

No Child Left Bilingual: Accountability and the Elimination of Bilingual Education Programs in New York City Schools

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Abstract

Although educational policies for emergent bilinguals in New York City schools have historically supported the provision of bilingual education, the past decade has borne witness to a dramatic loss of bilingual education programs in city schools. This study examines the factors that determine language education policies adopted by school principals, through qualitative research in 10 city schools that have eliminated their bilingual education programs in recent years and replaced them with English-only programs. Our findings draw a causal link between the pressures of test-based accountability imposed by *No Child Left Behind* and the adoption of English-only policies in city schools. Testing and accountability are used as the justification for dismantling bilingual education programs and create a disincentive to serve emergent bilingual students, as schools are far more likely to be labeled low performing and risk sanctions such as closure simply for admitting and educating these students.

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High-stakes testing for purposes of accountability are a cornerstone of *No Child Left Behind* (NCLB), resulting in highly invasive federal education policy within the U.S. context. This law, passed in 2001, requires that students demonstrate progress on standardized tests as a means for the federal government to hold states, school districts, and individual schools accountable for the funding they receive. As a result, NCLB has resulted in dramatic changes to U.S. schooling—especially for emergent bilinguals (students also referred to as English language learners or ELLs).¹ Amid numerous by-products of this policy for emergent bilinguals (Menken, 2008; Wiley & Wright, 2004), a central finding from the research we report here is that schools in New York City are choosing to eliminate their bilingual education programs and replace them with English-only programs because of the law's accountability requirements as enacted in the state and city. Based on this finding, in this article we show how NCLB is actually a restrictive language education policy²—even though this is rarely discussed and nor is the law presented to the public as such.

The past decade has borne witness to a significant loss of bilingual education programs in New York City schools, as the number of bilingual education programs has decreased while the number of English-only programs has increased—in spite of a long history in the city of supporting bilingual education. Unlike states like California, Arizona, and Massachusetts, which have explicit anti-bilingual education policies restricting the use of students' home languages in instruction (Proposition 227, Proposition 203, and Question 2, respectively), restrictive policies in New York are implicit; however, the data from New York shows how implicit policies are also powerful agents in effecting language change.

Language education policies in the United States have historically approached immigrants and their linguistic diversity with alternating restriction and tolerance, like a pendulum swinging between opposing ends (Baker, 2011; Menken, 2008). Preferences regarding language support programming for emergent bilinguals—specifically, whether to offer bilingual education or English-only education such as English as a second language (ESL)³—have likewise changed over time, in response to demographic and political pressures (Cummins, 2000; National Council of Teachers of English, 2006). Yet programming decisions are

crucial for emergent bilingual students, as they have a longstanding impact on their language skills and academic performance, encouraging either language loss or language maintenance over time. The decline of bilingual education programs in city schools is an alarming trend that turns its back on the convincing research base about the educational benefits of programs that use the home languages of emergent bilinguals in instruction.

Because schools in New York City are highly decentralized, individual schools decide which language support program(s) they will provide for the emergent bilinguals in their building. This responsibility ultimately falls on each school's principal. In this study, we examine the factors that determine the language education policies adopted by school leaders through research conducted in schools that have recently eliminated or reduced their bilingual education programs in favor of ESL programs.

The Decline of Bilingual Programs in New York City Schools

Although official city policy has historically supported bilingual education (Reyes, 2006), in recent years the number of emergent bilinguals in New York City public schools enrolled in bilingual education has decreased while the number in ESL programs has increased (see Figure 1).

As can be seen in the K-12 enrollment data presented in Figure 1, the number of emergent bilinguals enrolled in bilingual education programs in

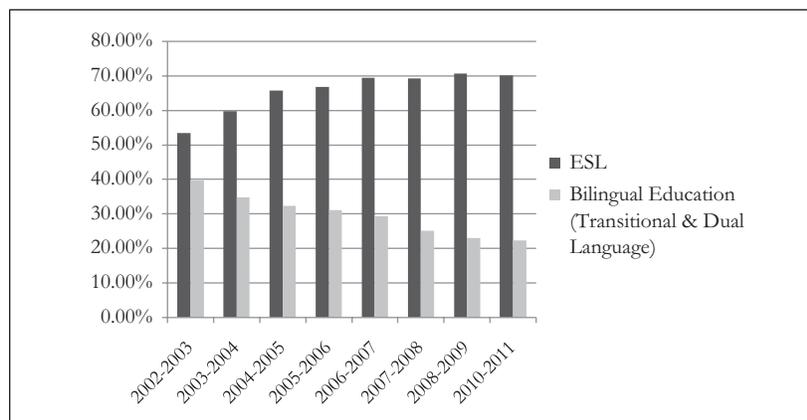


Figure 1. Program enrollment of New York City emergent bilinguals by school year, 2002-2011.

Source: New York City Department of Education (2011).

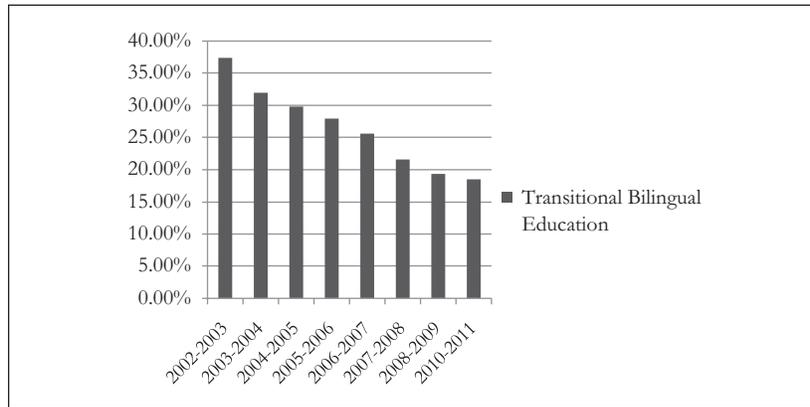


Figure 2. The loss of transitional bilingual programs in New York City schools, 2002-2011.

Source: New York City Department of Education, 2011.

New York City has fallen in recent years while the number in ESL programs has risen. In the 2002-2003 school year, 39.7% of all emergent bilinguals were enrolled in some form of bilingual education programming, while 53.4% were enrolled in ESL programs. By contrast, in the 2010-2011 school year only 22.3% of emergent bilinguals were in bilingual education programs while 70.2% were enrolled in ESL programming (New York City Department of Education, 2011).

While the preceding figure combined two different kinds of bilingual education programs—dual language and transitional—to highlight an overall loss of bilingual education programming, it is important to note that the real loss has occurred among transitional bilingual programs. Transitional bilingual education has been the predominant bilingual model in city schools since the *Aspira Consent Decree* in 1974 established the right of emergent bilinguals in New York to receive a bilingual education (Reyes, 2006). Dual language bilingual programs have actually experienced a slight increase from serving 2.3% of emergent bilinguals in 2002-2003 to 3.8% in 2010-2011. That said, the percentage of students enrolled in dual language bilingual programs remains very small, and the increase of such programs has not been enough to curtail the dramatic loss of transitional programs. Figure 2 shows the loss of transitional bilingual programs.

As shown in Figure 2, 37.4% of emergent bilinguals were enrolled in transitional bilingual programs in the 2002-2003 school year, whereas just

18.50% were enrolled in these programs in 2010-2011. In other words, student enrollment in these programs has been cut in half in recent years, affecting thousands of public school students.

This study seeks to understand why bilingual programs, and particularly transitional bilingual education, have fallen out of favor among school administrators in recent years. From our interviews with school administrators and teachers, we identified two main findings. First, the pressures of accountability are identified in interviews as driving school principals to eliminate their school's bilingual education programs. The second main finding is that the principals have received no formal preparation in the education of emergent bilinguals and are therefore ill-equipped to make the language education policy decisions required of them. This article focuses on the first finding.

Restrictive Language Education Policies and *No Child Left Behind* in U.S. Schools

Schools are primary sites for the implementation as well as contestation of language policies (Cooper, 1989; Corson, 1999), and for this reason language education policy is a rapidly growing area of research. The field examines such topics as which language(s) are taught and used as medium of instruction, how they are taught, and how linguistic diversity is negotiated in schools (Shohamy, 2006; Spolsky, 2004; Tollefson, 2012). Language education policy both reflects and influences wider ideologies and attitudes about critical issues such as language, culture, immigration, diversity, and national identity. As such, research in this area serves as a powerful lens through which to analyze and expose issues of power and marginalization in educational contexts.

Because schools often become the battleground for larger societal struggles, particularly in a rapidly changing United States where what it means to be American is being redefined by a large influx of new immigrants, bilingual education in the United States has become highly politicized. Reactions to these changing demographics have prompted the adoption of English-only language education policies, as in the states of California, Massachusetts, and Arizona (Gándara & Hopkins, 2010). During this period, the number of bilingual education programs across the United States has decreased (Crawford, 2007; Zehler et al., 2003).

Recent federal education policy is a factor in this shift. *No Child Left Behind* uses student test scores as a means of holding each school—and thereby each state—accountable for the federal funding they receive. The law requires that emergent bilinguals show continual progress on academic

content assessments in English as well as on English language proficiency assessments, with failure resulting in high-stakes consequences for individual schools (e.g., school closure and loss of federal funding) as well as for students (e.g., grade promotion and graduation; Menken, 2008). NCLB is found to encourage instruction in English only, particularly due to its accountability mandates, as emergent bilinguals and their schools must prepare for high-stakes tests in English⁴ and are disproportionately likely to fail and be penalized (Menken, 2009, 2010; Hornberger, 2005; Wiley & Wright, 2004).

Continuing in the same vein as NCLB, the Obama administration in 2010 provided funding to selected states—including New York—through a grants competition program called “Race to the Top,” which incorporates the same “test and punish” approach of *No Child Left Behind* (Menken, 2011). Specifically, this program requires advancing the following: standards and assessments, systems for gathering and analyzing data to measure student progress, teacher effectiveness, and improvement of failing schools. These areas rely heavily on standardized testing for measurement and evaluation.

While the number of bilingual programs decrease in city schools and the United States at large, there is now a sizeable research base in bilingual education, which convincingly shows that emergent bilinguals who have the opportunity to develop and maintain their home languages in school are likely to outperform their peers in English-only programming and succeed academically (Baker, 2011; Krashen & McField, 2005; Thomas & Collier, 1997). There is strong research support for the interdependence hypothesis (Cummins, 2000), which shows how skills that students learn in their home language are found to positively transfer to English during the process of second language acquisition. For instance, research is conclusive that teaching students to read in their home language promotes higher levels of reading achievement in English (Goldenberg, 2008). It is also evident that failing to support home languages in school leads to language loss among emergent bilinguals over time, which is associated with poor performance in school (Menken & Kley, 2010; Baker, 2011, Cummins, 2000; Valenzuela, 2005). Yet, in spite of these research findings, the vast majority of immigrants to the United States receive instruction only in English with the misconception that doing so will help students learn English better and more quickly.

Accountability and Language Policies Impacting New York City Schools

Schools in New York City must negotiate federal policy as interpreted by the state and must also contend with the city’s own accountability system. Both

state and city systems rely heavily on high-stakes standardized testing as a means to hold schools accountable for student progress. The problem with this paradigm for emergent bilinguals is that language proficiency impacts student performance, so by definition emergent bilinguals will always be considered “low performing” on tests administered in English (Menken, 2010). To understand the findings reported in this article and probe the interplay between accountability and language policies in schools, it is first necessary to describe the local accountability system.

To meet the federal accountability requirements of *No Child Left Behind* at the state level, elementary and middle schools across New York must make adequate yearly progress (AYP) on state exams in the following three subjects: English language arts, math, and science. High schools have a different third indicator, and must make AYP on their graduation rates.⁵ Complex AYP calculations are based on participation and performance criteria. Specifically, 95% of all students must participate in the testing regimen and each subgroup of students must achieve or exceed the annual measurable achievement objectives the state has set. Schools in New York failing to make adequate yearly progress for 2 years or more risk closure, as indicated by their placement on the list of Schools in Need of Improvement (SINI) or, even worse, Schools Under Registration Review (SURR).

Wholeheartedly adopting this policy direction, since 2002 the New York City Mayor and Schools Chancellors⁶ have received national attention for aggressively promoting testing, closing failing schools, and publicizing test scores to evaluate schools in the public eye. New York City builds on the federal and state test-based accountability systems with one of its own, that adds further high stakes to statewide exams. City progress reports, also known as the city report cards, assign a letter grade to elementary and middle schools based on their performance in the following three areas:

1. *Student progress*, based on the change in student scores on state tests in English Language Arts and Math from one year to the next.
2. *Student performance*, based on the results of students in a school during a given year on statewide tests of English Language Arts and Math.
3. *School environment*, based on student attendance and each school's NYC School Survey.⁷

City report cards at the high school level are based on the same three areas though modified for the upper grades. Accordingly, student progress in high school includes growth in test scores as well as credit accumulation and student performance includes overall test score averages and graduation rates.

Moreover, the city report cards add further high stakes to statewide tests, as these largely determine the grade a school receives. In other words, schools serving large numbers of emergent bilinguals are far more likely to be labeled low performing and penalized.

In New York City, as echoed elsewhere across the United States, emergent bilinguals have received negative attention for poor performance on tests and other accountability measures; accordingly, they have the lowest graduation rates (25%) and highest dropout rates (28%) of all students (Menken, 2010). Of the 1,356 schools currently on the SINI list in New York State, 31% (420) of these are on that list because their emergent bilinguals failed to make adequate yearly progress. Given that emergent bilinguals only comprise 8% of the state's student population, schools serving emergent bilinguals are disproportionately represented on the state's list of Schools In Need of Improvement.

Schools in New York City have the authority to determine the type of educational program(s) offered to emergent bilinguals although city and state policies set certain parameters that must be followed along with the accountability requirements mentioned above (Menken, 2011). While not stating which program model must be adopted, the Language Allocation Policy of the New York State Education Department and that of the New York City Department of Education mandate that schools offer transitional bilingual education, dual language bilingual education, or freestanding ESL to their emergent bilinguals (New York State Education Department, 2009; New York City Department of Education, 2008). That said, the New York Commissioner's Regulations Part 154 uphold the *Aspira Consent Decree* by requiring that bilingual education be provided in schools where there are 20 or more emergent bilinguals who speak the same home language in the same grade (New York State Department of Education, 2007). As only a small handful of states actually mandate the provision of bilingual education, this policy is considered very supportive of bilingual education (Menken, 2011). In spite of this, the loss of bilingual programs in city schools show that practices today radically differ from what is mandated in written policy statements.

Research Design

The purpose of this research study is to better understand why so many bilingual programs are being closed in New York City schools. Accordingly, the following research questions served to guide this study:

- What are the factors that school administrators and teachers cite as having the greatest impact on their school's language policy? In specific,

- Why have school leaders in recent years favored ESL programming over bilingual education programming?

This study uses qualitative methods, for their effectiveness in research on language education policy implementation (Hornberger & Johnson, 2007; Menken & García, 2010), as a means to explore in depth how educators negotiate competing pressures to determine language policies in the schools where they work.

To answer the preceding research questions, data was gathered from 2009 to 2011. Interviews were conducted with administrators and teachers in schools that have greatly reduced or altogether eliminated their school's bilingual program and replaced bilingual programming with ESL. Principals were the main source of interview data because in New York City it is ultimately principals who decide which language education program(s) will be offered to emergent bilinguals in their school. A select number of teachers and assistant principals were also interviewed for triangulation and to strengthen our interpretation of the data. While some are critical of their principals, in other schools the assistant principal had actually been the driving force behind the decision to close the bilingual program—even though the principal makes the final decision. Interviews were semistructured and guided by a protocol; the administrator interview protocol is in Appendix A and the teacher interview protocol is in Appendix B. Both authors conducted the interviews.

Schools were targeted for inclusion in this study based on a list provided to us by the New York City Department of Education indicating schools that previously offered bilingual education programs and had within the past 5 years eliminated or reduced these and replaced them with ESL programs. This list included 25 schools, and we targeted to include the 10 with the greatest decrease in numbers enrolled in bilingual education—though all of the schools listed significantly reduced or altogether eliminated their bilingual programs. It is worth noting that several schools declined our invitation to participate, indicative of the sensitivity and political nature of the research questions, so we replaced these with other schools on the list, while ensuring the final sample would be diverse. In the end, the schools included in our sample differ in size, structure, and location across city boroughs. A total of 10 schools were included in this study, located in Manhattan, Queens, Brooklyn, and the Bronx.⁸ These included four elementary schools, three junior high schools, and three high schools. In three of these schools, some bilingual programming remained as the program was gradually phased out, typically in the form of bilingual special education programs. All of the schools in our sample, with the exception of two small high schools, have

the numbers by grade required in state policy for bilingual education to be provided; in other words, they could offer bilingual education, but have chosen English-only programming instead. For the sake of comparison, included in our study are two schools with strong dual language bilingual education programs, making a grand total of 12 participating schools.

A total of 20 participants were interviewed in depth, with some participating in follow-up interviews: 10 principals, 2 acting principals (who were assistant principals at the school), 4 assistant principals, and 4 teachers. Interviews were recorded by digital recorder, transcribed, coded, and analyzed to identify prevalent themes (LeCompte & Preissle, 1993; Miles & Huberman, 1994). Codes were refined after initial data analysis and revised accordingly; the findings reported here draw from the most prevalent themes that we found in our final data analysis. School policy documents and performance data were also analyzed to contextualize findings from the interviews.

Language policy research typically overlooks the central role played by school administrators, especially principals, in determining a school's language policy. This study is part of a new wave of research in language policy that refocuses our attention from governments to local policy makers, including school administrators, and thereby offers an opportunity to increase understandings of language policy making at the school level (Menken & García, 2010). By examining how principals determine policy, findings from this study offer information about how school administrators negotiate a broad range of complicated and often competing demands to determine their school's language policy. In addition, while there are analyses of the wording of NCLB and a very limited number of studies conducted in schools (see, for instance, Hornberger & Johnson, 2007; Menken, 2008; Palmer & Snodgrass-Rangel, 2011; Wright & Li, 2008), there is a great need for further empirical research that explores the link between accountability and language education policies in schools. This study addresses that gap.

Findings

To briefly summarize the main findings from our research, participants identify the following as key factors in the elimination of their school's bilingual program:

- Poor performance by emergent bilinguals on accountability measures (e.g., high-stakes tests and graduation rates) poses a problem for school administrators under tremendous pressure to improve schoolwide performance.

- Bilingual education programs are immediately blamed when emergent bilinguals do not perform well on these accountability measures, largely due to ideology or beliefs rather than data. In this way, decisions are data driven although not actually data based.
- A primary goal of administrators is improved test scores and quick acquisition of English to meet the accountability requirements, resulting in a myopic focus on English as the overriding instructional goal for emergent bilinguals.
- The accountability system disproportionately penalizes emergent bilinguals and the schools they attend, creating a disincentive for schools to serve these students; in the extreme, schools do not admit them. Perceptions of the students as “low performing” become conflated with impressions of them as individuals, and educators are found to develop negative views of the students themselves.
- The small schools movement in New York City has played a significant role in the loss of bilingual programs in city schools, as emergent bilinguals are being dispersed between several schools that no longer have the concentrations of students needed to offer bilingual education as mandated by the city and state. In addition, these schools are under enormous pressure to be seen as high performing.

The findings we present here draw a causal link between the pressures of accountability and the elimination of bilingual education programs in New York City schools.

Pressures of School Accountability

When asked about the factors that contributed to the school’s elimination or reduction of their bilingual education program, it is highly significant that *all* of the participants mentioned testing and the pressures of accountability as playing a key role. A number of the schools in the sample were seen as low performing due to poor test scores and the requirements of *No Child Left Behind*, and all of the schools constantly sought to improve their performance. Emergent bilinguals, typically referred to in the city as ELLs, were repeatedly mentioned in interviews as low performing within this accountability context, a cause for great concern among principals who constantly need to show progress and strong schoolwide performance. Below is a quotation from an interview with Ms. E,⁹ the principal of a junior high school, in which she states,

ELLs are actually why we had not met AYP [Adequate Yearly Progress] in the last five years. That's like the only subgroup that had not made AYP, the English language learners. (Ms. E, junior high school principal, interview transcript)

Mr. A, a high school principal, explains how poor performance can become a catalyst for school change, and specifically for the elimination of bilingual education programs (interviewer's voice in italics):

So why did you change the [bilingual] program?

The F on the city report card was an overall thing for general education and everything, not only for the ELL population, but what happens with ELLs affects the whole school. And if you don't address what happens with ELLs then you won't move the school. (Mr. A, high school principal, interview transcript)

In this passage, Mr. A offers a clear explanation for how the performance of emergent bilinguals on tests impacts schoolwide performance. Mr. A chose to eliminate the school's bilingual program in response to poor performance on accountability measures. What is challenging is that the city-wide evaluation relies heavily on student test scores and, as it is impossible to fully divorce language from content, language proficiency negatively influences the scores emergent bilinguals receive (Menken, 2008, 2010). Schools serving emergent bilinguals face the reality that these students likely will not perform well on high-stakes tests, and the schools will be penalized accordingly.

In the school where Ms. P is an assistant principal (she was acting principal at the time of her interview, and was instrumental in closing the bilingual program), failure by emergent bilinguals to make adequate yearly progress was cited as the main cause for her school being listed low performing and at risk of closure. She explains that the pressures of high-stakes testing do not permit the time necessary for bilingual education programs to bear their fruits in improving student outcomes. As she states,

We got on the SINI [Schools in Need of Improvement] list because the ELL subgroup didn't make the progress necessary on the ELA [English Language Arts] or other tests they took at the time . . . Children used to be exempt from testing for up to five years. Then it changed to two years, and now after one year they have to take the ELA. So it seems we don't have time to waste for the transition . . . This is about *No*

Child Left Behind. (Ms. P, junior high school assistant principal/acting principal, interview transcript)

As Ms. P explains, she encouraged the elimination of the bilingual program at her school with the belief that English-only instruction would provide the greatest short-term gains on tests administered in English.

Taken together, the quotations above show how test-based accountability is a challenge for schools serving emergent bilinguals, as these students are disproportionately likely to be labeled low performing due to their language proficiency. School administrators are under enormous pressure to improve the performance of their students so that their schools can be deemed successful and they focus on programming for emergent bilinguals to do so.

Blaming Bilingual Programs for Poor School Performance

Another of our main findings is that bilingual education programs are immediately blamed for the poor performance of emergent bilinguals on high-stakes tests and other measures of accountability. We find the decision is typically based on a belief that elimination of the bilingual program will improve the test performance of emergent bilinguals—independently of any actual data analysis. Principals in our sample turn to language programming changes for emergent bilinguals as a way to provide the “quick fix” their schools needs to immediately meet the federal and local accountability requirements.

The following quotation provides an example of an administrator making the decision to eliminate a bilingual program independently of available data. In this interview, the participant—a junior high school assistant principal who led the decision to eliminate the bilingual program at her school—explained that prior to the elimination of the program two-thirds of all emergent bilinguals had been enrolled in ESL, while only one-third attended the school’s transitional bilingual education program. In the passage that follows, the interviewer probes this point:

It was one-third in bilingual and then the rest in [ESL] class.

. . . How did the two-thirds of kids in the ESL program do in comparison with the kids in the bilingual program?

This goes back so many years ago. Three years ago. All I know is our scores weren’t as successful as they should have been. (Ms. N, junior high school assistant principal)

In this school, the test scores of students in the ESL program were not compared to those in the bilingual program. Emergent bilinguals' scores were low as a group, yet that data was not disaggregated by program model to see if the low scores could actually be attributed to programming. Thus Ms. N's decision to eliminate the bilingual program was not grounded in the data, but rather was based on ideology or a feeling that the program was the problem.

We also find that administrators choose to eliminate their bilingual programs as a strategy intended to improve schoolwide test performance in schools where emergent bilinguals are deemed low performing.

[He] was a new principal and he was brought in to turn this school around. I think that's probably the way he viewed it, that he saw eliminating the bilingual program as critical. (Ms. A, junior high school assistant principal)

In this school, the assistant principal explains how her school's new principal saw that emergent bilinguals were not performing well on high-stakes tests. He was brought into the school to improve the overall performance of the school on accountability measures, so he dissolved the bilingual program in the belief that doing so would resolve the problem for emergent bilinguals.

This was also the rationale at the high school where Mr. A is the principal, as highlighted in the interview excerpt below when he discusses the Regents, which are the high-stakes exams used in New York both to determine high school graduation and to evaluate school performance and progress in accordance with the local accountability system and NCLB.¹⁰

[W]here they were and are in accumulation on the Regents is positive. For example, one kid failed the English Regents four times and finally passed. When you're taught bilingualism you get frustrated because the test is only in English and you can't pass it. And in order to graduate you have to pass that test. (Mr. A, high school principal, interview transcript)

In this quotation, Mr. A describes an emergent bilingual at his school who passed the English Regents exam on his fifth try and attributes the student's eventual success to his elimination of the school's bilingual program. Embedded within this principal's words is the view that bilingual programs fail to teach students English and that instruction should only be in English to prepare students for standardized tests in English. As such, the students' home languages are not regarded as a resource in this process, but instead

seen as a barrier to their success—a point we develop in the section that follows. Unfortunately, however, this school again received an F on the city-wide report card for 2010-2011, and in the 2011-2012 school year was again listed as a SINI school, in accordance with the state's implementation of NCLB mandates. The school's performance has actually worsened in the years since the elimination of its bilingual program, and the school is now slated for restructuring.

English as the Goal

Learning English is a pressing and urgent goal among those we interviewed, who do not consider the maintenance and/or development of a student's home language as a resource in that process. The administrators we interviewed are blind-sighted by the idea that learning English quickly will provide access to college, job opportunities, and future success. Quick access to English content, and total immersion, are perceived as efficient pedagogical approaches to meeting this goal. This viewpoint contradicts research that shows how emergent bilinguals who receive home language instruction in school typically acquire English more effectively (Baker, 2011; Crawford & Krashen, 2007; Cummins, 2000; García, 2009; Krashen & McField, 2005; Thomas & Collier, 1997).

Indicative of the pressure many principals feel to ensure that emergent bilinguals acquire English, one principal asks, "What keeps me up at night is what kind of jobs and what kind of ultimate opportunities are available to the students if they do not master the English language?" (Ms. E, junior high school principal, interview transcript). In the sample of schools in our study that eliminated their bilingual programs, the pressure to learn English is translated into English immersion to achieve this aim.

In justifying her principal's remarks on the elimination of the school's bilingual program to an upset student, Ms. A says,

It's not that he wants you to lose your Spanish. He wants you to learn English more because it means college, it means jobs, it means you know, being successful, it means having more opportunities . . . (Ms. A, high school assistant principal, interview transcript)

In this quotation, Ms. A shows how the principal of her school has chosen to prioritize English monolingualism as the sole language acquisition goal, at the expense of the student's home language or bilingualism. She continues to explain this viewpoint in the following passage:

How many colleges offer bilingual programs? Like most of the classes you're going to take are going to be in English only. And while in New York City you may be able to find a job where you can only speak Spanish you're really limiting your choices. If the school really hasn't offered you the chance to learn English quickly, then what happens? (Ms. A, high school assistant principal, interview transcript)

Although Ms. A, like her principal, claims to value a student's bilingualism, her primary concern becomes the development of the English language as it alone is perceived to be linked to college, success, and job opportunities (even though bilingualism is frequently sought after today in higher education and the job market). Embedded within this quotation is the belief that bilingual programs fail to teach English.

According to participants in our study, some parents express such urgency as well. The following is a quotation by a teacher at one of the schools included in our study that continues to offer bilingual education:

We have a lot of parents who are afraid that their children are not learning enough English [in the bilingual program] and push for them to be in ESL or monolingual earlier than what they are ready for . . . They are worried that they are not picking up English and don't believe that the Spanish is what's helping them learn the English in the first place. (Ms. T, elementary school teacher, interview transcript)

According to Ms. T, the misconception that students will fail to learn English in bilingual programs weighs heavily on some parents. Ms. T is a first grade teacher, and the first grade is seen as a critical literacy period; the parents she refers to likely do not realize that students may end up experiencing more difficulty acquiring literacy skills as a result of losing all home language supports (Goldenberg, 2008). It is important to note that parental preference did not arise in our data analysis as a major factor in the elimination of bilingual education programs; instead, most schools—including the one where Ms. T teaches—host seminars or employ other strategies to influence parents. In the schools in our sample that have strong bilingual programs, we found that school staff work regularly with parents to foster support for the program. Likewise, in schools where the principal and other leaders do not support bilingual education, they cultivate negative attitudes toward bilingual education. In this way, schools wield great power in being able to engineer parental perceptions.

Disincentive to Serve Emergent Bilinguals Conflated With Negative Views of Students

Even prior to the passage of *No Child Left Behind*, Rotberg (2000) warned that test-based accountability could create a disincentive for schools to admit or serve students who typically do not perform well on standardized tests, such as emergent bilinguals. In a very frank interview, the acting principal of a small high school, Mr. R, explained to us not only that his school does not offer bilingual education but also that they avoid admitting emergent bilinguals altogether. As he explained,

[W]e send [ELLs] back to the region and they move to another school . . . It's something that is not in writing. It's not in writing, you can't refuse to take a student. Right now I cannot refuse to take any students. What I do is I call the placement center and they work with me.

. . . *So in general you think that it is better not to take English learners or is it [interruption]?*

It's much better. It's much better. Well, what I mean is I don't have to worry about student graduation for the ELL population because they need more than four years to graduate and right now they need to graduate in four years. You don't have to worry about attendance issues or credit accumulation. (Mr. R, high school acting principal, interview transcript)

In this interview, Mr. R describes his covert exchanges with the local regional office that places emergent bilinguals in his school, during which he tells regional officials that his school will not admit emergent bilinguals. These officials, in turn, comply with his manipulation of the school's student population. Mr. R notes above a number of different areas of both federal and local accountability where emergent bilinguals perform poorly at his school: graduation rates (given that all students in New York must pass a set of standardized tests to receive a diploma), attendance, and credit accumulation. Because the students create a downward drag on overall school performance within the existing accountability framework in areas such as those Mr. R mentions, schools like his engage in behind-the-scenes maneuvers to avoid admitting emergent bilinguals altogether. This is a violation of local and federal legislation, yet it happens.

This reality is further supported in our interview with Mr. M, who explains that as the school principal he does not turn away emergent bilinguals, and how this affects school performance data.

We decided a few years ago that, that this is our lot. That the Department of Enrollment was going to send these students to us, who we don't choose, but they choose for us. Then we are going to make the best of it. Other schools return to the enrollment and say we can't take you, or whatever. . . . We basically don't screen anybody. Unfortunately, it does affect our data. (Mr. M, high school principal, interview transcript)

In this passage, Mr. M explains that his school has chosen to admit emergent bilinguals, as if doing so were optional, and laments how this impacts overall student performance at his school. In so doing, Mr. M reveals that schools in New York City do indeed turn away emergent bilinguals out of well-founded fear that their presence in a school will result in the school being labeled failing or in need of improvement.

What is more, the perception of emergent bilinguals as a liability to schoolwide performance seems to become conflated with negative perceptions of the students themselves. This theme manifested in interviews in a belief that the quality of emergent bilingual students today is poorer than it used to be and that the students do not value English or want to learn it. This theme was particularly prevalent in the interviews with junior high school and high school staff. The following excerpt from a focus group interview with a high school principal, assistant principal, and teacher illustrates this point:

Ms. C: I feel I think we all agree that a lot of these students do not feel that this country is their home in the same way that say my ancestors did who came at the turn of the century, say from Russia and Poland . . .

Mr. M: They really never get an entrenchment in English. I don't think they buy into the English language. Am I wrong to say that? . . . Well I feel, how do I say it, I feel that I am working in a Dominican neighborhood, should I say ghetto?

Ms. C: It's a ghetto.

Mr. M: Because until they learn to read and write English, they are going to feel the Dominican Republic is home. When they learn to read English more confidently, I think they will feel more comfortable living

here. (Mr. M, high school principal & Ms. C, high school assistant principal, interview transcript)

These school administrators feel that the emergent bilinguals they serve, all of whom are Dominican, are not motivated to learn English in the way that past immigrants were, due to their attachment to their language and country of origin. They use the derogatory term “ghetto” in a distancing way to describe their students’ community, and in doing so convey a negative view of their students.

A quotation from a teacher further supports negative perceptions of the students with regard to their motivation to learn English:

Now it’s like, “I don’t want to speak English,” “I don’t care.” You know the attitude, oh yeah. Well that’s the kind of kids we get. (Ms. L, high school ESL teacher, interview transcript)

Interestingly, Ms. L is very critical of her principal’s decision to eliminate the bilingual program at the school where she has worked for many years, even though she expresses similar views in this quotation to those of the administrators quoted above. In fact, elsewhere in the interview she attributes this lack of motivation to learning English to the elimination of the bilingual program, saying, “I found more kids trying to speak English and doing better back then when they had the bilingual program because it was encouraged.”

Impact of the Small Schools Movement

The small schools movement has been another factor contributing to the loss of bilingual education programs in city schools. Mayoral control over New York City schools has been in effect since 2002, and a cornerstone of the mayor’s efforts to overhaul the entire school system has been closing large, underperforming high schools and replacing them with numerous new small high schools (Flores & Chu, 2011). Advocates for Children (2009) reported that the New York City Department of Education closed 20 large high schools and opened 212 new small secondary schools from 2002 to 2007 alone, and the trend has continued since then. However, many of the high schools that have closed served very large populations of emergent bilinguals in sophisticated bilingual education programs, as they had the numbers of students to allow them to offer highly specialized classes, and these programs have been almost entirely replaced with ESL programs (Reyes, 2003). Advocates for Children (2009) document the closure of two high schools in Brooklyn,

displacing 800 emergent bilinguals and causing the loss of two large bilingual education programs. The bilingual programs, which were in Chinese and Haitian Creole, were replaced with ESL programming. Furthermore, new small schools were permitted to deny admission to emergent bilinguals in their first years of operation, so that the schools could succeed within the existing accountability system (Advocates for Children, 2009).

Two of the high schools included in our study were small high schools that had recently opened on the campuses of what had been large high schools. Ms. L, a high school ESL teacher who weathered the breakup of her large high school into several small schools, held a position in one of the new small schools. She compared programming now to how it had been in the past, in the following:

Can you describe the bilingual model, what it looked like at this school?

Oh, we had bilingual classes in the histories, maths, and sciences I believe. Again, that was a wonderful transitional tool at any rate for most of our kids. Since we had, like, between 800 and 1,000 ELL students in the building at any time. So, oh, that was wonderful and we had some very, very good teachers who were the bilingual teachers and that I would work a lot with. We also had native language arts as opposed to just Spanish class. Then again that's something else I've been trying to argue for but it's very hard to set up in the constraints that we have to work with. (Ms. L, high school ESL teacher, interview transcript)

In this quotation, Ms. L objects to the closure of the bilingual program, because the school no longer has the capacity to provide the quality of programming they had offered emergent bilinguals in the past. As she explains, not only have they lost specialized content courses but also they no longer have the numbers of emergent bilinguals in her new small school to be able to offer Spanish native language arts classes, which can greatly aid Spanish-speaking emergent bilinguals not only in their Spanish development but also in their English acquisition (Menken & Kleyn, 2010). Instead, these students attend Spanish as a foreign language class with English-speaking students who are learning the basics, creating a wide mismatch between the needs of emergent bilinguals and course content.

Funding is a major reason cited by administrators to account for why small high schools prefer not to provide bilingual education programs, and instead in most cases mix emergent bilinguals with English proficient students in the same classes.

[T]he smaller schools that were created in this building they refused to have bilingual programs. They started with 60 students, I remember that, they started with 60 students and when you start with 60 students you don't want to create a different program based on the reasons that I mentioned to you before—budget, funding. (Mr. R, high school acting principal, interview transcript)

In this quotation, Mr. R explains that none of the new small schools in his building provide bilingual programs, which offered further justification for his school not offering a program either. He attributes this to the small size of the schools, explaining that it is not worth the funding it would require to offer specialized programming for emergent bilinguals in schools with fewer students.

Taken together, the pressure on small schools to perform well on accountability indicators and the logistical realities of smaller student populations has contributed significantly to the loss of bilingual education programs in city schools.

Discussion and Conclusion

Our research supports the argument that NCLB encourages English-only approaches in U.S. schools and has been harmful to emergent bilingual students. We found that bilingual programs are being eliminated because of NCLB's test-based accountability mandates, even in New York, where the provision of bilingual education is mandatory when there is the student population to support it. Rather than mitigating the impact of this federal law, state and local policies are found to compound it.

The findings we present here reveal how testing and accountability provide the justification for blaming and dismantling bilingual education programs in New York City and create a disincentive to serve emergent bilingual students. Principals are placed in a difficult situation by NCLB mandates, because their schools are far more likely to be labeled low performing and face punitive measures, such as restructuring or closure, simply for admitting and educating emergent bilinguals. Within this accountability framework, which uses high-stakes standardized tests in English to evaluate students and their schools, emergent bilinguals will always been seen as deficient.

Only schools with a firm commitment to bilingual education programs will be able to maintain them in the face of the unyielding forces of accountability. The schools that we found continuing to run strong bilingual education programs within the current climate were those that have clear and

cohesive language education policies in place that support bilingualism and that are led by principals who are prepared and committed to bilingual education. By contrast, the schools in our sample with unprepared principals were like reeds blowing in the winds of education reform. Strong school-based language policies serve to shield bilingual education programs from top-down educational policies such as NCLB, which undermine programming that builds on the students' home language practices.

For their part, state and city policy and practices have further contributed to the elimination of bilingual programs. Both the city and state, as delineated above, have developed accountability systems in the wake of NCLB that rely heavily on high-stakes standardized tests, unfairly disadvantaging emergent bilinguals and the schools that serve them. Likewise, while state and city policy demands that school principals determine educational programming for emergent bilinguals, these leaders are not required to have any preparation in how to educate this population of students. For instance, state certification of school leaders does not require even one course about emergent bilinguals, thus administrators such as those we interviewed hold numerous misconceptions about bilingualism and language learning. The city has also adopted reforms such as the small schools movement that, as documented above, have contributed to the elimination of bilingual education programs.

Our research uncovers how school practices are in overt violation of official policies in the state and city, which mandate bilingual education be provided in New York when there are 20 or more emergent bilinguals per grade who speak the same native language, in accordance with the state's Part 154 and *Aspira Consent Decree*. While there used to be an office within the New York City Department of Education that was responsible for enforcing these policies, city officials have more recently turned a blind eye to the closure of bilingual programs. Thus these local policies favoring bilingual education are neither monitored nor enforced systematically.

These findings are important because the loss of bilingual education programs will have a longstanding negative impact on emergent bilinguals and U.S. society as a whole. Emergent bilinguals experience language loss when their languages are not supported in school, with the result over time that their home languages are gradually replaced by English. Not only are schools failing to prepare the bilingual and biliterate citizenry needed for the 21st century, many students are simply unable to succeed in school without developing their home language literacy skills. This holds grave consequences, and it is thus not surprising that the dropout rate of emergent bilinguals has risen in New York City since the passage of NCLB. Based on

our findings, we predict that dropout rates among emergent bilinguals will remain high so long as the accountability system remains as is. We also suspect that NCLB and the interpretation of its accountability mandates by other states and local school districts have led to the loss of bilingual education programs outside of New York as well. This would be an important area for future research.

While bad news for bilingual education continues across the United States, there is also some good news in New York. On one hand, there appears to be no sign of change in federal, state, or local policies in the near future, as they continue their test-and-punish approach to education reform. On the other hand, there are promising indications of a changing orientation toward bilingual education from the state and city departments of education. Under a new state education commissioner who recently made a public statement in support of bilingual education, the New York State Department of Education mandated that the New York City Department of Education plan improvements or face sanctions. In September 2011, the city released a corrective action plan in which, among other changes, it pledged the following:

By September 30, 2013, in accordance with the target dates stated below, the DOE will have created 125 additional bilingual programs beyond the 351 existing programs for 2010-11. (New York City Department of Education, 2011)

In other words, the city is under directive to curtail and reverse the recent loss of bilingual education programs.

In addition, the state is currently funding the City University of New York in a project entitled the New York State Initiative on Emergent Bilinguals¹¹ to offer an intensive institute to prepare principals of approximately 40 schools in the state to meet the needs of emergent bilinguals. Participating schools are on the state's SINI list due to the performance of these students. The principals involved are required to develop and implement improvement plans that support an ecology of bilingualism in their schools and use students' home languages as a resource in their instruction, where possible, through the provision of a formal bilingual education program. Thus it seems the latest news from New York is promising and that efforts are being made to push back against the pressures of accountability and "remantle" bilingual education programs. That said, these efforts will only be successful if federal, state, and city education policy are changed so that they will be more uniformly supportive of bilingualism and bilingual education.

Appendix A

Principal/Assistant Principal Interview Protocols for Semistructured Interviews

[Below is a list of questions for school administrators. Many are followed by a set of follow-up questions, asked only as needed.]

1. [If needed:] We are interested in your ELL student demographics:
 - a. How many ELLs does your school serve?
 - b. What is the percentage of ELLs by grade level?
 - c. What native languages do your ELLs speak?
 - d. What are their countries of origin?
 - e. About how many of your ELLs are beginner/intermediate/advanced/transitional?
 2. What is your school's language allocation policy?
 - a. What educational program(s) do your ELLs currently receive (e.g., push-in ESL, pullout ESL, etc.)?
 - b. How is the program structured?
 - c. Can you give an example to describe this?
 3. We understand that your school used to offer bilingual education. What educational program(s) did ELL students previously receive (e.g., transitional, bilingual education, etc.)?
 - a. How was the program structured?
 - b. Can you give an example to describe the bilingual model?
 - c. How was language allocated? What was its distribution by subject?
 4. What factors do you believe had the greatest impact in changing your school's language policy?
 5. What are the pros/cons of these language policy changes and how have they influenced the teaching of ELLs/bilingual students?
 - a. What do you believe were the strengths & challenges of previous bilingual programming?
 - b. What do you believe are the strengths & challenges of current ESL programming?
-

Appendix B

Classroom Teacher Interview Protocols for Semistructured Interviews

[Below is a list of questions for schoolteachers. Many are followed by a set of follow-up questions, asked only as needed.]

1. What is the title of your current teaching position?
 2. [If needed:] We are interested in your ELL student demographics:
 - a. What is the percentage of ELLs in your classroom?
 - b. What native languages do your ELLs speak?
 - c. What are their countries of origin?
 - d. About how many of your ELLs are beginner/intermediate/advanced/transitional?
 3. Does your school have a language allocation policy?
 - a. What educational program(s) do your ELLs currently receive (e.g., push-in ESL, pullout ESL, etc.)?
 - b. How is the program structured?
 - c. Can you give an example to describe this?
 4. We understand that your school used to offer bilingual education. What educational program(s) did ELL students previously receive (e.g., transitional, bilingual education, etc.)?
 - a. How was the program structured?
 - b. Can you give an example to describe the bilingual model?
 - c. How was language allocated? What was its distribution by subject?
 5. What factors do you believe had the greatest impact in changing your school's language policy?
 6. What are the pros/cons of these language policy changes and how have they influenced the teaching of ELLs/bilingual students?
 - a. What do you believe were the strengths and challenges of previous bilingual programming?
 - b. What do you believe are the strengths and challenges of current ESL programming?
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Notes

1. García (2011, p. 141) has argued for "the use of the term emergent bilingual in referring to these children as a way to remind all of us that the effective teaching of English will make them bilingual, not merely teach them English." For its part, the federal government still refers to these students as "limited English proficient." In this manuscript, we use "emergent bilingual" in lieu of English language learner or limited English proficient.
2. Language policy is broadly defined as all of the "language practices, beliefs and management of a community or polity" (Spolsky, 2004, p. 9). With regard to language policy in education, included under this definition would be decisions about which language(s) will be taught and/or used as the medium of instruction (Corson, 1999; Menken, 2008).
3. It is important to note that there are ways to structure ESL classes wherein the home languages of students are valued and used as a tool for learning English as well as all subjects (see for instance Wright, 2010). However, this does not take place in the typical ESL programs, such as those in the New York City schools that participated in this study; these programs are indeed English-only.
4. In some states like New York, test translations are available for subjects such as Math, Science, and Social Studies in several languages other than English, but the majority of emergent bilinguals take their exams in English anyway. And, all students must still take and pass English language arts exams (see Menken, 2008, for discussion of test translations).
5. Performance on science exams remains important, however, as secondary students must still pass statewide exams in science in order to graduate.
6. The New York City mayor is Michael Bloomberg (2001-present), and there have been two chancellors in this time period: Joel Klein (2002-2011) and Dennis

- Walcott (2011-present). Cathie Black (2011) briefly replaced Klein, but resigned after just three months.
7. The school survey involves parents, teachers, and students rating schools in terms of academic expectations, safety, communication, and engagement.
 8. None of the schools listed are in Staten Island. This is not surprising, given that Staten Island has fewer emergent bilinguals than other boroughs, with emergent bilinguals only comprising 5.7% of that borough's total student population (New York City Department of Education, 2011).
 9. All participant names are pseudonyms.
 10. Regents exams in the areas of math, science, and social studies are translated into the top five languages of emergent bilinguals statewide. Even so, all students must still take—and pass—the English Regents exam to graduate, which poses tremendous challenges for students learning English. Speakers of the top five languages also typically do not receive preparation for the exams in their home language, thus language still impedes upon test performance. In addition, over 168 home languages are spoken by emergent bilinguals in New York City alone, and thus at least a fifth of all emergent bilinguals cannot benefit from test translations (Menken, 2008, 2010).
 11. Menken is Co-Principal Investigator.

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