

**The Multicultural School Bus:  
Is bilingual education driving our students, and our nation, towards failure?**

**Table of Contents**

I. Abstract.....	1
II. Introduction.....	1
III. Defining Bilingual Education.....	3
A. Transitional Bilingual Education.....	3
B. Structured Immersion.....	5
C. The Bilingual Education Act.....	8
D. Which Method of Bilingual Education is Superior?.....	9
IV. The Success of the Nation.....	10
A. National Unity.....	10
B. Separatism.....	11
C. Assimilation.....	14
V. The Success of the Individual.....	18
A. Pre-Proposition 227.....	19
B. Post-Proposition 227.....	21
C. Converts to Structured Immersion.....	21
D. Rossell and Baker Study.....	22
E. Bilingualism.....	23
VI. Conclusion.....	24
VII. Bibliography.....	28
A. Cases.....	28
B. Law Reviews.....	28
C. Newspaper Articles.....	29
D. Books.....	29

**The Multicultural School Bus:  
Is bilingual education driving our students, and our nation, towards failure? <sup>1</sup>**

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**I. Abstract**

This note describes two methods of bilingual education, transitional bilingual education and structured immersion, which are used to educate Hispanic students in American public schools. This note argues that one method, structured immersion, is preferable because it fosters and protects American culture and unity while empowering Hispanic children with the English skills necessary to excel in the United States. Structured immersion, by focusing on the English language and American culture, is the superior technique for educating Hispanic students because it encourages both the success of the nation and of individual students.

**II. Introduction**

I am the new American. I speak two languages, I have lived in two countries, and I embody two cultures. My mother jokes that the only dishes I can cook are tortillas and fried green tomatoes. I am Catholic and I am Southern, but above all of this I am American.

Growing up in the United States I cherished my Spanish heritage, but I never questioned the fact that I was American. Without feeling that we were abandoning our culture or rejecting our heritage, my family assimilated to American culture with pride and enjoyed the economic and social benefits that accompanied our integration. In school I learned the National Anthem and the Pledge of Allegiance like my peers, and when my Spanish friends called me “Gringa” or “La Americana” I thought nothing of it.

I learned to speak Spanish the same way I learned English, by playing with my friends, watching movies, and conversing with my family. I did not know it at the time, but I learned both

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<sup>1</sup> The term “Multicultural School Bus” has also been used to describe a kindergarten lesson plan created by an art teacher for the Toms River School District in New Jersey. The project involved creating a school bus with construction paper and crayons and populating it with ethnically diverse school children. As the students worked they were each encouraged to discuss making new friends with diverse racial backgrounds. Multicultural School Bus—Youth Art Month 2001, <http://www.trschools.com/staff/d/kdefibaugh/lp17.htm> (last visited Apr. 12, 2006).

languages because I was immersed in them. I watched my American friends struggle with Spanish classes during the school year and in the summer I served as an informal English tutor for my Spanish friends. When I recall their frustration I find it hard to understand how some, including the Georgia Department of Education, feel that adults and teenagers can learn a second language just as easily as young children.<sup>2</sup> My friends did not seem to benefit from mastering one language before going on to learn another.

I am equally confused by the proposition that distinguishing residents based on race, religion, language, or ethnicity should be a goal of national government. This week in France Muslim immigrants are rioting to protest their exclusion from French society. Unlike the French Muslims, American immigrants have been embraced by the society in which they live. Newcomers to this country still seek the “American Dream” and many immigrants, my father included, believe wholeheartedly that anyone in America can find success through hard work and determination. Despite his accent, his taste for red wine, and his love of Spanish literature, it is this faith in the American system that makes my father proud to proclaim that he is an American.

Although there are many ways in which the United States may seek to fold its many immigrants into American culture, this note focuses on the essential role of public schools. Bilingual education has a role to play not only in educating immigrant children, but also in unifying the nation and protecting against the type of separatism at the root of the fires currently blazing in Parisian suburbs.

This note examines two methods of bilingual education and the impact that they have on students and on American society. Section II defines transitional bilingual education and structured immersion, and briefly describes the theories and goals behind each method. Section

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<sup>2</sup> On its FAQ page, the Georgia Department of Education posted the following response to the question of whether younger students find it easier to learn a second language: “No. Although younger students appear to have faster gains in fluency, learning a second language is equally difficult at any age.” Frequently Asked Questions Regarding ESOL, <http://www.glc.k12.ga.us/pandp/esol/faqs.htm> (last visited Apr. 12, 2006). The website further notes that ethnic children who seem fluent in English must be tested for placement in bilingual education programs. *Id.*

III discusses how the American school system and bilingual education programs play an essential role in building national unity. Section IV proposes that structured immersion is a more effective method of teaching limited English proficiency students because it enables them to learn English more quickly.

### III. Defining Bilingual Education

“Bilingual Education” is a broad term used to describe many different methods for educating students of limited English proficiency (LEP.)<sup>3</sup> This note compares two distinct methods of bilingual education, and analyzes the effect each could have on both the nation and LEP students. Both methods, transitional bilingual education and structured immersion, have been used to educate Hispanic students in California.<sup>4</sup>

California is a state of great linguistic and cultural differences. One point three million children, who comprise one quarter of the student population, are non-native English speakers.<sup>5</sup> This diversity has made California the political epicenter of the bilingual education debate. California has led the nation in experimenting with different programs for educating LEP students.

#### A. Transitional Bilingual Education

In 1976 the California state legislature passed the Chacon-Mascone Bilingual-Bicultural Act. The Act required that public elementary and high school students be taught in a language understandable to each student. Most California schools interpreted the legislation as a requirement for transitional bilingual education.<sup>6</sup> Although the Act was vetoed in 1987, most

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<sup>3</sup> CHRISTINE H. ROSSELL & KEITH BAKER, BILINGUAL EDUCATION IN MASSACHUSTTES: THE EMPEROR HAS NO CLOTHES 185 (Pioneer Institute for Public Policy Research 1996).

<sup>4</sup> Despite the fact that there are LEP students in California with distinct cultural backgrounds who speak many different languages, this note will focus on Latino students because of the large size of the Hispanic population and also because much of the debate over bilingual education has centered around Latino students.

<sup>5</sup> Ron K. Unz, *English-Only Education Should Be Standard in Most Schools*, in BILINGUAL EDUCATION 41 (Loreta Medina ed., 2003).

<sup>6</sup> Catherine P. Johnson, Note, *The California Backlash Against Bilingual Education: Valeria G. v. Wilson and Proposition 227*, 34 U.S.F.L. REV. 169, 177 (1999).

schools continued their transitional bilingual education programs because only such programs received funding under the California Education Code.<sup>7</sup>

In transitional bilingual education, Hispanic students are taught primarily in Spanish until they become proficient in English and are placed in mainstream classrooms.<sup>8</sup> Under this method, LEP students receive instruction in English for a certain amount of time each day. In the Los Angeles School District, for example, these periods lasted between twenty and thirty minutes a day.<sup>9</sup> In most cases, LEP students remain in transitional bilingual education programs between four and nine years before transitioning into a conventional classroom.<sup>10</sup>

The educational goal of transitional bilingual education is to teach students English while ensuring that they do not fall behind in basic studies like math and science.<sup>11</sup> Proponents argue that acquiring a second language involves complicated cognitive development that requires several years.<sup>12</sup> During that time, Spanish-speaking children must master fundamental courses in their native language so that they are on equal footing with non-LEP students.<sup>13</sup>

The educational theory behind transitional bilingual education is that the knowledge of one language facilitates the acquisition of a second.<sup>14</sup> The assumption that students are best suited to learn English once they are proficient in Spanish is supported by James Cummins' Facilitation Theory. Cummins argues that LEP students risk significant cognitive disadvantages if they do not attain a high level of linguistic competence in their first language before learning the second. Facilitation Theory further proposes that the reading skills attained while learning the first language facilitate learning to read the second.<sup>15</sup> Supporters of transitional bilingual

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<sup>7</sup> Joseph A. Santosuosso, Note, *When in California . . . In Defense of the Abolishment of Bilingual Education*, 33 NEW ENG. L. REV. 837, 859 (1999).

<sup>8</sup> See *id.* at 843.

<sup>9</sup> *Id.* at 861.

<sup>10</sup> *Id.* at 843.

<sup>11</sup> Charu A. Chandrasekhar, Comment, *The Bay State Buries Bilingualism: Advocacy Lessons from Bilingual Education's Recent Defeat in Massachusetts*, 24 CHICANO-LATINO L. REV. 43, 45 (2003).

<sup>12</sup> Irma N. Guadarrama, *Realizing Democratic Ideals with Bilingual Education*, in THE FAILURE OF BILINGUAL EDUCATION 44 (Jorge Amselle ed., 1996.)

<sup>13</sup> Chandrasekhar, *supra* note 11, at 45.

<sup>14</sup> Guadarrama, *supra* note 12, at 44.

<sup>15</sup> ROSSELL & BAKER, *supra* note 3, at 53. For a discussion on the flaws of Facilitation Theory and the method used to develop it see *id.* at 53-60.

education argue that continued Spanish instruction benefits LEP students not only in learning math and science, but also in learning English.<sup>16</sup>

The political goal of transitional bilingual education is to preserve the cultural pride and ethnic identity of LEP students.<sup>17</sup> Multiculturalism is valued over assimilation.<sup>18</sup> This goal reflects an ideological shift which has been building momentum over recent decades. The traditional notion of America as a “Melting Pot” has given way to the concept that the diverse American population converges in a “Salad Bowl.” Under this concept, unique ethnic groups do not meld into American society, but retain their distinct cultures and traditions. Supporters of transitional bilingual education feel that LEP students must be educated within a system which encourages preservation of their ethnic heritage so that America can grow as a diverse and multicultural society.<sup>19</sup>

From 1976 until 1998, transitional bilingual education programs were predominant in California because they were funded by the state. Originally, both educators and the Hispanic community viewed such programs as a victory for LEP students. Over time, however, the residents of California became frustrated and sought a new method to teach the state’s Hispanic children.

## **B. Structured Immersion**

In the 1990’s, the debate over bilingual education took center stage in California. Many Californians, including the parents of LEP students, were no longer happy with transitional bilingual education programs.<sup>20</sup> In 1996, two hundred Hispanic parents staged a boycott in Los

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<sup>16</sup> Chandrasekhar, *supra* note 11, at 46.

<sup>17</sup> J. Harvie Wilkinson III, *Race and Remedy in a Multicultural Society: The Law of Civil Rights and the Dangers of Separatism in Multicultural America*, 47 STAN. L. REV. 993, 1020 (1995).

<sup>18</sup> LINDA CHAVEZ, *OUT OF THE BARRIO: TOWARD A NEW POLITICS OF HISPANIC ASSIMILATION* 5 (Basic Books 1991.)

<sup>19</sup> John Rhee, *Theories of Citizenship and Their Role in the Bilingual Education Debate*, 33 COLUM. J.L. & SOC. PROBS. 33, 37-38 (1999).

<sup>20</sup> Karen Grigsby Bates, *Here Comes Nueva California*, LOS ANGELES TIMES, Oct. 20, 1997, at B5.

Angeles. The parents, furious that public schools refused to teach students exclusively in English, kept their children home in protest.<sup>21</sup>

After the boycott, a movement organized to end forced Spanish instruction in California. Ron Unz, a conservative structured immersion activist, led the campaign.<sup>22</sup> Proposition 227, a bill to require that LEP students throughout the state receive instruction in structured immersion programs, was introduced. In 1998 the resolution passed with sixty-one percent of the vote.<sup>23</sup>

The enactment of Proposition 227 meant that LEP students in California had to be placed in structured immersion programs where they would be taught English by English speaking instructors.<sup>24</sup> Structured immersion students are placed in special classrooms which only contain other LEP students. The instructor speaks almost exclusively in English, using simple language appropriate to the English proficiency level of the students in the class.<sup>25</sup> Spanish is spoken only occasionally to clarify confusing concepts.<sup>26</sup> Structured immersion classrooms may include students of different ages and ethnicities, as long as the degree to which they speak and understand English is similar. The time students spend in this special classroom is intended to be temporary and transitional, and most students move into a mainstream classroom within one or two years.<sup>27</sup>

The educational goal of structured immersion is to teach LEP students English as quickly as possible, so that they may join mainstream classes and obtain the same education as their non-LEP peers.<sup>28</sup> The theory is that combining Hispanic and non-Hispanic children in the same classroom ensures that all students receive equal educations and therefore have equal

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<sup>21</sup> Jill Stewart, *Bilingual Bunk*, NEW TIMES LOS ANGELES, Jul. 24, 1997, at 2.

<sup>22</sup> *Bilingual Education: Separate and Unequal*, ECONOMIST, Aug. 30, 1997, at 2P.

<sup>23</sup> Johnson, *supra* note 6, at 177.

<sup>24</sup> *Id.*

<sup>25</sup> ROSSELL & BAKER, *supra* note 3, at 90-91.

<sup>26</sup> Anand Vaishnav, *Bilingual Programs: Seeking the Right Course on Bilingual Education Despite Criticism*, THE BOSTON GLOBE, Sep. 4, 2002, at B1.

<sup>27</sup> Johnson, *supra* note 6, at 177.

<sup>28</sup> Opponents of transitional bilingual education contend that such programs segregate children based on minority status and may even violate *Brown v. Bd. of Educ.* See Edward W. Lew, *Bilingual Education and Resegregation: Reconciling the Apparent Paradox Between Bilingual Education Programs and Desegregation Goals*, 7 ASIAN PAC. AM. L.J. 88 (2001) ("In many cases, the maintenance of such bilingual education programs has resulted in the resegregation of classrooms"). The issues of segregation and bilingual education, while fascinating, are beyond the scope of this note.

opportunities for success in the future.<sup>29</sup> Proponents argue that because structured immersion students move into conventional classrooms more quickly, they eventually achieve English proficiency beyond what transitional bilingual education students acquire. Structured immersion activists also believe that mastery of the English language will provide Hispanic students with academic, economic, and social opportunities that would be unavailable to them were they monolingual.<sup>30</sup>

The educational theory behind structured immersion is that LEP students can benefit from a regular English classroom within a matter of months.<sup>31</sup> Structured immersion instructors create safe and comfortable classrooms, free from teasing, where LEP students may gain proficiency in English quickly and without shame or embarrassment.<sup>32</sup> W. Tickunoff's study of bilingual education programs, which identified three attributes of successful classrooms, supports the theory that Latino students excel when instructed primarily in English. In the best programs, Tickunoff found that eighty percent of the time is allocated to learning academic tasks. Second, he found that the native language is used only to clarify instructions. Third, Tickunoff found that in the best classrooms basic courses, such as math, are taught in English.<sup>33</sup> Structured immersion programs exhibit each of these characteristics, while transitional bilingual education programs exhibit only the first.

The political goal of structured immersion is to facilitate the assimilation and integration of Hispanic students. Proponents argue that putting LEP and non-LEP students into the same classroom helps to combat segregation and ethnic strife.<sup>34</sup> Traditionally, America's immigrant students were socialized in public schools. The first step in their assimilation was learning the English language.<sup>35</sup> Supporters feel that, just as American public schools functioned one

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<sup>29</sup> Wilkinson, *supra* note 17, at 1022.

<sup>30</sup> Ken Noonan, *English Immersion Had Led to Higher Test Scores*, in BILINGUAL EDUCATION 55 (Loreta Medina ed., 2003).

<sup>31</sup> ROSSELL & BAKER, *supra* note 3, at 193.

<sup>32</sup> Vaishnav, *supra* note 26.

<sup>33</sup> ROSSELL & BAKER, *supra* note 3, at 59.

<sup>34</sup> Wilkinson, *supra* note 17, at 1021.

<sup>35</sup> CHAVEZ, *supra* note 18, at 9.



hundred years ago, structured immersion programs similarly introduce LEP students to both the language and the culture of the nation.

### **C. The Bilingual Education Act**

Bilingual education is an issue which affects the entire nation, not just the state of California. The federal government addressed the issue in 1968 by enacting the Bilingual Education Act (BEA).<sup>36</sup> The BEA was originally instituted by Congress to provide for the education of LEP students and to address many of the bilingual education issues like those present in California. The BEA was adopted to promote educational excellence and to provide educational opportunities for all children. The Act had three main goals. First, it sought to encourage the establishment and operation of educational programs using bilingual education practices, techniques, and methods. Second, it sought to encourage the establishment of special alternative instructional programs for LEP students in school districts where it was not practical to establish a bilingual education program. Third, the Act was established to provide financial assistance to local and state educational agencies for the purposes of funding bilingual education programs.<sup>37</sup> The original BEA did not specify any preferred method of bilingual education, but in 1974 it was amended to require that “local education agencies follow one and only one method of instruction – transitional bilingual education.”<sup>38</sup> This amendment was heavily criticized for being overly intrusive into the traditional state realm of education. School systems across the nation that were having success teaching LEP students in programs other than transitional bilingual education were unable to sustain those programs because they no longer received federal funding to support them.<sup>39</sup>

Over the next several years, frustration mounted over the requirement that only schools

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<sup>36</sup> Santosuosso, *supra* note 7, at 846.

<sup>37</sup> *Id.*

<sup>38</sup> *Id.* at 847.

<sup>39</sup> *See id.* (“Many believed that federal reform in bilingual education should focus on the goal of returning the right to develop educational programs to local school systems”).

using transitional bilingual education could receive federal funding for their bilingual education programs. Under pressure to scale back the federal intrusion, Congress amended the BEA in 1988. Currently the Act allows schools to use up to twenty-five percent of their funding for English-based bilingual education.<sup>40</sup> The change marked a victory for schools with bilingual education programs other than transitional bilingual education because it ensured that alternative programs would receive funding. Currently under the BEA many types of bilingual education are permitted and funded, including transitional bilingual education and structured immersion. Many states have chosen to implement either one or both of these methods, but California is leading the way for states seeking a full conversion to structured immersion programs.<sup>41</sup>

#### **D. Which Method of Bilingual Education is Superior?**

Although education scholars continue to debate the relative benefits and disadvantages of both transitional bilingual education and structured immersion, this note seeks to show that structured immersion is preferable because it contributes to both the success of the nation and the success of individual students.

Structured immersion contributes to the success of the nation by encouraging national unity and facilitating LEP students in assimilating with their non-LEP peers. This method of bilingual education moves away from the idea that the state and local governments must preserve the cultural identity of the LEP students and returns to the traditional notion that public schools play an integral role in inculcating students in American democratic values.

Structured immersion is also preferable because it provides the individual LEP student with the greatest chance for success in his or her future. Structured immersion students are guaranteed not only the same education as their non-LEP peers, they are also given the essential

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<sup>40</sup> *Id.* at 848.

<sup>41</sup> Other states, such as Massachusetts, are also instituting state wide English immersion programs. See Chandrasekhar, *supra* note 11, at 43 (“Voters overwhelmingly voted to end bilingual education... [and replace] existing state law for transitional bilingual education in [Massachusetts] public schools with a law requiring that all public school children must be taught English by being taught all subjects in English and being placed in English language classrooms”).

English skills required to find success in American society.

#### IV. The Success of the Nation

Structured immersion programs contribute to the success of the nation because they combat linguistic separatism. Such separatism has plagued foreign nations and could also affect American stability. Further, structured immersion programs facilitate LEP student assimilation not only within the LEP classroom, but also outside of it by allowing Latino and non-Latino students to participate in mainstream classrooms together longer.

##### A. National Unity

Maintaining national unity is one of the most important functions of government. National unity is the idea that “the nation is and must be a cohesive, harmonious unit.”<sup>42</sup> The Commerce Clause and the Supremacy Clause demonstrate how this important concept was embedded in the Constitution by the Framers.<sup>43</sup>

In order for a government to build and maintain a nation, it must reconcile the differences of its people. “Of all the differences which divide, language presents a unique obstacle to the unity of a nation.... Without communication, there is no understanding, and from a lack of understanding follows intolerance, prejudice, and disunion.”<sup>44</sup> America has traditionally succeeded in integrating its diverse population into one nation united by a common language.<sup>45</sup> In recent years, however, America has shifted away from its goal of unifying the nation under one common culture and has shifted towards of policy of multiculturalism. The success that America achieved in the past was the direct result of encouraging assimilation and maintaining English as

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<sup>42</sup> Keith R. Denny, Note, *That Old Due Process Magic: Growth Control and the Federal Constitution*, 88 MICH. L. REV. 1245, 1248 (1990).

<sup>43</sup> See *id.* at 1263 (“[The Supremacy Clause] grounds the government in the proposition that the interests of the collectivity are supreme. This ensures that factional self-interest must give way to considerations of collective welfare. National unity would be nearly, if not completely, impossible where there could be no curb of factional, self-interested conduct”).

<sup>44</sup> Frank M. Lowrey, IV, Comment, *Through the Looking Glass: Linguistic Separatism and National Unity*, 41 EMORY L.J. 223 (1992).

<sup>45</sup> *Id.*

the dominant language. National unity in the United States did not arise from a policy of promoting and preserving multiculturalism and multilingualism.<sup>46</sup>

Structured immersion and transitional bilingual education programs each have political goals that relate to national unity. The political goal of transitional bilingual education is to encourage multiculturalism and preservation of native culture. Under such programs, state and local funds are used to encourage Hispanic children to reject American culture and hold fast to their Hispanic background. In structured immersion programs, students are encouraged to assimilate and integrate into the mainstream physically through rapid placement in regular classrooms and linguistically through the use of English. Structured immersion also combats factions and linguistic separatism by uniting Americans under one common language. Thus, structured immersion helps to strengthen national unity. As Emory Professor of Law Frank M. Lowrey wrote, “to consciously introduce linguistic separatism and to encourage expenditure of public funds is to create and encourage a danger which could in time destroy this nation as other nations with linguistic problems have been destroyed.”<sup>47</sup>

## **B. Separatism**

Canada serves as an example for how language differences can lead to separatism.<sup>48</sup> Language differences in Canada have sparked serious fragmenting within the state and have led to a separatist movement in Quebec. Canada’s primary constitutional document declares both English and French to be the official languages of the country.<sup>49</sup> Quebec, a historically French-speaking province of Canada, has flatly rejected bilingualism in the region.<sup>50</sup> The Quebecois

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<sup>46</sup> See *id.* at 316 (“Language differences prohibit the communication between ethnically diverse groups which might lead to mutual understanding and to an ultimate integration of the groups in an effort against common problems”).

<sup>47</sup> *Id.* at 317.

<sup>48</sup> Canada is just one example of the many countries that have experienced separatist problems based on language differences. See Bill Ong Hing, *Beyond the Rhetoric of Assimilation and Cultural Pluralism: Addressing the Tension of Separatism and Conflict in an Immigration-Driven Multiracial Society*, 81 CALIF. L. REV. 863, at 886 (1993) (“Canada, Yugoslavia, Belgium and sundry other countries differ enormously from countries like Japan and Sweden where cultural diversity is minimal. . . . Multilingual countries often exhibit a tendency toward disintegration. The current situation in the Soviet Union is perhaps the most extreme example of such a situation”).

<sup>49</sup> Lowrey, *supra* note 44, at 226.

<sup>50</sup> *Id.* at 232.

insist that the French language is central to Quebec's unique history and that bilingualism will erode their traditional French culture.<sup>51</sup>

A nationalist movement began in the 1960's to preserve French language and culture in Quebec.<sup>52</sup> English was perceived as a threat and the movement centered around keeping the language out of the region.<sup>53</sup> What started as a "Quiet Revolution" eventually led to terrorist bombings, threats, kidnappings, and murders.<sup>54</sup>

Just as language differences have affected national unity in Canada, similar fragmentation may occur within the United States. As the Hispanic population in America grows, it is likely that Latinos will seek to protect their own language within the United States. Evidence of such separatism may already be seen on college campuses where growing minority groups demand separate facilities, curricula, and social activities.<sup>55</sup>

Admittedly, the Canadian experience is significantly different from the current American situation. For example, unlike Canada, the United States does not have an official policy of bilingualism.<sup>56</sup> While this seems to be a sharp distinction, the United States is currently funding programs, like transitional bilingual education, that undercut the prevalence of English and encourage bilingualism. Further, although English is dominant in the United States, it is not the official language.<sup>57</sup>

Another distinction between the two countries is that the United States, unlike Canada, does not have a region where a foreign language is not only dominant, but also viewed as central to the history and culture of the region.<sup>58</sup> Although no region or state is currently seeking to change its official language from English to Spanish, there are several states and cities where the prevalence of the Spanish language is challenging the dominance of English. In states such as

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<sup>51</sup> *Id.* at 234.

<sup>52</sup> *Id.*

<sup>53</sup> *Id.* at 236.

<sup>54</sup> *Id.* at 237.

<sup>55</sup> Wilkinson, *supra* note 17, at 1002.

<sup>56</sup> Rhee, *supra* note 19, at 73.

<sup>57</sup> Though some advocate the establishment of English as the official national language, it is not necessary to do so in order to preserve national unity. See Santosuosso, *supra* note 7, at 875 ("While English may not exist as the official language of the United States, it is the functional language of American society").

<sup>58</sup> Lowrey, *supra* note 44, at 304.

California and Texas the number of non-English speakers is significantly increasing. In Los Angeles the majority of residents are Hispanic. These regions may differ from Quebec historically and politically, but they share similarities which make them fertile grounds for the birth of a separatist movement.<sup>59</sup>

The final distinction between America and Canada is that US immigrants want to learn English to ensure their economic, political, and social stability within the country.<sup>60</sup> A poll conducted in 1990 found that eighty-seven percent of Latino immigrants felt it was their “duty” to learn English.<sup>61</sup> Hispanics currently wish to learn the language because they desire the benefits of participating in the economic, social, and political life of the United States.<sup>62</sup> However, as the Hispanic population grows, the incentive to assimilate and learn the language will be diminished because Latinos will separate themselves from the majority and from other minority groups.<sup>63</sup> The increase in ethnic populations is paralleled by a movement by both ethnic minorities and the government to save immigrant cultures from the American “Melting Pot.”<sup>64</sup> Instead of fighting this trend, American state and local governments are encouraging multiculturalism and multilingualism through programs such as transitional bilingual education.

Separatism is dangerous because it erodes a cohesive, unified nation into segregated and competing factions. The creation of factions inevitably leads to friction between them as each attempts to assert its superiority. This friction threatens national unity and can lead to political instability.

During the American Civil Rights Movement, community leaders sought to eradicate ways of thought that separated racial and ethnic minorities. If these racial ways of thought are rehabilitated by linguistic separation, each race will be tempted to assert its own superiority and

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<sup>59</sup> *Id.*

<sup>60</sup> Rhee, *supra* note 19, at 73.

<sup>61</sup> CHAVEZ, *supra* note 18, at 162-3 (“[V]irtually all native-born Hispanics speak English – many speak only English. The great majority finish high school, and growing numbers attend college. Their earnings and occupational status have been rising along with their education. . . . For these people, assimilation represents the opportunity to succeed in America”).

<sup>62</sup> Lowrey, *supra* note 44, at 318.

<sup>63</sup> Wilkinson, *supra* note 17, at 1000-1001.

<sup>64</sup> Lowrey, *supra* note 44, at 306.

highlight what it perceives as the inferiority of other groups.<sup>65</sup> Such racial and ethnic separation, exactly what Civil Rights leaders fought to abolish, poses a serious and imminent threat to the nation. Though transitional bilingual education supporters advocate isolating Latino students based on their language, it is likely that Hispanic children will view their separation from the mainstream population as an indication that their school, or even society at large, views them as different and, quite likely, inferior.<sup>66</sup>

Multiculturalism is a seductive concept. The idea of preserving traditions and accepting different cultures is appealing to many Americans.<sup>67</sup> While private individuals may be enticed towards multiculturalism, it is the role of the state, local, and federal governments to preserve national unity and stability. American society must find a balance between constructive diversity and ethnic separatism, but the government must facilitate assimilation in order to maintain a cohesive society and combat factions.<sup>68</sup> Nation building is a constant process that requires consistent action by the government to unify and strengthen the nation's people.<sup>69</sup>

Linguistic factions are probable if America's ethnic communities are not encouraged to master the English language and assimilate into American mainstream society. American public schools serve as the primary institution not only for educating America's youth, but also for facilitating their assimilation and thereby helping to preserve national unity.

### **C. Assimilation**

The primary purpose of public education is to inculcate students in American democratic values.<sup>70</sup> The American public school is "the very foundation of good citizenship. Today it is a principal instrument in awakening the child to cultural values, in preparing him for later

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<sup>65</sup> Wilkinson, *supra* note 17, at 1007.

<sup>66</sup> Justice Warren, in *Brown v. Bd. of Educ.*, 347 U.S. 483, 494 (1954), wrote that "[t]o separate [African-American children] from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone."

<sup>67</sup> Wilkinson, *supra* note 17, 1002-1003.

<sup>68</sup> *Id.* at 1003.

<sup>69</sup> *Id.* at 1008, 1026.

<sup>70</sup> Rhee, *supra* note 19, at 47.

professional training, and in helping him to adjust normally to his environment.”<sup>71</sup> The assimilationist role of public schools is visible throughout American history, and is well documented in case law and sociological research.

John Quincy Adams called upon early European immigrants to “cast off [their] European skin” and integrate into American society.<sup>72</sup> Historically, the children of foreign immigrants struggled to assimilate into American culture in their public school classrooms. For over one hundred years, Germans, Italians, Jews, Greeks, and Poles learned the English language and adapted their own customs into an American context.<sup>73</sup> Though immigrant families had to struggle to be accepted into the mainstream, assimilation proved an effective means. Many descendants of such immigrants, based upon education and earnings, currently rank among the most successful in America.<sup>74</sup>

Several landmark cases highlight the important role of public schools as a “traditional source of strength to our nation.”<sup>75</sup> In *Ambach v. Norwick*, Justice Powell wrote that “the importance of public schools in the preparation of individuals for participation as citizens, and in preservation of the values on which our society rests, long has been recognized by our decisions.”<sup>76</sup> In *Bethel School Dist. v. Fraser*, Justice Burger wrote, “[public] education must prepare pupils for citizenship in the Republic.... It must inculcate the habits and manners of civility as values in themselves conducive to happiness and as indispensable to the practice of self-government in the community and the nation.”<sup>77</sup> In 1963 Justice Clark noted that “Americans

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<sup>71</sup> *Brown v. Bd. of Educ.*, 347 U.S. 483, 493 (1954).

<sup>72</sup> See Wilkinson, *supra* note 17, at 998 (“European immigrants melded into early American civil society with comparative ease – only black slaves and Native Americans were pushed to the margin, unassimilated and unacknowledged”).

<sup>73</sup> CHAVEZ, *supra* note 18, at 2, 9.

<sup>74</sup> *Id.* at 2.

<sup>75</sup> *Keyes v. School Dist. No. 1*, 413 U.S. 189, 246 (1973).

<sup>76</sup> *Ambach v. Norwick*, 441 U.S. 68, 76 (1979). See also *Pierce v. Soc’y of Sisters*, 268 U.S. 510, 534 (1925) (“Certain studies plainly essential to good citizenship must be taught. . .”); *Adler v. Bd. of Educ.*, 342 U.S. 485, 493 (1952) (“A teacher works in a sensitive area in a schoolroom. There he shapes the attitude of young minds towards the society in which they live. In this, the state has a vital concern”).

<sup>77</sup> *Bethel Sch. Dist. v. Fraser*, 478 U.S. 675, 681 (1986).



regard the public schools as a most vital civic institution for the preservation of a democratic system of government.”<sup>78</sup>

Sociological research also indicates that the “public school appears to be the most important and effective instrument of political socialization in the United States.”<sup>79</sup> In order for a government to maintain national unity, it must indoctrinate society with “values, beliefs, and loyalties of the order. This role has been of special importance in the United States, a society that has had to assimilate wave after wave of immigration and create new loyalties to the homeland.”<sup>80</sup> Public schools reinforce other community institutions and contribute to the student’s early attachment to the nation.<sup>81</sup> Children in America’s public schools receive not only an education, but also a foundation of loyalty that will inspire them to become active citizens as adults.<sup>82</sup> Students are molded into “little Americans” with intellectual skills and basic political attitudes which will affect their behavior long after they complete school.<sup>83</sup>

With a new wave of immigrants, American public schools are again being called upon to integrate America’s diverse youth.<sup>84</sup> Bilingual education programs have a significant affect on Hispanic students regarding how they view the country and how they are folded into mainstream society.

Structured immersion encourages assimilation because structured immersion educators, unlike transitional bilingual education instructors, focus on American culture and the English language. Structured immersion also fosters assimilation because LEP students are quickly integrated into mainstream classrooms. Once Hispanic students are placed in normal classes, they undergo the same socialization process as other students. Structured immersion students typically begin taking classes with their non-LEP peers within one or two years, while transitional

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<sup>78</sup> *Abington v. Schempp*, 374 U.S. 203, 230 (1963).

<sup>79</sup> ROBERT D. HESS AND JUDITH V. TORNEY, *THE DEVELOPMENT OF POLITICAL ATTITUDES IN CHILDREN* 101 (Aldine Publishing Company 1967).

<sup>80</sup> V.O. KEY, JR., *PUBLIC OPINION AND AMERICAN DEMOCRACY* 316 (Alfred A. Knoph, Inc. 1964) (1961).

<sup>81</sup> HESS & TORNEY, *supra* note 79, at 101, 105.

<sup>82</sup> *Id.* at 101,108.

<sup>83</sup> KEY, *supra* note 78, at 315.

<sup>84</sup> CHAVEZ, *supra* note 18, at 9.

bilingual education students may be segregated from non-LEP students for four years or more. In fact, some transitional bilingual education students never enter mainstream classrooms.<sup>85</sup>

Transitional bilingual education programs focus on the native culture of the LEP student, thereby serving the purposes of multiculturalism and isolationism rather than assimilation.<sup>86</sup> Across the nation, the hope that bilingual education would be temporary and transitional has been dashed by transitional bilingual education programs that foster ethnic identity over American pride.<sup>87</sup> There may be occasions, such as recess or lunch, during which transitional bilingual education students may socialize with the general school population, but they often avoid such interaction due to their limited English proficiency.

Assimilation does not require that ethnic minorities abandon their traditions and culture. It does not mandate that every person living in America assume one rigid cultural identity. Instead, assimilation is a melding process by which diverse Americans unite and conform to a stable but constantly evolving culture. The contributions of all Americans, regardless of race or ethnicity, enrich American culture and society.<sup>88</sup> It is true that the United States changes her immigrants, but it is undeniable that America's immigrants also change her.<sup>89</sup> With assimilation comes the opportunity to resist exclusion from society and achieve economic, political, and social success.<sup>90</sup>

No person living in America is denied the right to practice his or her religion or ethnic traditions. Families like my own are free to eat the food typical of their homeland or speak the language of their ancestors. Families, religious institutions, and community organizations serve

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<sup>85</sup> Santosuosso, *supra* note 7, at 843.

<sup>86</sup> See CHAVEZ, *supra* note 18, at 9 ("The purpose of [transitional bilingual education] is not to assimilate the Hispanic children, however, but to maintain and strengthen their ethnic identity by teaching them in their native language and by inculcating in them their native culture. In the process, these children have become the most segregated students in American public schools").

<sup>87</sup> Wilkinson, *supra* note 17, at 1021.

<sup>88</sup> *Id.* at 1000.

<sup>89</sup> CHAVEZ, *supra* note 18, at 162. In a press conference held March 27, 2006 regarding immigration debates in the Senate, President George W. Bush said, "no one should play on the people's fears or try to pit neighbors against each other. No one should pretend that immigrants are a threat to American identity because immigrants have shaped America's identity." Alonso Heredia, *Protests Put Human Face on Immigration Reforms*, COURIER-POST, Apr. 5, 2006, at 9G.

<sup>90</sup> CHAVEZ, *supra* note 18, at 163-64.

an important role in preserving ethnic identities. However, it is not the responsibility of the American government to preserve the language or culture of any distinctive minority.<sup>91</sup> If Hispanics or any other minorities wish to preserve their particular language or culture, they alone are obligated to do so.

Hispanic students involved in structured immersion programs are not prohibited from speaking Spanish, eating traditional Latin foods, or participating in the traditions of their ancestors. They are, however, provided with the opportunity to integrate those traditions into American culture through the assimilation process. Transitional bilingual education programs work to preserve the student's ethnic identity, but other forces in the child's life, such as family and religion, are already fostering their cultural heritage. Thus, transitional bilingual education programs deprive Latino children of the opportunity to assimilate that is not offered to them elsewhere. If LEP students learn neither to speak the English language nor to respect American culture in public schools, it is unlikely that they will learn it elsewhere.<sup>92</sup> Structured immersion classes encourage assimilation and national unity without depriving the LEP student of his or her individual cultural identity.

By inculcating students with American democratic morals and values, structured immersion programs are doing more than simply preparing America's youth for future civic duties. These programs work to preserve the unity and stability of the nation. Language differences are divisive and can lead to political factions and separatism. By fostering linguistic and cultural unity, American schools are serving their essential democratic function.

#### **V. The Success of the Individual**

American schools play a role not only in the success of the nation, but also in the

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<sup>91</sup> *Id.*

<sup>92</sup> See Bates, *supra* note 20 ("Due to Los Angeles' patterns of residential segregation, many children leave for school from concentrated immigrant enclaves where English is spoken infrequently if at all").

success of individual students. Public schools are concerned with the quality of the education their students receive, and the American judicial system has recognized the fundamental importance of education in several landmark cases. In *Brown v. Board of Education*, Justice Warren wrote, “in these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education.”<sup>93</sup> Further, in *Meyer v. Nebraska*, Justice McReynolds wrote, “the American people have always regarded education and acquisition of knowledge as matters of supreme importance which should diligently be promoted.”<sup>94</sup>

Given the national emphasis on the importance of education, school boards must carefully weigh which bilingual education program to institute in their schools. Parents look to public schools to provide their children with a foundation upon which the child’s own skill, talent, and hard work can lead them to success in their adult lives. Many Hispanics parents see English as a “language of empowerment” and they want their children to learn English so that they have the tools to “go as far in this country as their talents and industry will take them.”<sup>95</sup> Structured immersion is the best method for teaching Hispanic students English. It satisfies the wishes of their parents and provides students with the linguistic skill set they require for success in the United States. Changes in California after the passage of Proposition 227 show that structured immersion is a more effective method of educating LEP students than transitional bilingual education.

#### **A. Pre-Proposition 227**

In 1997, before the enactment of Proposition 227, only six percent of immigrant children moved from transitional bilingual education programs to mainstream classrooms.<sup>96</sup> Latino students simply were not acquiring the English skills necessary to join their non-LEP peers in

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<sup>93</sup> *Brown v. Bd. of Educ.*, 347 U.S. 483, 493.

<sup>94</sup> 262 U.S. 390, 400.

<sup>95</sup> *Wilkinson*, *supra* note 17, at 1021.

<sup>96</sup> *Stewart*, *supra* note 21.

regular classrooms. That same year there was a fifty percent dropout rate among Latino children.<sup>97</sup> Many California educators blamed the high number of dropouts, at least in part, on transitional bilingual education programs. Students and parents were frustrated that LEP students were not learning English. California's Latino children even placed last in tests among other Latino children throughout the country according to the National Assessment of Educational Progress test. Latino students in other states, where transitional bilingual education programs were not mandated, were learning to speak English better and more quickly. The test also indicated that English was the dominant language in most successful bilingual education programs.<sup>98</sup> After twenty years of transitional bilingual education in California, Hispanic students had the lowest test scores and the highest dropout rate of any ethnic minority in the state.<sup>99</sup>

Parents and educators were becoming frustrated with transitional bilingual education programs and their failure to adequately educate Hispanic students. Hispanic children were not learning English in school or at home. Many Latino students lived in neighborhoods where English was rarely spoken.<sup>100</sup> Their parents sent them to school to learn the vital language, and they were disappointed when their children made no progress. In 1996 a poll by the Center for Equal Opportunity showed that sixty-three percent of Latino parents preferred their children to learn English "as soon as possible."<sup>101</sup> Latino parents increasingly viewed English literacy as the key to upward mobility, and many were concerned that transitional bilingual education programs were a poverty trap.<sup>102</sup> Despite the parental frustration, many administrators insisted upon maintaining transitional bilingual education programs.<sup>103</sup> Parents in Los Angeles eventually

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<sup>97</sup> Michael Barone, *In Plain English*, U.S. NEWS AND WORLD REPORT, May 29, 2000, at 37.

<sup>98</sup> *Id.*

<sup>99</sup> Johnson, *supra* note 6, at 193-94.

<sup>100</sup> Bates, *supra* note 20.

<sup>101</sup> Santosuosso, *supra* note 7, at 876.

<sup>102</sup> *Bilingual Education: Separate and Unequal*, *supra* note 22.

<sup>103</sup> Some advocates of transitional bilingual education feel that parents are not in the best position to make choices regarding the method of bilingual education used to teach their children. Linda Chavez, *Introduction: One Nation, One Common Language*, in *THE FAILURE OF BILINGUAL EDUCATION* 7, 8 (Jorge Amselle ed., 1996) ("Why would we require parents unfamiliar with our educational system to make such a monumental decision when we are trained to make those decisions?" (quoting Joseph Ramos, the co-chairman of the North Jersey Bilingual Council)).

become so frustrated they kept their students home from school in protest. A movement organized and Proposition 227 was proposed and enacted into legislation.

### **B. Post-Proposition 227**

Within one year of the institution of Proposition 227 and structured immersion, test scores in many California districts saw increases of up to ten percent. In Oceanside, a modest-income town highly populated with Hispanic immigrants, the Stanford-9 test scores of elementary school students rose from thirty-five percent to forty-five percent.<sup>104</sup> In the similar town of Inglewood, LEP students tested near the top of the state. Inglewood's principal prides herself on strictly following structured immersion and she ensures that English dominates all LEP classrooms.<sup>105</sup> In the Lawrence school district, forty-four percent of students in structured immersion classes moved into mainstream classes within one year. A report by the school district showed that those students who chose mainstream classrooms often did better than their peers who remained in transitional bilingual education.<sup>106</sup>

### **C. Converts to Structured Immersion**

Proposition 227 was so successful that even educators who opposed it initially accepted structured immersion as a superior method for educating Hispanic children. Ken Noonan, a school superintendent and founder of the California Association of Bilingual Educators, supported transition bilingual education for decades. He fiercely campaigned against the adoption of Proposition 227 and was devastated when the resolution passed.<sup>107</sup> However, within one year of the implementation of a structured immersion program in California, Ken Noonan had changed his mind. He is now certain that structured immersion is central to the success of LEP students.<sup>108</sup> Within two years LEP second graders in his school district had moved from the

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<sup>104</sup> Barone, *supra* note 97.

<sup>105</sup> *Id.*

<sup>106</sup> Vaishnav, *supra* note 6. See also Johnson, *supra* note 6 at 177. Proposition 227 allows waivers that enable students to remain in transitional bilingual education programs if their parents request it.

<sup>107</sup> Noonan, *supra* note 30, at 52-53.

<sup>108</sup> See *id.* at 53 ("I've become convinced that English immersion, not transitional bilingual education, is the path to academic success for children who arrive in our classrooms unable to learn in English").

thirteenth percentile to the thirty-second.<sup>109</sup> In his essay, “English Immersion Has Led to Higher Test Scores”, Ken Noonan wrote, “now I believe that using all of the resources of public education to move these students into the English-speaking mainstream early is far more important than my former romantic notions that preserving the child’s home language should be the ultimate goal of our schools.”<sup>110</sup> Mr. Noonan is just one of many educators who initially believed in transitional bilingual education but eventually converted into structured immersion supporters after witnessing the success of their students under Proposition 227.

#### **D. Rossell and Baker Study**

In 1996 Christine H. Rossell and Keith Baker conducted a study on various bilingual education programs. They examined three hundred program evaluations of bilingual education classes, and determined which were methodologically sound. From those evaluations Rossell and Baker made observations and conclusions about varying methods of bilingual education.<sup>111</sup>

Rossell and Baker found no consistent research that indicated that transitional bilingual education programs were superior to all other programs for teaching LEP students.<sup>112</sup> In fact, none of the methodologically sound evaluations found transitional bilingual education to be more effective than structured immersion in basic classes such as reading and math.<sup>113</sup> Of the several methods of bilingual education that Rossell and Baker reviewed, they found that “one program for special instruction – structured immersion - ...is almost always superior to transitional bilingual education.”<sup>114</sup> Rossell and Baker found not only that structured immersion was superior to all other forms of bilingual education, but also that it was the most cost-effective.<sup>115</sup> They found no evidence to support the theory that children must attain full proficiency in their native language before moving on to learn English. In fact, they found several major methodological problems

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<sup>109</sup> *Id.* at 54.

<sup>110</sup> *Id.* at 55.

<sup>111</sup> ROSSELL & BAKER, *supra* note 3, at 47.

<sup>112</sup> *Id.* at 49.

<sup>113</sup> *Id.* at 50.

<sup>114</sup> *Id.* at 90.

<sup>115</sup> *Id.* at 200.

with the research upon which James Cummins based his Facilitation Theory for educating LEP students.<sup>116</sup> Rossell and Baker's conclusion that structured immersion is the ideal bilingual education program is supported by research conducted by the Center for Equal Opportunity. This study confirmed that structured immersion is the most suitable program for educating LEP students.<sup>117</sup>

### **E. Bilingualism**

Not only is structured immersion a superior method of English instruction, it is also more effective at producing bilingual students. Many supporters of transitional bilingual education argue that bilingualism is a benefit that will help Hispanics socially, culturally, and economically.<sup>118</sup> While these transitional bilingual education supporters correctly understand the significant benefits of bilingualism, they are incorrect in believing that transitional bilingual education programs are the most effective method for producing bilingual students. In transitional bilingual education programs Hispanic children do retain and advance their Spanish language skills, but many of them never attain proficiency in English. Thus, the goal of bilingualism is not achieved through transitional bilingual education. In structured immersion programs, however, Hispanic students gain proficiency in English while maintaining and improving upon their Spanish skills outside of the classroom. Bilingualism is a valuable goal, and structured immersion, not transitional bilingual education, is the proper method for molding bilingual students.

While bilingualism is a significant benefit for Hispanics, "lack of literacy in English represents a crippling, almost fatal disadvantage in our global economy."<sup>119</sup> The possibility that Latino students may gain proficiency in two languages does not justify depriving them of a program where there is a much greater likelihood that they will learn English. Test results,

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<sup>116</sup> See *id.* at 55-56 ("The principal evidence Cummins cites for the effectiveness of transitional bilingual education programs, however, is Skutnabb-Kangas and Toukoma. . . . There are major methodological problems with Skutnabb-Kangas and Toukoma, however, and with the inference that their results support the facilitation hypothesis").

<sup>117</sup> Santosuosso, *supra* note 7, at 864.

<sup>118</sup> *Id.* at 863.

<sup>119</sup> See Unz, *supra* note 4, at 41-42 ("Although English is not and never has been America's official national language, over the past twenty years it has rapidly become the entire world's unofficial international language, utterly dominating the spheres of science, technology and international business").



scientific research, and teacher accounts all show that structured immersion provides Latino children with the best opportunity to learn English. The possibility of bilingualism attained by transitional bilingual education students is not worth the high risk that they will not learn English at all. Despite the good intentions of transitional bilingual education supporters, transitional bilingual education programs place Hispanic students at a significantly higher risk for academic failure in school and economic failure later in life.<sup>120</sup>

Structured immersion is superior to transitional bilingual education because structured immersion students learn English, move into mainstream classrooms, and assimilate into American culture. Transitional bilingual education failed in California, and structured immersion has achieved significant success. As individual states make decisions about their own system of bilingual education, a review of California's history will show that structured immersion, not transitional bilingual education, is the best method for educating Hispanic students.

## VI. Conclusion

According to the US Census Bureau, in 2002 there were over thirty-eight million Hispanics living in the United States; twenty-eight million of them are over the age of five and speak Spanish in the home.<sup>121</sup> These high numbers are supplemented every year by new immigrants crossing America's borders and joining the American population. In the year 2000, Georgia had the highest Hispanic population growth rate of any state in the nation. There are currently eighteen states where Hispanics form the largest minority in the state.<sup>122</sup> These numbers are continuing to grow.

As the Latino population grows, the United States must find ways to integrate, assimilate, and educate its new residents. Public schools exert a strong influence on America's youth

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<sup>120</sup> Santosuosso, *supra* note 7, at 865-66.

<sup>121</sup> Facts for Features: Hispanic Heritage Month 2003, <http://www.census.gov/Press-Release/www/2003/cb03-ff14.pdf> (last visited Apr. 12, 2006).

<sup>122</sup> *Id.*

comparable to few, if any, other American institutions. Bilingual education programs must serve the essential state function of educating and assimilating America's many Hispanic immigrants. While there are many options for the instruction of Hispanic children, structured immersion is superior to all other programs.

Structured immersion contributes to the success of the nation by combating linguistic separatism and encouraging assimilation. Throughout history many nations have been divided because of the cultural and linguistic divisions among its people. Unlike other countries, America has had great success in the past in maintaining unity and cohesiveness despite differences among its people. This success is due in no small part to American public schools. For decades, the children of immigrants have been pulled into the American mainstream in their schoolrooms. Today, American public schools are separating immigrant children from their mainstream peers physically and culturally. Instead of encouraging differences that may eventually lead to segregation, competition, and factions, the United States must encourage national unity by teaching all residents to respect American institutions and instilling in them a desire to participate in American society.

Multiculturalism, while it appeals to many individuals, should not be the goal of the United States government. To encourage a multicultural society would be to encourage foolishly separatism and disunity. The role of government is to unite its people and make them strong, not to foster division. Members of the Hispanic community are free to preserve their culture and traditions through community programs and the family. The government, however, has a duty to preserve its own national identity. "Assimilation" is not a dirty word.<sup>123</sup>

Structured immersion is consistent with the goals of unity, assimilation, and national

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<sup>123</sup> CHAVEZ, *supra* note 18, at 161 ("Assimilation has become a dirty word in American politics. It invokes images of people, cultures, and traditions forged into a colorless alloy in an indifferent melting pot. But, in fact, assimilation, as it has taken place in the United States, is a far more gentle process, by which people from outside the community gradually became part of the community itself").

strength. Structured immersion students are inculcated with American values and are given the tools to participate in American culture. Structured immersion, unlike transitional bilingual education, serves to strengthen the nation by assimilating Hispanic students and integrating them into the mainstream population.

Structured immersion contributes more not only to the success of the nation, but also to the success of the individual student. Structured immersion students are more likely to learn English, an essential skill which will allow them to continue their educations and seek better jobs.

California's transitional bilingual education students were not learning English. The programs were so unsuccessful that Proposition 227 and structured immersion programs found unlikely support among Hispanic parents, democrats, and people of all races who sought an end to Spanish dominated classrooms.<sup>124</sup> For example, Alice Callaghan, a leftist bilingual nun who dedicated her life to helping Latino children, wanted an end to transitional bilingual education. One of her students, a recent graduate of transitional bilingual education, wrote the following sentence: "I my parens per mi in dis shool en I so I feo essayrin too old in the shool my border o reri can grier das mony putni gire and I sisarin."<sup>125</sup> Callaghan cites this as just one example showing how transitional bilingual education was failing her Latino students.<sup>126</sup>

After Proposition 227 and the institution of structured immersion the state saw improvements that even opponents to the resolution could not deny. Fred Confalone, a bilingual education teacher for eighteen years, converted from a transitional bilingual education supporter to a believer in structured immersion after he saw his students succeed. Confalone states that structured immersion is "the way to go."<sup>127</sup> "Children are excited to learn English," he says. "They're anxious to speak it and read it and write it. I see a love of learning to read English."<sup>128</sup>

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<sup>124</sup> Bates, *supra* note 20.

<sup>125</sup> Stewart, *supra* note 21.

<sup>126</sup> *Id.*

<sup>127</sup> Vaishnav, *supra* note 26.

<sup>128</sup> *Id.*

Structured immersion works. Parents, students, and educators are all pleased with the results they see from structured immersion classes.<sup>129</sup> Not only are Hispanic children learning English, they are also integrating into the mainstream with their non-Hispanic peers. Hispanic children should not be denied the opportunity given to all other American immigrants up to this point. Structured immersion, by encouraging national unity, assimilation, and the acquisition of the English language, ensures not only the strength of the nation, but also the success of individual Hispanic children.

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<sup>129</sup> Barone, *supra* note 97.

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