoke, understood and were literate in the languages of the bilingual programs established under AB507. To this day, California data shows that over 70% of all K-12 teachers are white, with Hispanics, Blacks, Asians and others making up the other 30%. Although data was not specifically reported on native speakers of Spanish and other languages, the numbers of Hispanic college graduates entering teacher education was extremely low, and one must assume that not all identified by ethnicity would be fluent or proficient in both languages.

The slippery slope: Responding to a shortage by creating Waiver Provisions

In 1978, new state legislation, AB3463 (Chacon) was proposed to amend the definition of qualified teachers to include teachers on state-authorized waivers that districts could grant to existing and/or prospective staff as long as they were in the process of working towards meeting certification requirements. Bilingual advocates went on a retreat to consider this revision. Shelly Spiegel Coleman remembers strong divisions among the advocates. David Dolson insisted that they had to hold the line and only allow certified bilingual teachers or it would
undermine the quality and integrity of the programs, eventually leading to their demise. But others (primarily from school districts) insisted that if they had to use only fully certified bilingual teachers, their programs would cease to exist. In the end, the advocates supported the legislation allowing for waivered teachers, and AB3463 became law.

Initially, teachers on waiver were given four years to complete bilingual certification, and during this period were assigned a bilingual aide. This was viewed by some as a perk and by others as a disincentive, since teachers would lose the aide once they became fully bilingual. Because schools were required to mount bilingual programs if there were 20 or more English Learners of a language group in a grade level, many classrooms approached the staffing issue by hiring and assigning bilingual instructional aides (BIAs) to handle the primary language instruction and literacy development. These BIAs had minimal training. Yet because of the shortage of appropriately trained bilingual teachers, paraprofessional instructional aides became the principal instructors of many LEP students. In some instances, the aide was working with 20 students, and the teacher with 4 or 5. There was no specialized training required for these aides, nor was much available.

1980s: Push Back

While teachers continued to teach in English and were in process of taking classes to learn Spanish to eventually become certified as a bilingual authorized teacher, it was a long-haul. The hardest part of the authorization was being able to demonstrate proficiency in Spanish. It takes many years to develop the level of proficiency required to instruct in a new language. Many teachers dragged their heels, resenting being forced to get authorization and teach bilingually. The teachers’ unions lobbied to amend the time limit on the waiver. As a result, requirements were amended to allow teachers six years to get the certification, and then extended again to eight years. But even so, many waiver teachers were unable to complete the requirements for the certification within that time frame. And there was little incentive since they would lose their aides once certified. In the policy arena, few in the state seemed to appreciate that students were being asked to become proficient in English within 4-5 years, yet well-educated adults were finding it difficult to gain a similar level of proficiency in a new language in the course of 8 years or more.

And so, the primary educator force in the bilingual programs for almost a decade were Bilingual Instructional Assistants (BIAs) – with no training for the job and no voice. By 1980, over 26,000 of them were employed across the state. Two BIAs, Lolly Reyes and Rosemary Clooney, organized a bilingual para-educators’ association, holding conferences throughout the state to try to provide professional development for the BIAs. When it got too large, they sold it to the California Association for Bilingual Educators (CABE), and CABE’s first Executive Director was hired for the purpose of running the para-educators’ conferences - to this day, a regular, robust feature of CABE’s activities.

Recognizing that the BIAs were a potential pool for addressing the bilingual teacher shortage, the University of Southern California created a paraprofessional career ladder model that was picked up by other universities. It was designed for Chicano/Latino bilingual instructional aides already working in schools in instructional support positions. The model partnered IHEs with school districts. Because BIAs were paid so poorly and were working while pursuing their
training, the model offered flexible course schedules, financial assistance, preparation for taking state licensure exams and priority hiring in school districts upon completion of the credentialing program. But it was still a slow process, and the shortage of teachers far too great. Even with the use of para-educators and the waiver provision to get teachers into training to prepare to implement the programs, the implementation of effective programs was hampered by the staggering shortage of qualified teachers.

In retrospect, Shelly Spiegel-Coleman, now Executive Director of Californians Together and a key figure in bilingual education throughout the decades of building the field, reflects it was probably a mistake to allow the waiver provision. “It just wasn’t a good model for staffing classrooms. We had a lot of weak classrooms, teachers who didn’t want an aide, aides who weren’t supported or prepared to teach. Teachers didn’t want to go to training. As a result, California ended up with too many weak programs.”

In February of 1986, State Superintendent Bill Honig testified in front of the Assembly Education Committee asking that they substantially weaken the provisions of the bilingual education act. He argued that teachers who are on waiver for 8 years and still do not become bilingual should be certified to work with LEP children and allowed to work with students of intermediate and higher English proficiency since, he asserted, they would have amassed cultural knowledge of the students and the English Learners by that point would have sufficient proficiency to be taught solely in English.

Nine months later, in November of that year, Proposition 63, the “English Only” initiative passed in California by a 2 to 1 ratio, declaring English as California’s official language. While the ballot initiative itself did not directly speak to issues of bilingual programs, it was well-timed to coincide with the reauthorization of the Chacon-Moscone law, providing a popular mandate for Republican Governor George Deukmejian to allow the bilingual education statute to sunset. Well over a year had been spent hammering out compromise legislation which would have reauthorized the state bilingual education program. On two occasions, both the state senate and assembly passed bills to reauthorize AB 507. But Deukmejian vetoed them, influenced in great part of a strong anti-bilingual position of the Assembly Republican caucus, a strong national English-only lobby, and the passage of Proposition 63. Even some “friendly bilingual education supporters” argued for sunsetting the bill because, while bilingual education might be wonderful, the lack of qualified teachers made it impossible to implement on a broad scale and therefore wrong for public policy to support bilingual instruction.

The sunset of AB507, California’s bilingual education law, in 1986 was a turning point for bilingual education in the state. It raised many doubts about whether, and under what conditions bilingual education should be expected and appropriate. It raised many questions about the staffing requirements moving forward.

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4 Within public policy, a sunset provision provides that the law will cease to have effect after a specific date, unless further legislative action is taken to extend the law.
The California Department of Education and The Office of Civil Rights (OCR) Take Action:

The California Department of Education chose to act quickly to notify school districts of the changes that resulted from the sunset of the law, and also of the continuing state and federal requirements for serving English Learners. Despite the formal sunset, some aspects of AB507 remained in effect. It was determined that a base program (transitional bilingual education) was required, but allowed for alternatives in programs as long as they met the Castañeda three prong standard. In the mid-1980s, guidance from CDE allowed that after diagnosis of LEP student need, students at intermediate and advanced levels of English proficiency could be taught in specially designed “sheltered” content instruction and ELD instruction, and a Language Development Specialist (LDS) authorization would suffice in those situations. The (LDS) was established as the compulsory certificate of instruction for any teacher teaching in a classroom where more than ten students were identified as English learners. The LDS credential did not require additional skills in a second language, but required teachers to understand second language theory and methodology.

The department now estimated a large shortage of LDS authorized teachers, however, in addition to the shortage of bilingual teachers. Preparation for an LDS authorization was a quicker fix than preparing teachers for bilingual programs – but it still required concerted action.

CDE staff revised the Coordinated Compliance Review (CCR), the mechanism used by CDE to conduct compliance reviews of school districts on a three-year cycle. They removed requirements related to numerical triggers for bilingual programs, and the requirement that teachers who lacked state certification but were assigned to bilingual classes had to obtain a waiver from the state. But they maintained that primary language instruction was required for students at lower ends of English proficiency, and that when it was provided, a qualified bilingual teacher had to be used. Furthermore, the department determined that qualified teachers were necessary for the delivery of ELD, and that districts had to provide training programs for such teachers. The Commission on Teacher Credentialing held that bilingual and ELD credential requirements remained in affect after the sunset, but there could be options in how to satisfy the requirements to obtain these certifications.

The CDE issued a new advisory enumerating five staffing and program options for school districts to be in compliance with staffing requirements, including (1) performance based alternative to state requirements, (2) the use of CTC authorized teachers, (3) local designation options as an alternative to CTC authorization, (4) a multiyear plan to remedy the shortage of teachers, and (5) a one or two year waiver of teaching in the primary language.

In 1989, State Superintendent of Public instruction, Bill Honig called together a Task Force on Selected LEP Issues to examine (among other issues) the problem of the teacher shortage for English Learners. The 30-member group met for almost a year to provide input on interim measures to deal with the shortage of bilingual teachers, and to formulate a long-range

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5 Castañeda v. Pickard (1981), a federal court case [US Court of Appeals for the Fifth Circuit], requires that a program for ELs must: 1) be based on sound educational theory, 2) be implemented effectively with resources for personnel, instructional materials, and space, and, 3) after a trial period, the program must be proven effective in overcoming language barriers/handicaps.
proposal to increase the supply of teachers qualified to work with English Learners. At that time, the teacher shortage even including those in the credential pipeline was estimated at approximately 14,300 bilingual teachers and an unspecified number of English language development specialists. The report read: “The failure to meet the increased demand for trained personnel capable of providing bilingual support or strategies for English language development constitutes a staffing crisis for the California school system.” The vision of staffing put forth by the Task Force was that there should be a fully credentialed bilingual teacher for every 20 students at all levels – a teacher who spoke the student’s language and specialized in English language development. It concluded that California’s education, business and political communities must cooperate in immediate action to solve a crisis that threatens the prosperity of the state. “The crisis can be resolved with creativity, flexibility and additional finances. If conditions are left to deteriorate, California will suffer disastrous economic and social consequences.” (CDE, 1991).

Specific Task Force recommendations for immediate action included:

• Institute a state initiative, including a major public information campaign, about the need for teachers of LEP students
• Develop legislation to create and expand resources for bilingual teacher training, and give priority to providing financial support to training additional teachers
• Redirect or expand existing resources for funding state staff development
• Develop and publish CDE materials to inform potential teachers and the general public about becoming bilingual teachers
• Establish a California Language Minority Subject Matter Project to disseminate information to all teachers about techniques and methods for providing instruction to LEP students
• Expand the number of bilingual teacher training programs (BTTPs)
• Create financial incentives for paraprofessionals undertaking training for credentials

A statewide CDE LEP Staffing initiative designed to remedy the shortage of bilingual and ELD teachers was formulated as a response to the Task Force recommendations. It focused on five target areas:

1. Recruitment of future teachers
2. Expansion of teacher preparation programs
3. Expansion of staff development
4. Improvement of access to bilingual and ELD certification
5. Implementation of a comprehensive public relations campaign.

During the 1988-89 school year, the California Department of Education (CDE) took a proactive stance by having districts develop a long-range plan to reduce or eliminate their teacher shortages. Districts were to immediately file a Plan to Remedy the Shortage of Qualified Teachers of LEP Students (PTR). A district Plan to Remedy had to report the actual teacher need, supply and shortage, and the recruitment and employment strategies districts were using or planned to use in their search for qualified teachers. These included things like job fairs, newspaper ads, high school student scholarship programs, etc. Districts were also training existing teachers, encouraging paraprofessionals in their system to enter teacher preparation programs – and this information was reported on the PTR. CDE developed a sample plan and trained districts on how to develop a PTR and an Annual report, and created a guide for overcoming teacher shortages called, “Overcoming teacher shortages for LEP students: Promising Practices”. All of these steps
were taking place to catch up with the mandates of AB507. Elizabeth Jiménez Salinas reflects back on the legislative decision to trigger immediately upon passage of AB 507 the requirement for full implementation requiring bilingual credentialed teachers rather than phase it in, knowing up front of the glaring shortage. One of the concerns was that the need and urgency was so great across the grade levels that if we waited for a year-by-year phase in, it might never happen.

Meanwhile, districts were still held to federal legal guidelines and regulations (Equal Education Opportunity Act) and court rulings such as *Lau v. Nichols, Castañeda v Pickard*, and were still bound by Title VI. The California Department of Education sought to step up monitoring and visibility of the need for qualified teachers. And as state legislation and frameworks were being weakened, CDE staff turned to the Office of Civil Rights for clarification about the federal legal requirements.

In September 1991, the Office of Civil Rights issued a “*Policy Update on Schools’ Obligations toward National Origin Minority Students with Limited English Proficiency*”. Relying primarily on the Lau Decision and the Castañeda three-prong test as the standard of whether schools were providing a sound program, the memo underscored that:

“*Districts have an obligation to provide the staff necessary to implement their chosen program properly. When formal qualifications have been established, and when a district generally requires it teachers in other subjects to meet formal requirements, a recipient must either hire formally qualified teachers for LEP students or require that teachers already on staff work toward attaining those formal qualifications. A recipient may not in effect relegate LEP students to second class status by indefinitely allowing teachers without formal qualifications to teach them while requiring teachers of non LEP students to meet formal qualifications. If a recipient selects a bilingual program, at a minimum, teachers should be able to speak, read and write both languages, and should have received adequate instruction in the methods of bilingual education. In addition, the recipient should be able to show that it has determined that is bilingual teachers have these skills. A bilingual program, however sound in theory, is clearly unlikely to have a significant impact on the language barriers confronting limited English speaking children, if the teacher charged with the day to day responsibility for educating these children are termed “qualified” despite the fact that they operate in the classroom under their own remedied language disability. Furthermore, bilingual teachers should be fully qualified to teach their subject.”*

The memo goes on to state: “*Recipients further assert that their teachers are unqualified because qualified teachers are not available. If a recipient has shown that it has unsuccessfully tried to hire qualified teachers, it must provide adequate training to teachers already on staff to comply with the Title VI regulation. Such training must take place as soon as possible.”*

Schools were still required to have enough adequately qualified teachers to provide ELD instruction, and to provide non-English language instruction whenever students required such instruction to maintain academic achievement and have access to the full core. Armed with this affirmation of federal policy, the California Department of Education engaged in multiple steps at this point to provide guidance to school districts on options for recruiting, hiring, staffing and retaining teachers for programs for LEP students.
There were broader forces impacting the shortage. As the student demographics in California shifted towards increasing diversity, the teaching force became less and less representative of the students in their classrooms. The issue of recruitment, preparation, employment and retention of minority teachers overlapped directly with the issue of the bilingual teacher shortage. While some of the teacher shortage effort was focused on retooling the existing teaching force (overwhelmingly white and proficient only in English) to learn other languages and develop bilingual authorizations, there were parallel efforts to recruit and support language minorities to come into the teaching profession. The pipeline of Latino students into college was narrow, so an important potential source of bilingual teachers was being cut off even before entering college. Then the candidates with the best potential for becoming bilingually certified – those with the language skills and often with the deep commitment to the communities of English learners – were Hispanic and Asian Americans. They disproportionately were precluded from being granted credentials by not passing the CBEST (California Basic Educational Skills Test), despite having completed all coursework and other requirements for the credential. Bias in standardized tests was being documented nationally, and this increased the pressure to create alternative routes to certification that did not rely on a standardized test. Federal Title VII funds and Comprehensive Employment and Training Act (CETA) funds were particularly essential for supporting recruitment of Latinos into the bilingual teacher pipeline, but this money started to dry up in the 90s.

Districts were faced with creating their own plans to remedy the shortage of teachers for EL programs, and faced competition for the short supply to meet their demand. They needed both short-term and long-term solutions. District strategies included: salary stipends to attract bilingual teachers, eliminating the five years’ experience maximum on the salary scale for qualified teachers who transfer to a new district, active recruiting, building their own career ladders for bilingual paraprofessionals, signing bonuses, release time during the school year for the extra planning required of bilingual teachers, paying for course work and tests required to complete requirements for a credential, teaching clubs for high school students to attract them to pursue teaching. But while some districts were proactively engaging in multiple strategies, others were dragging their heels.

The push back played out in local struggles as well as tensions with the state. United Teachers of Los Angeles (UTLA) was split over support for bilingual education. A referendum, Learning English Advocates Drive (LEAD) opposed the requirement that teachers should have to have additional certification in English language development theory and methods, and proposed an anti-bilingual policy seeking to end the union policy supporting bilingual stipends for bilingual teachers. In August of 1987, 78% of UTLA voted to endorsed English immersion and reject primary language instruction, calling for an end to the district waiver program.6

Upon a request from CDE, the Office of Civil Rights sent out what became known as the May 1990 Memorandum to Districts clarifying the legal standards related to discrimination on the basis of national origin. There were requirements that districts had to follow – written into the Coordinated Compliance Review Manual (CCR 1990) outlining the basic legal requirements for categorical programs under the (AB507) sunset provisions – including, among others that

there must be enough adequately qualified teachers to provide ELD instruction, there must be
enough adequately qualified teachers to provide non-English language instruction whenever
students require such instruction to maintain academic achievement and have access to the
core curriculum, and the district must have adequate in-service training for existing and future
personnel. Teachers assigned to instruct LEP students were to have the appropriate authoriza-
tion deeming them qualified to implement a linguistically sound instruction programs.

Though CDE staff were actively engaged in providing technical assistance to the field, and
responding to the PTRs, there were far too few CDE staff to provide such compliance monitor-
ing and technical assistance – and the need far too great. In addition, CDE worked only with
the K-12 public schools in CA therefore did not have the ability to affect the supply side nor the
responsibility for addressing teacher preparation and credentialing.

Throughout the state, there was talk about the failure of schools to educate ELs adequately,
and much of this focused on the shortage of adequately trained teachers. In 1988, the Cali-
fornia Business Roundtable report, hammered this point and called for investment in building
teacher capacity. As the number of LEP students continued to grow in the state, the shortage of
teachers became even more acute. There needed to be a concerted effort by the state, higher
education and districts working together to tackle the qualified bilingual and ELD teacher short-
age that was hindering the full implementation of LEP programs.

Overall, the response by higher education was disappointing. Despite recommendations
to increase a focus on building a pool of bilingual teachers, development of bilingual credential
programs was slow. According to Norm Gold, “Local districts, aware of the needs, dedicate enor-
mous energy to training and retraining teachers, but the most intractable part of the problem seems
to be the failure of California’s colleges and universities to make a shift to the production of bilingual
teachers.” From California IHEs, and other sources (teachers hired from other states or countries,
etc.), a net gain of fewer than 200 teachers per year were added to the overall supply of bilin-
gual teachers between 1986 and 1992. Teacher education programs voiced their reluctance to
expand their bilingual teacher programs as they were not hearing from local schools districts
that there was a need.

Norm Gold, in a paper prepared in 1991 on remedying the shortage of teachers, cited
a number of recommendations, including the need for a long-term strategy, for additional
resources to be put into addressing the shortage of in-service training, for a doubling of the
BTTP efforts, for retraining faculties in colleges and universities, and for supporting bilingual
candidates through their credential programs. He called for increased staffing and investments
in both compliance monitoring and technical assistance. And in his conclusion, he wrote:
“The large shortages we face today have led some to conclude that the production of sufficient
bilingual and ELD teachers is a challenge which can never be met. If this were so, then current and
future LEP students are doomed to an incomplete and inadequate education. Such a conclusion,
however, is not warranted because the production of sufficient bilingual and ELD teachers has never
been seriously attempted.”
If you can’t achieve it one way, find another:
Alternative Roads to Credentials

The Commission on Teacher Credentialing was tracking the demographic changes in the state and held discussions with its own Bilingual Cross Cultural Advisory Panel about possible revisions to the bilingual credentials and the examination structure as an option for obtaining the credential. There were at the time six different certifications: 1) a standard multiple subject credential with a bilingual, cross-cultural emphasis acquired through a CTC approved teacher preparation program, 2) a Bilingual cross-cultural specialist credential available to teachers who already held multiple subject credentials but wanted to specialize as bilingual teachers, 3) a Certificate of bilingual, cross-cultural competence authorizing previously credentialed teachers with additional training in a language other than English (awarded based on assessment of their competency in second language and of bilingual teaching theory and methods), 4) Emergency credentials with a bilingual emphasis (for people who passed the CBEST, are bilingual and have a job in a district in need of emergency staffing), 5) a Language Development specialist certificate (secondary schools for teachers who met foreign language requirements, had some training and passed an exam for language development specialist). In addition to these state sanctioned teaching certificates, a number of individual school districts issued their own certification for paraprofessionals or bilingual instructional aides.

In 1992, work began on specifications for new certificate: the Cross-cultural, Language and Academic Development (CLAD) certificate authorizing teachers with multiple subject credentials to teach ELD – as well as work on a bilingual version, the BCLAD.

In 1994, a new bill, SB 1969 (Hughes), established alternative and less rigorous processes for teachers to earn certification to teach English learners. It established a Certification of Completion of Staff Development in Specially Designated Academic Instruction in English (SDAIE) or English Language Development (ELD) for teachers in self-contained classrooms. The bill grandfathered in teachers who had more than nine years teaching experience, requiring 45 hours of professional development to earn a certificate. This professional development could be delivered by a county office of education, a school district, an IHE or a designated organization. Teachers with fewer than nine years of experience, were required to complete 90 hours of professional development. The California Teachers Association was the force behind this effort to relieve teachers from having to go through all of the coursework required for authorization for the LDS or CLAD certificate.

Shelly Spiegel-Coleman remembers the dilemma for advocates about supporting the legislation: “What could we do? Teachers weren’t going to training. Period. They just weren’t going. But we figured that if we could write the legislation so that the county office-based BTTPs would be the vehicle for the alternative route, it would be decent training. So we ended up supporting it. It was better than nothing. And in fact, many teachers went through SB1969 training in the BTTPs and it opened their eyes and gave them some valuable instructional strategies.”

Claudia Lockwood, Director of one of the largest BTTPs, remembers her concern about accepting the 45 hours as sufficient. Advocates had fought for, at a minimum, an assessment and accountability piece written into the legislation, but CDE wouldn’t go for it. Norm Gold wrote a letter to the Office of Civil Rights asking if in their opinion 45 hours of seat time would
be enough to satisfy Castañeda requirements. Katie Riggs, attorney at the Office of Civil Rights remembers this as a seminal moment. OCR issued their opinion that there had to be rigorous accountability assuring that teachers actually had demonstrated sufficient mastery of the content. Seat time was not enough. This meant that districts seeking a source for the required minimum professional development turned to those BTTPs that had an assessment and performance component to their SB1969 training, so they were assured it would meet the OCR requirements.

By 1998 in almost 70% of English learners in California schools were being educated in English-instructed settings. This was as a result of the difficulty in finding bilingually authorized teachers for bilingual programs, the option now available to districts to offer ELD or ELD+SDAIE program models instead of bilingual programs, the increased language diversity in some schools due to the refugee and immigrant waves of the 1990s that made clustering students for primary language instruction difficult, and the increasing momentum of the English Only movement in the state of California.

**KILL THE DEMAND: PROP 227**

In 1998, ballot Proposition 227, seeking to eliminate bilingual education programs and mandating English as the primary language of instruction was overwhelmingly approved by California voters with a 69% approval rate. While never a part of the official messaging of the campaigns, in the arguments pro and con the initiative in community forums and radio debates, the issue of the teacher shortage was raised. Those pro-227 who were describing bilingual programs as a failed model pointed to poor quality programs and one aspect of that was inadequately prepared teachers. Those who were against 227 argued that it wasn’t the model that was a problem, but that investments in building a qualified teaching force and really getting behind the model had lagged. Nevertheless, one immediate and decisive shift in the teacher shortage situation was the passage of the proposition itself. Ed Code was revised so that English instructed classrooms were the default. Proposition 227 required that “… all children in California public schools shall be taught English by being taught in English. In particular, this shall require that all children be placed in English language classrooms.” (Article 2) English language classrooms were defined as “classrooms in which the language of instruction used by the teaching personnel is overwhelmingly the English language, and in which such teaching personnel possess a good knowledge of the English language.” This is the only criteria specified for teaching personnel – a good working knowledge of English.

The number of bilingual programs plummeted. From approximately one-third of English learners being served in bilingual programs the prior year, the number dropped to 11.7% the year 227 was implemented, and over the next several years dropped further to less than 5%. If the programs weren’t required, districts weren’t offering them, ergo there was no need for bilingual teachers. The impact on bilingual teachers was marked. The climate for bilingual instruction was polarized. According to a survey conducted the year after 227 passed, almost a third of bilingual teachers were considering leaving the teaching profession.⁷

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The Commission on Teacher Credentialing sought to do away with the requirements for the Bilingual authorization at this point, citing the passage of 227 and, in their opinion, no further need for it. Martha Zaragoza Diaz, CABE lobbyist, remembers organizing a campaign to insist that -- because Proposition 227 actually didn’t specify anything related to credentialing -- it should be assumed that everything not addressed in the initiative should stay the same. And so, the BCLAD remained.

The New Century

CHANGE THE DEFINITION: If everyone is qualified, there is no shortage:

There was still the need to build a teaching force qualified to deliver English-instructed curriculum designed for English learners and to teach ELD. The impact of Proposition 227, plus the advent of a major immigration wave from Southeast Asia meant that teachers were increasingly facing classrooms of students with whom they didn’t share a language, and the medium of instruction was all in English.

Assemblywoman Denise Ducheny’s AB1059 bill was intended to help solve the ongoing problem of the lack of teachers properly trained to serve English Learners. The bill required all teachers hired after August 1, 2000 to have a CLAD or BCLAD certificate because (in the words of Ducheny) “the growing population of English learners makes it almost inevitable that any teacher will encounter the need to serve English learners at least once in their teaching career.” All multiple and single subject credentials would now be required to infuse some knowledge of culture and second language learning, thus all teachers receiving those credentials would now be authorized to serve English learners. The bill turned it over to teacher credentialing programs (IHE’s) to figure how to weave issues of culture and second language learning into their regular curricula. And, while the existing CLAD certificate required special coursework in a) the structure of English linguistics, b) 6 semester units of a second language and c) specific content in instruction in the role of culture in learning, the Ducheny bill eliminated those competencies, retaining only classroom methods for teaching English learners and legal foundations in English learner methodology. The result was less rigorous preparation – left up to the IHE faculty who did not generally have expertise in English learner issues, to figure out how to weave English learners into their regular curricula.

As a result of legislation enacted in the 1999 Legislative Session, all teacher preparation programs were required, by July 1, 2002, to satisfy standards established by the California Commission on Teacher Credentialing for the preparation of teachers for all pupils, including English learners. This law also called for the development of an examination to provide teacher candidates, including out-of-state candidates, with a test route to fulfilling the requirements for teaching English learners.

AB 1059 (Ducheny) became effective January 1, 2000, prohibiting the Commission beginning July 1, 2003 from issuing a teaching credential to an applicant unless the applicant satisfied the standards and requirements established by the bill or has an authorization to provide services to English language learners. Unlike the original CLAD, the authorization to provide services to English learners under AB 1059 was restricted to teaching authorized within the basic credential and did not include the teaching of English learners in specialized settings. The purpose of was to require all institutions of higher education that offered teacher preparation programs to submit a plan to implement the law.
In January, 2001, the Commission’s Draft Standards of Quality and Effectiveness for Professional Teacher Preparation Programs included “Program Standard 13: Preparation to Teach English Learners” intended to assure implementation of the requirements of AB 1059. It was one of twenty-three standards defining teacher preparation programs leading to a credential authorizing teachers to teach English learners in the general education classroom.

In 2002, Patricia Gandara and Russell Rumberger published a scathing paper through the UC Linguistic Minority Research Institute, criticizing the state and certification processes that were weakening the preparation of teachers of English learners. In “The Inequitable Treatment of English Learners in California’s Public Schools” the chief focus was on the state’s role in creating and perpetuating the existing inequities by failing to ensure that English Learners have a teacher who is appropriately credentialed to teach them. “Although EL students are significantly more likely than all other students to have a teacher who lacks any credential, and more particularly, lacks a specialized credential to teach them, the state has failed to mount any significant system of incentives or recruitment to ensure EL student access to appropriate teachers. These teachers have significantly fewer professional development opportunities provided for them that focus on the needs of English learners than for other students. Furthermore, standards for EL teacher certification have been lowered through legislative mandates (SB1969 and SB395) that provide authorizations for teachers to teach English learners with minimal preparation. Moreover, the state implemented a “teachers in training” program which is the most widely used option to teach English Learners, and which conditionally allows teachers to teach English learners based solely upon a promise that the requisite training will be obtained. However, the State has failed to devise a meaningful process by which these agreements can be enforced and/or monitored.”

The Gandara-Rumberger paper called upon the state to (among other recommendations) mount professional development initiatives focusing on early literacy for English learners, ensure that the CTC standards are sufficiently high to guarantee EL teachers are qualified to teach these students, and specifically warned against the watered down CLAD certificate and the Ducheny AB1059 bill.

All of this was occurring in the context of the 2001 Federal No Child Left Behind Act (NCLB) which significantly amended the federal Bilingual Education Act of 1994 that had previously placed a preference in federal funding to grant applications developing bilingual proficiency. NCLB renamed the bill the English Language Acquisition, Language Enhancement and Academic Achievement Act, replacing the focus on developing home language with an emphasis on English language instruction and transition into regular classrooms as quickly as possible. And the definition within NCLB that teachers had to be “highly qualified” did not specifically call for English Learner expertise. And by then, California legislation had defined sufficient EL expertise as the basic CLAD certificate. Now EVERYONE was ‘qualified.’ By definition there could be no shortage – except in bilingual programs where a BCLAD was still required. But Bilingual Education programs were few and far between by this point.

In 2001, another piece of legislation addressed credentialing. Senate Bill SB2042 (Johnston) sought to streamline the credentialing process because there was so much variance in what was being done in preparation programs for the CLAD and BCLAD. The result was a further watering down of the CLAD certificate. Universities were given the leeway to design the coursework, and were supposed to be integrating the English learner content into the rest of
their courses. However, most IHE Teacher Education faculty had little or no experience themselves in English Learner education. Minorities were vastly underrepresented among the faculties, few held professorships, practically none held Department Chairs or even full-time positions. Advocates were opposed to SB 2042 because they feared a watering down of a focus on English learner needs, and the lack of clear specification about content that had to be delivered. Nevertheless, it went forward.

In 2002, the Commission on Teacher Credentialing approved a set of standards that allowed teachers to pursue bilingual authorization through multiple routes, with both coursework and examination options, contributing to a greater share of bilingual authorizations going to existing teachers rather than to new bilingual teachers just coming into the profession. The emphasis was on pedagogy and language knowledge, with very little requirement for cultural knowledge. Today, only 30 California teacher preparation institutions offer bilingual authorization training programs, compared with over 80 that grant general credentials. Altogether, California authorizes fewer than half the number of bilingual teachers than it did when bilingual education was at its peak in the 1990s. There has been a steady decline every year. Now, fewer than 700 are issued annually.

With the CLAD certification, secondary teachers of any subject were permitted to teach their own subject and/or designated ELD. English Language Development was not treated as a subject that required specialized training and a separate credential. For example, in 2007 LAUSD ran a list of the credentials held by secondary level teachers assigned to teach ELD. Many on the list held an English Language Arts and Literature credential but on that list were also PE teachers, chemistry teachers, and a number of other authorizations. Some principals reported that with the CLAD certification, they were able to use teachers to fill the ELD slots who needed additional periods assigned to keep them on full time.

A Renewed Focus on the Need for Qualified Teachers for English Learners:

In January 2015, a renewed focus on English learners within the Office of Civil Rights and the Department of Justice led to issuing a “Dear Colleague” letter, reminding schools of their legal obligations under Title VI of the civil Rights Act of 1964 to ensure that students with limited English proficiency can meaningfully participate in the educational programs and services. One section of that memorandum discusses staffing, and reiterates again the obligation to provide personnel necessary to effectively implement the chosen English Learner (EL) program, including having highly qualified teachers, trained administrators to evaluate those teachers, and appropriate materials for the EL programs. Every school district is responsible for ensuring that teachers have mastered the skills necessary to effectively teach in the program. The memorandum goes on to cite the State Education Agency’s responsibility to ensure through guidance and monitoring that districts have adequately trained teachers. “SEAs (State Education Agencies) and schools districts that provide EL teacher training are also responsible for evaluating whether their training adequately prepares teachers to implement the program effectively.”

There is still an enduring mandate for qualified teachers with appropriate authorizations as a key component in addressing the needs of English learners based on Title VI of the Civil Rights Act and the Castañeda decision. But the mechanism for monitoring and technical assistance
related to ensuring that teachers actually are qualified was stripped out of CDE when the department reduced staffing in the compliance division and made the switch to ‘Federal Program Monitoring (FPM).’ The result was a greatly-reduced state monitoring function.

Now, with the Local Control Funding Formula (LCFF) and a sea change attitude about “right drivers” in the state, issues of compliance became viewed as overly intrusive. The assumption became that LEAs would, on their own, do the right thing. This paper is focused on teacher preparation, so it does not address training and preparation of administrators who can monitor, support and guide as instructional leaders. With the increased emphasis on local educational agencies’ local control, the issue of knowledgeable, well-prepared local administrators becomes even more important in carrying out the legal mandates and achieving high levels of English learner success.

Where this Leaves Us Now

Because of the CLAD authorization, all credentialed teachers now are officially deemed adequately prepared to address the ELD and sheltered English instructional needs of English Learners. Thus, with only a small number of bilingual classrooms in the state, there is no formal shortage of ‘qualified’ teachers for English Learners. However, whether or not they are actually well-prepared is still an open question. Since the adoption of the 2014 California English Language Arts/English Language Development (ELA/ELD) Framework, a major challenge is facing the state in preparing teachers to teach the new standards and the integrated and designated ELD that is encompassed in the vision of integrated curriculum. While there has been a rollout of the ELD standards and the new framework, those efforts have been minimal in comparison to the big lift of retooling the teaching force to be able to serve English learners in this era. Integrating content instruction and ELD, designing and delivering ELD in response to content demands in the rest of the curriculum, all require a level of expertise and mastery of strategies and planning time that is not addressed through professional development or pre-service preparation. Whether the state will respond with funding beyond the LCFF, or will see this as a continuing issue of equal educational opportunity requiring a focus on teacher capacity to meet the needs of English learners, we do not yet know. But there are important questions to consider:

• How can a robust discussion and codification of the requisite skills and knowledge needed to address English learners’ participation, comprehension, language development and access within the newly defined “EL program” of integrated/designated ELD be infused into the existing mechanisms focusing on the ELA/ELD Framework implementation?
• Might it be time for a reassessment of the CLAD as the foundational certification for preparing all teachers to work with English learners?
• What will it take to focus attention in the development of LCAPs on the crucial need for professional development related to meeting the needs of English learners?
• What are the mechanisms to strengthen faculty capacity in teacher preparation programs to more fully address the needs of English learners? What training is needed for administrators?

As of 2017, due to the passage of Proposition 58 and the overwhelming mandate from the public, there is an exciting new opportunity to build bilingual learning opportunities.
The passage of Proposition 58 in November 2016 removed restrictions on bilingual education programs, allowing California school districts to more easily create or expand dual language learning options. As schools and families now have greater latitude to seek bilingual programs, it will likely lead to increased demand for teachers with bilingual authorizations in a variety of languages. However, as we have learned from the past, the expansion of bilingual programs requires serious attention to the supply of qualified bilingual teachers. Expanded programs and quality opportunities for bilingual development can only occur if there are teachers prepared to deliver them and administrators ready to support them. Old questions are back on our plates:

- What are the mechanisms to attract, recruit and bring people with bilingual skills into teaching? What kind of supports, incentives and delivery approaches will be most effective to do so?
- What role can technology play?
- What kind of retooling and incentives might be needed to entice people with BCLADs who once taught bilingually but have been teaching in English-instructed programs for the last decade or so to re-enter bilingual classrooms with the preparation needed for success?
- What clarifications or updates are needed by the field about what constitutes a prepared teacher for the various bilingual language program options available under Proposition 58?
- What incentives, models and supports are needed to expand the BCLAD programs in teacher preparation institutions?

The effort to focus policy and practice on building an effective teaching force to meet the needs of English learners has been part of the advocacy movement for decades. It begins with convincing educators, policymakers and the public that English learners matter, and then helping them understand the competencies and knowledge teachers need in order to ensure English learners receive the educational opportunity to which they have a right. From there, we need the resources and infrastructure to invest in building a teaching force that can effectively and equitably educate the more than a million English learners in our schools. And finally, we need policy and leadership at the local and state levels to monitor and ensure that it be done.

**CALIFORNIA TEACHER SHORTAGE TIMELINE**

1965 Federal Civil Rights Act banning discrimination on the basis of national origin

1967 California Senate Bill 53 signed by Governor Ronald Reagan, ending the 95-year old state education mandate that required all schools to carry out instruction in English

1968 Title VII of the Elementary and Secondary Education Act provided federal funding for staff and materials to address the needs of English learners, and funding for bilingual programs

1972 California’s AB 2284, Chacon Discretionary Bilingual Education Act passed as the state’s first bilingual education bill, allowing bilingual programs and establishing competitive grants to districts to start programs
1974 Supreme Court rules in Lau v. Nichols that schools must take affirmative steps to rectify the language barrier preventing equal educational access. Court’s statement included “There is no equality of treatment merely by providing students with the same facilities, textbooks, teachers and curriculum, for students who do not understand English are effectively foreclosed from any meaningful education”.

1975 U.S. Commission of Education issues the Lau Remedies, requiring bilingual education where there were at least 25 English learners with the same native language

1976 California’s AB 1329, Chacon-Moscone Bilingual Bicultural Education Act, was passed – the strongest bilingual education legislation in the nation. Among programmatic provisions, the bill set teacher certification requirements and mandated “appropriately trained teachers”.

1977 President Ronald Reagan withdrew the Lau Remedies

1978 AB3463 amended the definition of qualified teachers to include teachers on state-authorized waivers that districts grant to existing and prospective staff as long as they were in process of working towards meeting certification requirements and if partnered with a bilingual instructional aide.

1980 California’s AB507 the Bilingual Education Improvement and Reform Act reauthorized the original Chacon-Moscone bill outlining various types of allowable programs, but maintaining that bilingual programs were mandatory in schools with 20 or more English learners of the same primary language and grade. The bill defined a bilingual cross-cultural teacher’s competencies, and required programs to be staffed by qualified teachers.

1986 Proposition 63, the “English Only” Initiative passed in California by a 2:1 ratio declaring English as California’s official language. California’s AB 507 (Chacon) Bilingual Bicultural Education Act is allowed to sunset.

1989 State Superintendent of instruction Bill Honig establishes a Task Force on Selected LEP Issues to examine (among other issues) the problem of the teacher shortage for English learners. Based upon recommendations of that Task Force, this was followed a year later by the California Department of Education’s LEP Staffing Initiative designed to remedy the shortage of bilingual and ELD teachers. This included requiring districts submit ‘Plans to Remedy the Shortage”.

1991 Office of Civil Rights issues a policy update underscoring district obligations to provide staff necessary for effective implementation of their chosen English Learner program. The update defines the skills needed, and requires districts to provide for adequate training as soon as possible.
1994 SB 1969 established alternative and less rigorous processes for teachers to earn certification to teach English Learners. It grandfathered in teachers who had more than 9 years of experience, requiring just 45 hours of professional development to earn a certificate. Those with fewer than 9 years were required to complete 90 hours.

1998 Proposition 227 mandates English as the primary language of instruction and default program for English Learners. The criteria was teachers was simply “good working knowledge of English” (January)

Assembly Member Mike Honda, introduced ACA-7 the “School Board Bill of Rights” a measure that would require all teaching methods to be tested by a panel of experts and determined to be objectively superior to other methods before being adapted by districts into policy. This measure, if passed, would become a constitutional amendment that would essentially prevent the state from adapting a uniform pedagogical method without adequate review. Honda’s purpose in introducing this measure was to bar implementation of the Unz/Tuchman initiative even if voters pass it in June.

(January): Westminster (in Orange County) becomes the first district in the state to receive a permanent waiver from teaching bilingual education. LA Times claimed that “many schools offer limited-English speaking students no bilingual classes, in part because of a shortage of bilingual teachers”

1999 AB1059 (Ducheny) passed requiring all teachers to have a CLAD or BCLAD certificate, and infusing English learner issues into the existing teacher preparation curriculum. It also allowed for an “examination” route to filling English Learner requirements for teacher authorization.

2001 SB 2042 passed directing the Commission on Teacher Credentialing (CTC) to develop standards and content specifications for all accredited California Preliminary Teaching Credential Programs, directing that they must include preparation for instruction of English Learners.

NCLB replaced Title VII with Title III LEP Student Programs, the intent of which was to ensure that all English learners attain English proficiency. The focus became English proficiency and not biliteracy.

2002 CTC adopts the standards and revised scope of EL Authorization


2015 Office of Civil Rights and Department of Justice issue the “Dear Colleague” letter reminding schools of their legal obligations under Title VI of the Civil Rights Act of 1964 to ensure students with limited English proficiency can meaningfully participate in educational programs. The section on staffing reiterates the obligation to provide personnel appropriate to the EL program.
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Quick-Write
The Legacy and Future of EL Advocacy-
the ELLLI Story

March 21, 2019

1. Briefly name a local issue where an advocacy campaign is needed to improve EL education.

2. Identify the very first steps that need to be taken. What? When? By whom?

3. Who would be likely allies? Opponents?

4. What might be your role?
Contacts

Ruth Barajas
  Project Director - ruth@californianstogether.org

Graciela García-Torres
  Fellow - uscheliux@gmail.com

Norm Gold
  Emeritus Project Director - norm@normgoldassociates.com

Maxine Sagapolutele
  Fellow - msagapolutele@gmail.com

Lilia Torres-Cooper
  Fellow - lilic16@gmail.com

ELLLI:
  www.ELLLI.org
ELLLI is a project of:

www.californianstogether.org
Long Beach, CA

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