

POLICY BRIEF: BILINGUAL EDUCATION

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This brief analyzes bilingual education policy at the federal level within the context of the policy's equity, efficiency, effectiveness, political feasibility, and quality. The narrowing of bilingual policy brought about by the 2001 reauthorization of the Elementary and Secondary Education Act (renamed the No Child Left Behind Act), as well as passage of English-only laws in three states, is juxtaposed against the growing body of research that favors the simultaneous development of both a home language and English as critical for achievement of English language learners (ELLs). Recommendations are made with respect to policy alternatives that may now be emerging for states and school districts in light of the U. S. Department of Education's NCLB waiver program, using proposed changes in New York State and recommendations in the literature as examples of the potential for change.

Keywords: bilingual education, dual language, ELL, ESEA, NCLB, policy

The question of how to best educate native speakers of languages other than English formally entered the national policy arena with the passage of the Bilingual Education Act (BEA) of 1968, which reflected the merger of dozens of bills into what became Title VII of the Elementary and Secondary Education Act (ESEA) (Stewner-Manzanares, 1988). Since that time, there has been ongoing debate about the most effective way to support English language learners (ELLs) in their acquisition of English, played out through multiple reauthorizations of the Elementary and Secondary Education Act (ESEA). A continuum of instructional models has developed over time, ranging from rapid mainstream English immersion to full, long-term two-way bilingual education programs.

Bilingual education generally refers to teaching academic skills and content in two languages. In the United States, discussion of bilingual education is often synonymous with language-minority education, or the education of English language learners (ELLs). Thus, it is really minority-language policy that sets the educational context in which bilingual education programs exist (Johnson, 2010). Currently, the dominant narrative describing bilingual education policy is one of polarization. While the policy trend in recent years has clearly been toward limiting bilingual education and promoting English acquisition as quickly as possible to counter political influences (Wiley & Wright, 2004), research suggests that the best course of action to take when the interest of students is considered is to reinforce the development of the native language while simultaneously developing the second language (Cummins, 2007; Krashen & McField, 2005; Menken, 2013; Potowski, 2004). Throughout the literature, the political climate is described as volatile (Reyes & Vallone, 2007), with promoters of English-only policies gaining ground, while those supporting instruction in two languages describe bilingual education as being threatened (Johnson, 2010; Menken, 2013). Each side contends their approach is in the best interest of ELLs, but the evidence is mounting to suggest a true bilingual approach is superior to the English-only immersion approach (Goldenberg, 2013; Krashen & McField, 2005).

Factors that have contributed to this polarization include the 2001 reauthorization of ESEA, and the

decision by states such as Arizona, California, and Massachusetts to be “English-only” states, eliminating transitional and developmental bilingual mandates and supports (Menken, 2013; Wiley & Wright, 2004). With the 2001 reauthorization and renaming of the ESEA to No Child Left Behind (NCLB, 2001), both the language of the law and the accountability regime associated with it created a new context for bilingual education (Caldas, 2013; Johnson, 2010; Menken, 2008; Rossell, 2005). In fact, “The word bilingual completely vanished from the federal law” (Wiley & Wright, 2004, p. 155). NCLB effectively, if not explicitly, removed native language instruction as a core tenet of bilingual education policy (Caldas, 2013; Menken, 2013); in addition, this most recent reauthorization contains no mention of the development of bilingualism as a goal. Rossell (2005) notes that the assessments mandated through the policy and used for purposes of accountability are both illogical and unrealistic. NCLB essentially marked the return to a pre-Title VII (BEA) time, when language-minority educational policies were ineffective, with notable conflicts between the accountability tests and the likelihood of language-minority students to demonstrate adequate achievement on these measures (Caldas, 2013; Menken, 2008; Rossell, 2005). Thus, at this point the policy pendulum has swung away from a multiculturalist and multilingualist vision toward an assimilationist, monolingualist one (Varghese & Stritikus, 2005).

Given the national policy context, a loss of language resources has been directly and indirectly promoted, which Cummins (2005a) argues has the potential for significant consequences to economic interchange, national security, and community development. Cummins advocates for strong action, even at the level of individual educators, to promote heritage language proficiency to avoid losing the asset of heritage language resources. Similarly, Varghese and Stritikus (2005) argue for the substantive role teachers and other local decision makers can have on shaping the educational policy as experienced by culturally and linguistically diverse students. Using contrasting case studies from schools in California and Pennsylvania, Varghese and Stritikus observe that support for primary (home) language instruction can persist in situations where a top-down mandate outlaws such instruction, just as primary language instruction can be precluded from occurring in contexts where no such mandate exists. Factors including teacher beliefs and personal experiences related to language and ethnicity, along with the local language policy context, interact uniquely to result in an enacted policy that is more or less supportive of bilingual education and, more generally, instruction to language-minority students (Varghese & Stritikus, 2005). Similarly, Johnson (2010) presents evidence strongly supporting the idea that local enactment of language policy can be heavily influenced by individuals positioned as experts. He emphasized the need for involvement of applied linguists at the local (institutional) level, and pointed out that there is much room for local educators to play a role in policy manipulation. Recognizing that federal- and state-level policy changes in the arena of bilingual education are low priorities at best, Cummins (2005a) argues that instruction within school and in after-school and community-based programs can transform the messages sent to heritage language students to positive effect, even in the present policy context.

Essentially, there is a growing gulf between federal language policy and the research on how ELLs learn best. This space is explored in the sections that follow, using Rossell’s (1993) criteria for evaluating public policies, including the lenses of equity, efficiency, effectiveness, and political feasibility. After this discussion, the overall quality of the policy is examined, followed by conclusions and recommendations aimed at policy makers, school leaders, and teachers.

Equity

As Rossell (1993) points out, “[E]quity is not necessarily interpreted as meaning that equal amounts of a good or service should be provided to each group or individual but rather that a fair amount should be provided” (p. 163). The purpose behind the original BEA was to support equal educational opportunity for students with the special needs associated with limited English proficiency (Stewner-Manzanares, 1988). Viewed initially as a civil rights remedy, this policy provided federal funding for programs designed to promote both native language and English language learning. The BEA took a clear position on the value

of education in the home language, a position that was largely supported through several rounds of reauthorization. A shift occurred, however, in the NCLB authorization de-emphasizing support for developing bilingualism and favoring the rapid acquisition of English (NCLB, 2001; Wiley & Wright, 2004). By requiring ELLs to take annual assessments in English language arts and mathematics, with no allowance or “credit” for literacy in a native language, NCLB established an era of accountability that is arguably far less fair than in the past (Caldas, 2013; Rossell, 2005).

With the failure of Congress to reauthorize NCLB, a window has been opened that allows for the potential of taking a different approach within the current policy context. In 2011, the U.S. Department of Education established an ESEA regulatory flexibility initiative, enabling states to request a waiver from some thirteen different requirements in NCLB legislation in exchange for “comprehensive State-developed plans designed to improve educational outcomes for all students, close achievement gaps, increase equity, and improve the quality of instruction” (U.S. Department of Education, 2012, ESEA Flexibility section, para 1). In effect, this quid pro quo requires states to a) adopt college- and career-ready learning standards; b) develop and implement a differentiated accountability, recognition, and support system for schools and districts; c) develop and implement much more rigorous teacher and principal evaluation systems; and d) reduce duplicative and burdensome reporting requirements that do not help improve student achievement outcomes (U.S. Department of Education, 2012). To date, 43 states, including New York, have applied for and been granted waivers. These waivers must be renewed annually, and in the most recent application, New York has developed amendments that would lessen the testing inequity by proposing new native language arts tests for ELLs (NYSED, 2013) that could go a long way toward restoring a measure of fairness between English speaking and English learning students, at least in terms of testing and accountability.

Efficiency

As measured by the ratio of inputs to outputs, efficiency is an important gauge of policy outcomes (Rossell, 1993). The reworking of ESEA into NCLB resulted in larger allocations for ELLs, both through the renamed Title III authorization pertaining specifically to ELLs in attaining English proficiency, and through Title I (education for the disadvantaged). While Title I is not only targeted to ELLs, NCLB effectively characterizes ELLs as at risk in ways similar to those in poverty (Caldas, 2013). As an example of federal support for these programs, the combined fiscal year 2013 appropriations for Title I and Title III exceeded \$15 billion, with Title III accounting for a bit less than \$750 million (U.S. Department of Education, 2013).

It is problematic that the accountability regime outlined by NCLB has created a series of consequences, intended or not, that place limits on the efficiency of the policy (Caldas, 2013; Menken, 2008; Rossell, 2005). Rossell (1993) warns of this sort of public policy problem, stating, “As a result of conflicting goals and different priorities for different interest groups, efficiency is typically achieved in government policies only in a limited way” (p. 163), a phenomenon confirmed with the nation’s bilingual education policy. By focusing almost exclusively on attainment of English proficiency in the shortest time possible, testing ELLs annually in a language they are still learning, and tying restrictive consequences to ELLs’ success on these tests, the NCLB falls short in the realm of efficiency. Given that the intended policy output is proficient readers, writers, speakers, and listeners of English, Caldas (2013) shows convincingly that the achievement gap for ELLs, as measured by the National Assessment for Educational Progress (NAEP), has not closed, and may be widening.

Effectiveness

There is very little evidence to suggest that the current language policy context is producing the intended result—“to close the achievement gap with accountability, flexibility and choice, so that no child is left behind” (NCLB, 2002, p. 1). As stated above, Caldas (2013) examined changes in NAEP scores before (1996–2003) and after (2003–2009) the NCLB accountability regime went into effect, and noted that

improvement in mathematics for both ELLs and non-ELLs was greater prior to NCLB, and that ELLs actually lost ground in the NCLB era when compared with pre-NCLB NAEP scores. Furthermore, Menken (2013) also examined NAEP scores in an attempt to gauge the effectiveness of the even more restrictive policies in three English-only states (Arizona, California, and Massachusetts) and determined that the stated objective has in no way been met in those states either. Taken together, these results, based on the NEAP—the very assessment that is described as the “Nation’s Report Card”—suggest that current bilingual education policy has not become more effective since the NCLB, and even may have worsened since the time when the prevailing policy context was much more bilingual-friendly.

Political Feasibility

While the policy impact of NCLB and English-only laws remain dominant, Congress has failed to act on the reauthorization of NCLB. This has created an interesting set of conditions when examined through the lens of political feasibility. At the time of its passage, there was a broad coalition of support for NCLB, a condition Rossell (1993) describes as necessary for public policies to be realistically enacted. One could argue, too, that by naming the act No Child Left Behind, there was a low political price to be paid for supporting the act. Furthermore, it is logical to think that one side may have been willing to concede aspects of the policy, such as explicit native language support, for increased funding. Thus, the policy went into effect, with broad support and little evident concern over its now-evident unintended consequences (Caldas, 2013; Menken, 2006, 2008, 2013).

Now, over ten years later, with no reauthorization in sight, one can argue that the very existence of the U.S. Department of Education’s ESEA flexibility waiver program is a tacit acknowledgement of the failure of NCLB, at least on some level. While there is no doubt that this program continues or strengthens many aspects of NCLB, it also appears to provide broader latitude for state-derived solutions to aspects of the policy that are inequitable, inefficient, and ineffective for ELLs. For example, as part of the flexibility renewal for 2014–15, New York State is taking advantage of this opportunity to strengthen bilingual education, developing amendments to their flexibility waiver (New York State Education Department, 2013) that, if approved, would allow the state to:

- Allow Spanish-speaking ELLs who have attended school in the United States for less than three consecutive years to be tested in Spanish in lieu of the ELA assessment, and on a case-by-case basis for an additional two years in Spanish if such an assessment would better allow the student to demonstrate his or her knowledge of language arts.
- Incorporate the NYSESLAT exam into New York’s accountability system in order to capture the growth of ELLs in the acquisition of English and give credit accordingly to schools and districts, rather than relying solely on ELA assessment performance for ELLs.

In addition, the New York State Education Department has discussed seeking funding to create native language arts tests that would provide districts with the opportunity to offer this assessment as a local option in lieu of the state’s English language arts tests when it would be a more accurate measure of the progress of Spanish-speaking ELLs. Thus, given the federal legislative climate, there appears to be a possible realignment that places state priorities above the national policy priorities in a realignment that could result in some meaningful change. This option can and should be used to improve bilingual education policy in order to better support ELLs.

Quality and Policy Alternatives

While difficult to define in terms of policy, quality may be thought of as an overarching synthesis of a policy’s equity, efficiency, effectiveness, and political feasibility. Given what has been stated above with respect to these policy criteria, the quality of NCLB with respect to bilingual education is low. Even aside from the absence of strong data supporting the effectiveness of NCLB for ELLs, i.e., closing the

achievement gap, there is a strong and growing body of evidence that points to academic success being achieved through the development of two languages simultaneously (August & Shanahan, 2006; Collier & Thomas, 2004; Cummins, 2005a, 2007; de Jong, 2002; Goldenberg, 2013; Menken, 2013). An examination of this literature, along with studies that suggest that NCLB has resulted in the effect of dismantling these more effective approaches (Menken, 2013), provide evidence supporting less restrictive language policies.

Developing a high-quality policy alternative should start with a close examination of the many studies of achievement of language-minority children. One important finding in the literature is the recognition that first-language (L1) literacy and home language experiences can be an asset in learning English (L2) and closing persistent achievement gaps (August & Shanahan, 2006). Though different terms are used (native language, heritage language, and home language), bilingual education research acknowledges the benefit of developing L1, at least in improving the acquisition of that language (Goldenberg, 2013). Other research convincingly shows that dual language programs are the only approach that successfully closes the gap for second language (L2) learners, leading to grade-level and above-grade-level achievement in the second language (Collier & Thomas, 2004; Thomas & Collier, 2012). Collier and Thomas distinguished between approaches that enrich versus those that remediate in closing the achievement gap in the second language, and identified as critical components for success are six to eight years of bilingual instruction, separation of the two languages of instruction, and a focus on collaborative learning through cognitively demanding grade-level content. Citing longitudinal studies from Houston, TX, and rural Maine, they demonstrate the remarkable gains achieved by ELLs in two-way bilingual immersion models as compared with transitional and developmental bilingual models (Collier & Thomas, 2004).

Beyond the particulars of any bilingual instructional model, several research studies have focused on what it takes to implement successful programs for culturally and linguistically diverse students. For example, Scanlon and López (2012) highlight recognizing heritage language as an asset to be built upon—engaging in linguistically responsive teaching, ensuring access to high-quality curriculum, and supporting teacher development around understanding language development in their content areas as essentials. Each asset has implications for elements of program design, such as how students are grouped and assessed, as well as the role that sociocultural integration plays within the school or system (Scanlan & López, 2012). Other recent research uncovered a set of actions, termed systems of support, school and district leaders can take to foster instructional change that favors English learners in a variety of instructional settings (Elfers & Stritikus, 2013). These actions include: insisting on and supporting high-quality instruction; blending school and district-level supports; narrating a compelling rationale for the work; committing to understand elementary and secondary differences; and using data to inform decision-making at all levels (Elfers & Stritikus, 2013). These actions lead to increased support for ELLs, and can be applied to a variety of bilingual models.

Although the literature strongly supports the success of dual language immersion programs for fostering the academic achievement of all students involved, research that has begun to identify potential limitations associated with several of the most common instructional practices in bilingual settings should also be considered in developing a policy alternative. For example, Palmer (2009) raises a question about the feasibility of accomplishing the goal of maintaining the primary language of minority language speakers and providing a foreign language enrichment-immersion experience for native English speaking children, especially given prevalent socioeconomic differences between these two groups. Attention to the tendency to acquiesce to English-dominant student participation may be necessary in order to construct an instructional environment capable of meeting the dual goals (Palmer, 2009). Similarly, de Jong and Howard (2009) point out that two-way immersion is a model that promotes equity through integration, with an expectation for positive social and academic outcomes. They also point out, however, that the extent to which there is truly integration between native and non-native speakers is a concern. High levels of biliteracy and bilingualism for all depend on each student having access to peers serving as native language models (de Jong & Howard, 2009).

A final, but no less significant, consideration for policy alternatives is recognizing the powerful role played by classroom teachers in how stated or unstated language policy plays out for students. As described earlier, the beliefs, personal history, and professional identity of teachers instructing ELLs are powerful shapers of how local language policies are enacted. Interviews with teachers from the same school district reveal how individual differences in these characteristics result in substantially different approaches to the instructional mission (Varghese & Stritikus, 2005). For example, two teachers at an elementary school in California self-reported as being either optimistic about, or a strong supporter of, moving away from bilingual education, while two other teachers at a different elementary school in the same district describe themselves as strong supporters of bilingual education (Varghese & Stritikus, 2005). Thus, it may be critically important to understand these classroom-specific belief systems and how they play out for students when constructing a meaningful policy alternative.

Conclusions and Recommendations

Overall, NCLB, the prevailing bilingual education policy in the nation, has failed to meet its intended outcomes (Caldas, 2013; Menken, 2008, 2013). Given the vast and growing body of research that supports first-language development in conjunction with English language learning, it is clear that a strong, coherent policy alternative needs to be generated that more closely aligns with what is known about effective teaching and learning for ELLs with what is supported in policy. The failure to reauthorize NCLB has opened a window for such policy alternatives to be developed by states through the NCLB waiver process. Beyond that, however, there is also an opportunity for districts, schools, and teachers to create more supportive local contexts that leverage the deepening research base in practice. Below is a set of three recommendations that follow from the preceding policy analysis, meant to assist state and local policy makers, school district leaders, and teachers as they navigate the waiver process, advocate for change in the NCLB accountability regime, and generally work to implement more equitable and effective programs for ELLs.

Leverage the Waiver Process

States should take advantage of the NCLB waiver process to steer accountability toward accommodating and supporting ELLs by linking accountability to literacy in the native language, while continuing to promote English proficiency through approaches such as dual language programs. Recognizing that this is a period of uncertainty, with the federal Department of Education acting to change policy without the participation of Congress through the waiver program, the normal political feasibility concerns are significantly diminished. This creates a greater potential for the adoption of policy alternatives that are less political and more in line with research about effective programs and approaches, such as dual language programs that develop both native and second language learning.

Strengthen and Utilize Technical Support and Assistance

Technical assistance centers or hubs should be established or, where they exist, be expanded to help illuminate current research and educate district- and school-level leaders to foster more productive local policies and to design more effective programs for English learners that are grounded in the emerging research. Two clear examples in New York State (NYS) include the eight Regional Bilingual Education Resource Networks (RBE-RN) across the state, and the CUNY-NYS Initiative on Emergent Bilinguals (CUNY-NYSIEB).

The stated mission of RBE-RNs is “to develop and strengthen the skills, knowledge, and competencies of educators, parents and local communities, provide technical assistance, professional development and resource materials to support academic achievement of ELLs, and support NYSED’s commitment to higher standards for all students” (New York State Education Department, 2014, para. 5). The centers work to provide a, “coordinated system of high quality technical assistance, training, information dissemination

and professional development (para. 3)" to component school districts (New York State Education Department, 2014). Leaders and teachers can look to such centers for guidance as they consider how to best support their language-diverse populations. For example, the resources available recently on the Hudson Valley RBE-RN website (www.hudsonvalleyrbern.org) included technical-support documents and webinars related to Title III, NYS reporting and assessment requirements, and a web forum for educators. Upcoming events included professional development workshops for teachers with titles like "What Are the Bilingual CC Progressions? Tools to Help ELLs across Grade Level CCLS Skills," and "Teaching Emerging Literacy to Adolescent SIFE." Other resources, such as information about translation services, were available for parents of language learners. This model can help to build regional and district capacity to cultivate policy and instructional climates that lead to improved outcomes for ELLs.

The CUNY-NYSIEB is a professional learning effort aimed at equipping school principals working in settings with large numbers of ELLs with the knowledge and skills to improve existing programs and practices. The project is based on two key principles—that bilingualism is to be seen as a resource in education, and that schools must promote a school-wide ecology of multilingualism (CUNY-NYSEIB, 2014). Funded by the New York State Education Department, the project—as cited above—has involved 43 schools since its inception, resulting in the design and implementation of an action plan. As is the case with the RBE-RNs, CUNY-NYSIEB serves the function of capacity building and supports the identification and implementation of effective practices within individual schools and school districts.

Identify and Enact Best Practices

Districts and schools can look to examples of success outlined in the abundance of literature supporting the development of literacy in the native language and create language-friendly local policy contexts by identifying knowledgeable teachers and leaders within these settings, and adopting practices that honor home language skills and knowledge. District and school leaders can start by developing a clear and robust understanding of the current thinking in language acquisition, and develop and transmit this understanding in the form of principles that guide the learning of teachers and their students in the school. Teachers and education leaders should collectively collaborate to develop and implement programs that both embody these principles and reflect what works based on best practices in the field.

García (2014) offers a strong framework from which leaders can begin to develop these learner-friendly, local language policy contexts. She identifies five "misconstructions" that are responsible for persistent narratives about students whom she terms *emergent bilinguals* (rather than "ELLs"), and counters them by describing them in the negative. These include: *English is not a system of structures; "native" English speakers are neither the norm nor the objective fact; learning English does not proceed from scratch, is not linear, and does not result in English monolingualism; bilinguals are not simply speakers of a first and a second language; the teaching of English cannot be enacted in total separation from other language practices* [emphasis added] (García, 2014). Together, these pronouncements and their surrounding contexts offer a rudimentary map to guide staffing, programmatic, and professional development decisions that have "emergent bilinguals" at their core.

Similar to García, Cummins (2005a) advocates for the use of strategies that take advantage of students' native languages in his challenge of several monolingual assumptions. Cummins argues that classroom teachers can overcome these assumptions by teaching for cross-linguistic transfer (Cummins, 2005a). Specifically, he promotes three bilingual strategies aimed at students who are close to fluency in their native language. These are listed in Table 1 below with resources and links. The first strategy is attending systematically to cognate relationships. Recognizing that a large number of language learners in the United States are Spanish speakers, Cummins (2005a) notes that, "Drawing students' attention to cognate relationships and encouraging them to search their internal lexical database for similar meanings as they read is particularly useful in helping Spanish-speaking students transfer L1 knowledge to English" (pp. 588–589). The second strategy is creating student-authored dual language books, PowerPoint

presentations, and/or movies (translation to L2). Cummins (2005a) describes a project in which teachers design a book-writing project in English, and support students with appropriately matched teachers, parents, and older students to translate the books into their home language. The books are scanned and students share them electronically with family, community members, and others around the world who are literate in the home language. Finally, the third strategy is developing project-based collaboration between students of different language backgrounds (Cummins, 2005a, 2005b). One such approach, termed “sister class projects,” sets students up to explore “issues of social relevance to them and their communities” (p. 590) with a class of students in another country or location. Using both their L1 and L2 to communicate and work toward project outcomes, students are motivated to learn from and with other language learners. Together, these strategies offer a way to combat common monolingual assumptions and leverage L1 language skills in a variety of different learning environments.

Table 1 *Examples of Native-Language Teaching Strategies*

Strategy	Resource	Citation
Cognate relationships	Using Cognates to Develop Comprehension in English http://www.colorincolorado.org/article/14307/	Colorín Colorado, 2007
Dual language books and multimedia	Thornwood (Ontario, Canada) Dual Language Showcase http://www.thornwoodps.ca/dual/index.htm	Cummins, 2005a
	The Multiliteracy Project (Vancouver, Canada) http://www.multiliteracies.ca/	Cummins, 2005a
Project-based collaboration	Example of Sister Class Exchange http://www.achievementseminars.com/seminar_series_2005_2006/readings/tesol.turkey.pdf	Cummins, 2005b

Together, these recommendations offer a way forward in light of a failed policy for bilingual education. While the challenges of the current policy aren’t likely to go away any time soon, there is currently an opportunity for states, districts, and schools to enact local policies and practices better aligned with all that is known about successful language acquisition, motivating language learners, and effective language instruction.

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