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A PUBLIC POLICY ANALYSIS OF BILINGUAL EDUCATION IN COLORADO

The University of Oklahoma PH.D. 1982

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THE UNIVERSITY OF OKLAHOMA

GRADUATE COLLEGE

A PUBLIC POLICY ANALYSIS OF BILINGUAL EDUCATION IN COLORADO

A DISSERTATION

SUBMITTED TO THE GRADUATE FACULTY

in partial fulfillment of the requirements for the

degree of

DOCTOR OF PHILOSOPHY

BY

DAVID BARBOSA

NORMAN, OKLAHOMA

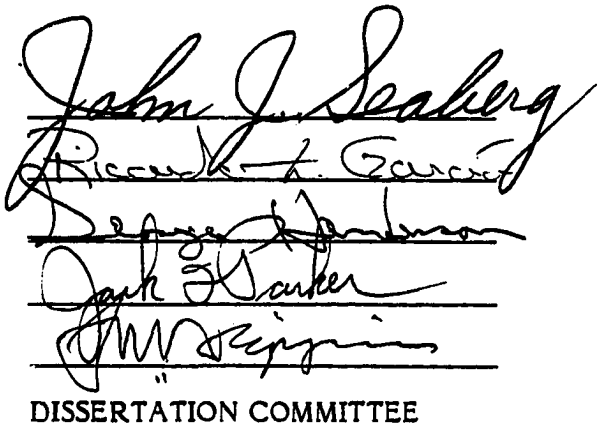
1982

A PUBLIC POLICY ANALYSIS

OF BILINGUAL EDUCATION

IN COLORADO

APPROVED BY



DISSERTATION COMMITTEE

DEDICATION

This work is dedicated to my wife, Karyl Lynn Barbosa, who by sharing her life with me has enriched and strengthened my own existence. And to my parents, Alonso and Aurora Barbosa, whose Christian commitment and service to humankind have always served as an inspiration and challenge to me.

ACKNOWLEDGEMENTS

This research is the result of many peoples' efforts. The final product is evidence of assistance and guidance given to the researcher by a significant number of individuals.

Appreciation is extended to those persons who provided the necessary consent and data to conduct the study. Their cooperation is a contribution to others who wish to enhance their understanding of the public policymaking process.

A study of this nature is a departure from the usual. Dr. John Seaberg provided me with sufficient freedom to blaze my own trail. Nonetheless, he also carefully supervised the research and reporting of the study with a clear mind and a professorial sensitivity. I shall always be grateful for his commitment to my personal and professional growth.

Dr. Ricardo Garcia has been a significant being in the life of this researcher. It was he who afforded me the opportunity to pursue a terminal degree. It was also he who suggested the topic of research which resulted in this study. His friendship and professional guidance are highly valued by this researcher.

Drs. George Henderson, Jack Parker and Thomas Wiggins have all contributed immeasurably to my professional growth. Each has given of his knowledge and friendship. They always sought to challenge the researcher to soar to new heights.

My family has provided the loving support which sustained me when this task seemed insurmountable. My wife, Karyl, always provided her encouragement, patience and understanding. My children, Daniel Joaquin and Hannah Kristina, have brought a special joy and vibrant life which inevitably served to strengthen me.

My parents, Alonso and Aurora Barbosa, have always provided love, encouragement and guidance. It was they who, in my early years, convinced me to believe in myself.

My other parents, Emerson and Josephine Lupton, have also given of themselves. Their perpetual concern, encouragement and support have been of particular significance to this researcher.

Other members of the family have always contributed in countless ways to my and my family's well-being. Their concern, assistance, and yes, prodding, have served to enable me to meet this challenge.

Without friendships and relationships, one ceases to grow. I owe particular gratitude to many friends who in tangible and intangible ways provided sustenance. My graduate studies at the University of Oklahoma provided the opportunity to establish meaningful friendships with the "Bilingual Fellows." Ernest and Marian Ramirez have been particularly steadfast in their relationship with my family. Others of the group: Graciela Kavulla; Omero and Debbie Suarez; Yvonne Tixier y Vigil; Ramon Torres and Mercedes Zamudio, all shared moments of happiness, as well as moments of sadness.

Special appreciation is extended to Marcia Bravard for her patience, understanding and considerable skills as a typist. Her talents transformed my rough drafts to this finished product.

Finally, I acknowledge the limitations of human beings. This work was not mine alone, but the result of strength and direction always flowing from a Supreme Being. For that spiritual guidance I shall always be thankful.

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A PUBLIC POLICY ANALYSIS OF BILINGUAL EDUCATION IN COLORADO

CHAPTER I

INTRODUCTION

Twenty years ago there was no apparent interest in the United States in organizing and implementing bilingual education programs in the public schools. Today, programs of several kinds and varied purposes can be found in classrooms all across this country. Bilingual education has experienced a dynamic development. This approach to instruction has triggered both interest and controversy. Indeed, Parker (1978) suggested that bilingual education is perhaps the most controversial movement in American education during the past ten years.

The establishment of bilingual education within the public school classroom can be traced to legal and political influences at the local, State and federal levels of government. Yet, American educators have traditionally maintained that education is an apolitical process (Thompson, 1976). The spoken wisdom has been that politics and education must be kept separate and that educators have a responsibility to keep politics out of education. Thompson (1976) believed that the reasons for the fear of politics vary but that they reflect the revulsion against the spoils or patronage politics that characterized the last part of the nineteenth century as well as an apprehension toward the conflict that is so much a part of politics. There is now a growing awareness among

educators that politics is intimately involved in education. Most, if not all, operational aspects of the educational system are affected by politics. Thompson (1976) wrote that what will be taught, who will attend school, and who will do the teaching as well as all other aspects of education are determined by laws made in the political arena. Sergiovanni and Carver (1980) stated that in recent years the politics of education has developed as a methodological and substantive specialization within educational administration. Knezevich (1975) believed that in the more recent views of politics the schools are seen as part of the political system...and are influenced by formal and informal power coalitions in the community, state and nation. As Gregg (1965) put it "politics...is public, not private, in the sense that its aim is the influencing of decisions relating to public problems and issues within the context of a political system" (p. 118). Education is the public's business and it is critical for administrators to comprehend how public policy is shaped. Consequently, this research was designed to investigate one example of public policymaking in education: the existence of mandated bilingual education programs in the State of Colorado.

Background of the Problem

In the early 1960's thousands of immigrants from Cuba, Mexico and Puerto Rico streamed into the United States. Later in the 1970's and into the 1980's more immigrants from Vietnam, Cambodia and other Asian countries fled to America. This new population created new educational needs, and Chicano and Puerto Rican leaders lobbied for improvement of those services to language minority children (NACBE, 1981). Some school districts responded by providing courses in English-as-a-second-language (ESL). Eventually ESL courses, which were based on traditional foreign language teaching principles, were criticized because they frequently omitted culturally relevant materials and focused solely

on English.

Congressional hearings in 1967 clearly established that the educational needs of language minority children were not being met. Thus, in 1968 Congress signed into law The Bilingual Education Act, Title VII of the 1965 Elementary and Secondary Education Act, as amended. This legislation stated:

> The Congress hereby finds that one of the most acute educational problems in the United States is that which involves millions of children of limited English-speaking ability because they come from environments where the dominant language is other than English...(Section 701, Title VII, Elementary and Secondary Education Act, as amended).

President Johnson, in signing the bill into law, underscored the significance of the new legislation:

> What this law means, is that we are now giving every child in America a better chance to touch his outermost limits -- to reach the farthest edge of his talent and his dreams. We have begun a campaign to unlock the full potential of every boy and girl -- regardless of his race or religion or his father's income (Hardgrave & Hinojosa, 1975, p. 4).

Bilingual education has been carried far beyond federal Title VII discretionary programs by court and State legislative actions that have mandated it as a matter of civil rights or legislative intent (NACBE, 1979). Most notable in such actions is the Supreme Court Decision in the Lau v. Nichols ruling. Garcia (1982) believed that the Lau decision may have as much impact for linguistic minorities as did Brown v. Topeka Board of Education for black Americans. While Lau did not establish a bilingual policy for the United States, according to Garcia, it made bilingual instruction lawful in the public schools.

It is well established that in many communities around the United

States, some children enter school speaking Spanish, French, Chinese, Vietnamese, or an Indian (native American) language as their first language. They have only a limited command of English and their cultural base tends to correspond to their language. In the Southwest, for example, Mexican American children at home are socialized to accept Mexican border culture and aspects of mainstream American culture. They speak an informal variety of Spanish with occasional English words fused in here and there. Their language development challenges the effectiveness of the schools they attend (Holmes, 1980).

The most current demographic research on the language minority population within the United States, undertaken in response to the Congressional mandate under Part C of Title VII, ESEA, suggests that the size of this group will increase from 30 million in 1980 to approximately 39.5 million in the year 2000. Children from non-English language backgrounds, aged 5 to 14 years, are projected to increase from 3.8 million in 1976 to 5.1 million in the year 2000 (NCES, 1981). This increase will have major implications for the education of those children and their schools.

Notwithstanding the existing and projected needs of language minority children in the United States, the establishment of bilingual education programs is a fiery, political policy issue. The attitude of the United States towards language use over the past 200 years has vacillated. At one time, competence in a non-English language was considered the mark of an educated person, and use of languages in addition to English was encouraged. As Heath (1977) noted, dual goals of maintaining foreign languages in the United States and enabling those who did not speak English natively to learn were pursued in the young nation. Later, the prevailing view became one of English and non-English languages being incompatible. According to Heath (1977), this was reinforced by the

historically documented distrust of outsiders during World War I. Heath (1977) believed that the continuation of this view is perhaps the strongest deterrent to allowing language diversity in the public sector of the United States today.

Another reason for the present debate over bilingual education was that the assimilation patterns of Northern European immigrants quickly replaced the traditional values of their mother country with those of their newly adopted homeland. As a result, they soon lost their cultural values and native language capabilities. This total assimilation pattern has been established as the standard for all successive immigrants to follow. The attitude of "why can't they learn English" is currently prevalent among many and is often used as a justification for insisting that non-English speakers use English exclusively. Opponents of bilingual education believe that such programs are designed to teach a foreign language and discourage the acquisition of English (NACBE, 1981).

A third and perhaps prevailing reason for the bilingual education controversy is the belief that the use of a language other than English is linked to cultural conflict and threatens local, State, and national unity (NACBE, 1981). This belief continues despite the federal government's support for model programs in bilingual education as a way of achieving greater equality of educational, economic, and political opportunity for ethnic minorities. Holmes (1980) pointed out that some State legislatures and State departments of education have mandated to school districts the establishment of effective bilingual education programs in order to conform with what they interpret as the intent of Lau v. Nichols, i.e., bilingual education at least for all pupils who enter school with a mother tongue other than English. In 1975, the State legislature of Colorado joined other States in mandating bilingual education programs in its public schools. Six years later, in 1981, the bilingual education mandate was

repealed by the passage of the English Language Proficiency Act.

Statement of the Problem

The principal problem of this study was: What were the antecedents of the decisionmaking process which resulted in the establishment of bilingual education public policy in the State of Colorado?

More specifically, answers to the following questions were sought:

1. What factors influenced the Colorado legislature to enact a mandated bilingual education public policy?

2. What, if any, evidence was available to determine the impact of bilingual education public policy in the State of Colorado?

3. What factors influenced the Colorado legislature to repeal the mandated bilingual education public policy?

Significance of the Study

Many believe that the solution to the problems that confront our society today is more and better schooling. Schools are expected to do many things such as resolve racial conflict and build an integrated society, inspire good citizenship, provide values, aspirations and a sense of identity to disadvantaged children, and eliminate unemployment and poverty by teaching job skills. How, or if, educators assume these tasks are manifested through the establishment of educational policies. These policies affect a wide variety of interests and stimulate interest-group activity. Bilingual education is one such policy. Fishman (1977) wrote that most of the recent policy decisions concerning U.S. bilingual education have remained largely undocumented in terms of the processes and pressures that transpired in connection with them. Indeed, in conjunction with the bulk of federal, State and local actions, whether legislative, judiciary or

executive, there is little more than a compilation of final texts of legislation, court decisions, and statutory provisions (Geffert, 1975). What is needed is perspective on who wants to get what, who wants to keep what and how the various parties go about trying to get their way proposing, compromising, bargaining, threatening, influencing, rationalizing, withdrawing or advancing and their reasons, public and private for so doing (Schneider, 1977).

The Multicultural/Bilingual Division of The National Institute of Education (NIE) identified four general areas in which it would support research and development. The first priority area was: policy studies to provide information to educational policymakers necessary for making decisions on bilingual programs (NIE, 1976). It is vital that such information be obtained systematically. Without it the purposes, processes, and outcomes are neither reconcilable or fully understandable to legislators, administrators, teachers, community leaders or parents involved in policymaking efforts.

This study captured and recorded a political process which holds considerable promise in aiding educators who are actively involved in the policymaking arena. Additionally, it is believed that it provides valuable insights to administrators and others in their decisionmaking roles as they find themselves in similar circumstances.

Specifically, this study was important for the following reasons:

1. Educators can benefit from a greater understanding of how the policymaking process functions and how human behavior affects the legislative process.

2. The current popular view of education as the panacea for America's problems is forcing more educators to become actively involved and increasingly skilled in policymaking and policy influence.

3. Educational public policies are being debated more and more in the spotlight of local, state and national political arenas.

4. The merits of bilingual education programs are currently being debated by local, State and federal governmental bodies.

5. A policy analysis study of a State political system dealing with bilingual education policy was non-existent.

Literary and Operational Definitions

The following terms and definitions were germane to this study:

Adoption: The second step of the policymaking process. The formal decision-making which includes the actions of the executive and legislative branches of government (Rakoff & Schaefer, 1970).

Aggregation: The first step in the policymaking process. The combination of individual political demands into an issue which can be processed by the political system (Rakoff & Schaefer, 1970).

Application: The third step of the policymaking process. The implementation of legislation by the bureaucratic agencies of the government and interpretation of the legislation by the courts (Rakoff & Schaefer, 1970).

Bilingual Education: Instruction in two languages and the use of those two languages as mediums of instruction for any part of or all of the school curriculum.

Case Study Approach: A detailed account of a particular event or institution. It explores in depth the interplay of various individuals within the context of institutions they are associated with as they confront the objective situations and forces of the broader political context (Ross, 1971).

Culturally Different Children: Students who have backgrounds of customs, traditions, languages and values different from those of the dominant culture.

Educational Public Policy: A purposive course of action developed by governmental bodies and officials which affects the methods of teaching and learning in schools.

English As A Second Language (ESL): Instruction of English to students who are learning English as a second language.

General Systems Theory: A concept which views an organization as an array of components designed to accomplish a particular objective according to plan. The three significant components are: (a) a design or established arrangement of materials, energy, and information; (b) a purpose or objective which the system is designed to accomplish; and (c) inputs of materials, energy, and information are allocated according to plan (Knezevich, 1975).

Linguistically Different Children: Students whose English language development has been restricted because of the influence of another language in their family, community, peer group, or because of their cultural environment.

Legislator: A member of a legislative body.

Legislature: An organized body having the authority to make laws for a political unit such as in a State government.

Mandatory legislation: Statute(s) enacted by a legislative body which regard compliance as compulsory.

Permissive legislation: Statute(s) enacted by a legislative body which regard compliance as optional and/or discretionary.

Policy Analysis: An assessment of the impact of environmental forces on the content of public policy; an analysis of the effect of various institutional arrangements and political processes on public policy; an inquiry into the consequences of various public policies for the political system and an evaluation of the impact of public policies on society, both in terms of expected and

unexpected consequences.

Political System: A set of interactions, abstracted from the totality of social behavior, through which values are authoritatively allocated for a society (Easton, 1979).

Political System Members: Persons who are in the process of engaging in political system interactions, that is, who are acting in political roles (Easton, 1979).

Politics: The art or science concerned with guiding or influencing governmental policy.

Public Policy: A purposive course of action developed by governmental bodies and officials which significantly affects large numbers of people (MacRae & Wilde, 1979).

Systems Analysis: A review of systems and operation. Emphasizes models as frameworks for observation and analysis of the interrelations among variables particularly between input and output variables. Usually includes the preparation of organizational and systems data pertinent to decisionmaking. Implies a detailed examination of a complex whole to ascertain the fundamental elements and relations among component parts (Knezevich, 1975).

Limitations of the Study

The investigator employed a qualitative research tool: the exploratory case study. This study was an investigation of the unique interactions within the political system which surrounded bilingual education policy in the State of Colorado. It is a detailed account of the political system as it established bilingual education policy and then six years later, repealed it. This study explored in depth the interplay of various individuals within the context of their institutions as they confronted situations and forces of the broader political

context.

This case study was confined in its substantive concern to Colorado bilingual education policy. It was limited in time and in theoretical perspective to the political interactions surrounding legislative enactment and repeal of bilingual education policy during the years of 1973 to 1981. It was used by this investigator as a base for "ad hoc" evaluations. It is for the reader to determine the applicability of various events and situations mentioned in this case study to the broader perspective of the operations of the American political system. It is the investigator's belief that this study will allow readers to better understand the political system, to select those portions that illustrate general phenomena in American politics, to recognize the unique, and to use the events and conclusions of this study to improve and broaden their perspective on the functions of the political system, particularly as it impacts on educational issues.

Organization of the Study

Chapter I has introduced the topic of research with explanations on (a) background of the problem, (b) statement of the problem, (c) significance of the study, (d) literary and operational definitions, and (e) limitations of the study.

The remainder of the study is organized into four chapters. Chapter II presents a review of the literature related to this study and its conceptual framework. Included in this chapter is (a) an historical overview of bilingual education in the United States, (b) political science and public policy, (c) educational policy, and (d) general systems theory and public policy analysis.

Chapter III presents (a) the research methodology, (b) the procedures employed in data collection, (c) treatment of the data, and (d) a summary.

Chapter IV is the narrative case study.

Chapter V presents (a) a summary of the study, (b) findings of the study, (c) conclusions of the study and (d) recommendations for further research.

CHAPTER II

REVIEW OF RELATED LITERATURE AND CONCEPTUAL FRAMEWORK

The review of the literature related to the topic of this dissertation is discussed in four sections. The information has been categorized and organized into the following areas: (a) An historical overview of bilingual education in the United States; (b) The development of political science and public policy; (c) A summary of highly significant policy analysis studies with an emphasis on educational policy research, and (d) A review of general systems theory and public policy analysis.

An Historical Overview of Bilingual Education in the United States

The concept of bilingual education is not new in the United States. Bilingual schools formed part of the initial education movement in this country.

Garcia (1976) divided the history of bilingual education into four time periods:

1550 to 1815: Bilingual education for religious instruction.

1816 to 1887: Bilingual education for public school instruction and maintenance of native language.

1880 to 1960: Waning of bilingual education for religious and public school instruction.

1960 to 1975: Resurgence of bilingual education for public

school instruction (p. 25).

Many non-European languages were spoken by the original settlers of the U.S., the Native American Indians. The European languages of the first colonists were Spanish, French, Dutch and English. Gonzalez (1975) pointed out that as early as 1550, there is record of bilingual education by Jesuit and Franciscan missionaries in what is now the Southwest United States. A majority of the private schools of the 18th and 19th centuries used the native language of the students as the basic medium of instruction. Some examples were Dutch, German, French and Scandinavian schools where English was taught as a subject.

During the period of 1840 to 1917 there was tremendous pressure from a large German population in Pennsylvania for public school instruction in German. In Cincinnati, Ohio German-English bilingual instruction served significant numbers of German-speaking immigrants. The State of Ohio enacted legislation in 1840 to attract German students to its public schools. The law permitted instruction of German as an optional subject. During this same general period of time, French was utilized in schools within the Louisiana Territory and Spanish was used in schools in New Mexico; Norwegian, Czech, Italian, Polish and Dutch were also employed as teaching mediums in other states. Poles and Italians established parochial schools designed to preserve their religious and cultural traditions. It is interesting to note that during this early period of U.S. history, most State laws were quite permissive regarding the language of instruction in the public schools (Zirkel, 1977).

Saville and Troike (1971) indicated that the current high level of interest in bilingual education comes after a long period during which the maintenance of any language but English was counter to public policy and popular attitude. It is quite clear that the disappearance of bilingual education

was forcibly brought about by an atmosphere of racism and distrust (NACBE, 1979). Garcia (1976) believed that the waning of bilingual schools and the sprouting of English-only statutes could be attributed to the strong nationalist and isolationist sentiments that pervaded the United States and that the use of any language other than English was viewed as un-American or unpatriotic. Leibowitz (1969) described the years of 1890 to 1923 as "the hey day of xenophobic legislation" and a period of extreme nativism given that the number of States requiring English as the exclusive medium for instruction in public and private schools more than tripled to approximately thirty four. In seven of these States, the statutes provided for revoking certification if a teacher committed the criminal act of teaching in a language other than English. World War I and the accompanying anti-German sentiment was another strong force in virtually eliminating bilingual schooling between 1920 and 1960 (Leibowitz, 1969).

The resurrection of bilingual education in the United States occurred in the early 1960s primarily as the result of the heavy influx of Cuban refugees. Anderson and Boyer (1970) found that in 1963 the Dade County, Florida schools implemented a completely bilingual program to meet the educational needs of Cuban children who were pouring into Miami at the rate of 3,000 per month. The program included grades one through three and was designed for Spanish-speaking Cubans and English-speaking Americans. Shortly after this, several experimental bilingual projects were initiated in Laredo and San Antonio, Texas and at Rough Rock School on the Navajo Reservation in Arizona.

In 1966, the National Education Association (NEA) focused its attention on improving schooling for Spanish-speaking children in the Southwest. A survey taken by NEA revealed that 1/6 of the school age students in the Southwest were Spanish-speaking children. After a period of research, the NEA

recommended that bilingual education be utilized as a mode of instruction and that the children's cultural traditions be fostered so that the students would take pride in their ethnic identity. The association also recommended that State laws specifying English as the sole language of classroom instruction be repealed (NEA, 1974).

On January 17, 1967, Senator Yarborough (D-Texas) introduced legislation in the Senate of the United States which proposed "...to amend The Elementary and Secondary Education Act of 1965 in order to provide assistance to local educational agencies in establishing bilingual American education programs and to provide certain other assistance to promote such programs" (Hardgrave & Hinojosa, 1975, p. 4). Congressional hearings were held in the U.S. Senate regarding the needs of language different children and finally, in January of 1968, The Title VII Bilingual Education Act was passed making bilingual education a nationally endorsed educational approach (Barbosa, Ramirez, Stone, Suarez, Tixier y Vigil & Zamudio, 1977).

The Act marked a major change in educational policy in this country and was official recognition that language barriers prevented equal access to educational opportunities and services, and that efforts to bridge the barriers should respect the native language of the individual. Specifically, the legislation declared:

> In recognition of the special educational needs of the large numbers of children in limited English speaking ability in the United States, Congress hereby declares it to be the policy of the United States to provide financial assistance to local educational agencies to develop and carry out new and imaginative elementary and secondary school programs designed to meet these special educational needs

(Leibowitz, 1980, p. 23).

The Act served to focus attention on the fact that the child who comes to school with a native language other than English does stand in need of special instructional treatment which differs from that given native English speakers. In 1974 and 1978, Congress passed amendments to The Title VII Bilingual Education Act which broadened definitions and expanded the act's coverage considerably. The amendments also made provisions for additional support for bilingual programs through training programs, fellowships, community activities, technical assistance and research activities.

The existence of bilingual education policy in this country has also been aided by federal agency action and the courts of law. After 1970, the Department of Health, Education and Welfare (HEW) vigorously began to pursue compliance plans from school districts for Title VI of the Civil Rights Act of 1964. Since most school districts received federal funds, compliance with this Act was required in order to continue receiving federal funds. HEW found instances where school districts failed to provide bilingual education or other compensatory language instruction for language different children (Minjarez, 1979). To end these discriminatory practices, the Department issued what is now referred to as the May 25, 1970 Memorandum (This memorandum has the effect of a Presidential Executive Order and is binding on all State and/or local agencies). Specifically, the memorandum stated:

> (1) Where inability to speak and understand the English language excludes national origin-minority group children from effective participation in the educational program offered by a school district, the district must take affirmative steps to rectify the language deficiency in order to open its instructional program to these students.

(2) School districts must not assign national origin-minority group students to classes for the mentally retarded on the basis of criteria which essentially measure or evaluate English skills; nor may a school district deny national origin-minority group children access to college preparatory courses on a basis directly related to the failure of the school.

(3) Any ability grouping or tracking system employed by the school system to deal with the special language skills of national origin-minority group children must be designed to meet such language skill needs as soon as possible and must not operate as an educational dead-end or permanent track.

(4) School districts have the responsibility to adequately notify national origin-minority group parents of school activities which are called to the attention of other parents. Such notice in order to be adequate may have to be provided in a language other than English (HEW, 1970, pp. 1-2).

This memorandum served as the basis for lawsuits filed by HEW for the purpose of desegregating schools and forcing school districts to meet the needs of language different students. Among the lawsuits which resulted in court findings affecting language different children were:

-United States v. Texas (321 F. Supp. 1043 E.D. Texas. 1970) Court found the operation of a de jure dual school system and ordered the removal of racial barriers and a comprehensive bilingual bicultural program.

-Arvizu v. Waco Independent School District, 1373 F. Supp. 1263, 1269 (E.D. Texas 1974) Court found absence of equal education for Mexican-

American students and ordered expansion and improvement of bilingual bicultural activities.

-Serna v. Portales Municipal Schools (351 F. Supp. 1279 D. New Mexico 1972) Court found absence of equal educational opportunity for Chicano students and upheld lower court's adoption of the bilingual bicultural education program submitted by the plaintiffs.

-Aspira v. Board of Education of New York (Civ. No. 4002 S.D.N.Y. 1974) Court ordered school board to design and implement improved language assessment procedure and to provide instruction in Spanish to needy students.

-Rios v. Read (73 F.R.D. 589, E.D.N.Y. 1977) Court affirmed Lau decision and mandated implementation of a quality educational program for language different students.

Historically, the Lau v. Nichols, 94 S. Ct. 786 (1974) United States Supreme Court Case has been the most significant legal ruling affecting bilingual education. The court found that the San Francisco School District was denying 1800 Chinese-speaking students an equal educational opportunity. The district's provisions for the same teachers, programs and textbooks for all students did not provide for equal educational benefit when a sizable number of the students were Chinese Americans who had low academic achievement and high attrition. While the ruling did not mandate bilingual education for non-English or limited English-speaking children, it did stipulate that special language programs were necessary if schools were to provide an equal educational opportunity for such students.

Following the Lau decision, the Office for Civil Rights convened a task force which immediately developed an outline of approaches which constituted "affirmative steps" school districts should take in addressing the educa-

tional needs of language different children. This outline was titled Task Force Findings Specifying Remedies Available For Eliminating Past Educational Practices Ruled Unlawful under Lau v. Nichols, 1975. These findings, commonly referred to as the Lau Remedies, are presently utilized by school districts in structuring compliance plans and by the Office for Civil Rights in reviewing the acceptability of district plans.

The implementation of bilingual education programs has brought with it considerable discussion among educators. Much of the discussion centers on the philosophical and pedagogical bases for such programs. Traditionally, two different instructional approaches have been employed: transitional and maintenance. The confinement of bilingual programs to only these two kinds of offers is severely limiting. Garcia (1982) developed a typology for bilingual instructional programs. He postulated that there exist four distinctly different kinds of bilingual programs:

1. Vernacularization: This type restores the nation's vernacular. The intent is to restore an indigenous language and establish it as the national standard. The national identity desired by the emergent oppressed country is self-esteem and self-pride in the indigenous language and culture of the country.
2. Internationalism: This type is multi-lingual. Schools teach in more than two languages. The intent is to create a multi-language nation. The country has a desire to be recognized by other nations as an equal. It has multiple language standards in that the language standards of other countries are adopted by the coun-

try.

3. Assimilation: This is a cultural assimulation program. The intent is to assimilate foreign language speakers into the dominant linguistic and cultural group of the nation. Such programs presume the status of a superactive majority group which seeks to assimilate some linguistic minority group. The majority group perceives the nation as a monolingual melting pot which has one standard language; other languages, or dialects of the standard, are perceived as substandard languages or dialects. The student's "substandard" language or dialect is used as the medium of instruction to compensate for his or her limited English-speaking abilities. Use of the "substandard" language is transitional. As soon as the student learns English well enough to receive instruction, then use of the student's language is discontinued and instruction is in English only.

4. Pluralization: This type of program is a cultural pluralism program. The intent is to allow different language and cultural groups to co-exist within a nation, as well as to equalize schooling by using the student's home language and culture as the base of instruction. In such programs, the non-English language group is perceived as a linguistic minority group that has a right to maintain its bilingual bicultural status. Maintaining a group's language and culture is perceived

> as necessary to perpetuate the multi-lingual pluralism of the society. The nation's language standard is egalitarian, that is, each language has its respective standard. Non-English languages are perceived as having separate and equal standards (pp. 128-130).

Bilingual education has also advanced by action of various State legislatures. Many believe that the success of bilingual education lies in the degree of State support it can receive. Because of the States' responsibility for public education, State endorsement is key to making bilingual education a permanent fixture of the American educational landscape (NACBE, 1979). From 1971 to 1982 there was a marked increase in State support for bilingual education. As late as 1971 statutes in 20 States prohibited bilingual instruction in local classrooms. In 1981, only 8 States continued to do so. Included were Arkansas, Delaware, Idaho, Montana, Nebraska, and North Carolina (NACBE, 1979).

In the fall of 1971, House Bill 3575 "An Act providing for the Establishment and Implementation of Programs in Transitional Bilingual Education" was passed by the Legislature of the Commonwealth of Massachusetts, thus making the State the first in the nation to have a law mandating bilingual education for pupils in its public schools (Willard von Maltitz, 1975). By 1982, there were 23 States that had enacted legislation mandating or permitting and funding bilingual education programs. All of the State laws were similar in that they attempted to develop English language skills and provide an equal education opportunity to the populations they are intended to serve. The laws differed in other areas such as: goals for native language proficiency, definitions of target populations, types of programs provided, maximum length of time students were

permitted to remain in the program, and assessment requirements (NACBE, 1979).

In the State of Colorado, House Bill 1224 was introduced in the legislature in 1973. This bill mandated bilingual education in districts with students, under the age of twelve, who had limited English language skills. Finally in 1975, the legislature passed House Bill 1295 which mandated bilingual education in schools having fifty or more students in grade kindergarten through third with linguistically different skills. The objectives of the legislation were as follows:

1. Improved performance in comprehension, reading, writing, and speaking the English language.
2. Improved school attendance and a reduced dropout rate.
3. Development of a positive self-concept and attitude.
4. Greater parental involvement in the school programs (Irizarry, 1978).

The Colorado political process was closely examined since it was this researcher's intent to isolate and examine the specific sequence of events and the roles played by individuals and institutions in the formulation, implementation and repeal of mandated bilingual education in the State of Colorado.

Political Science and Public Policy

For centuries, most people have recognized that politics pervades all manner of human interactions. Political activity is all around us. Politics influences the lives of all, regardless of whether or not one participates in the political process. The study of the political process has been the principal business of political philosophers for centuries. Sharkansky (1970) noted that the earliest writings considered the actions of public officials, the conditions that

fostered certain kinds of policy, and the implications of policy for other aspects of the political process. These early writings, such as the code of Hammurabi and the Talmudic legends bear a decidedly religious character. The operations of government were grasped in terms of laws and edicts of rulers. Haas (1970) believed that as long as government was conducted by elites who relied upon religious myths to justify their rule, it was virtually sacrilegious to reflect upon the desirability of various political arrangements. Nevertheless, for the first time in human history, writing was available as a means of stabilizing the expectations of the community about authoritative norms and sanctions. Lasswell (1971) pointed out that, contrary to a view that is believed to have prevailed in tribal societies where legislative innovation was not accepted, the authorities in the city-states and empires could no longer tolerate many traditional arrangements appropriate to a tribe or a narrower kinship group. New social situations generated a new focus of attention.

In turn, new demands and expectations arose, in which older ways of doing things could be thought about and deliberately continued, modified, discontinued, and superceded. Hammurabi's code no longer recognized such tribal practices as blood feud, private retribution, or marriage by capture. The punitive sanctions were adapted to the requirements of urban society and imply that thought has been given to the behavioral consequences of unacceptable actions. Rights and obligations were graduated according to status and many measures were taken for the express purpose of protecting the poor against exploitation by public officials and others (Lasswell, 1971).

When a much smaller political unit, the polis, arose among the Greeks, a more secular orientation toward politics became manifest. Insofar as these new forms of government allowed a wider degree of popular participation, the

study of politics could become self-conscious (Haas & Kariel, 1970). Men such as Socrates, Plato and Aristotle found a ready audience for speculative discussions of the proper role of man vis-a-vis the state. The vast range of topics covered in Plato's Republic presents an even more vivid image of a relationship between polity, economy and society (Haas & Kariel, 1970).

Welsh (1973) believed that it was this pervasiveness of politics that led Aristotle to characterize man as a zoon politikin i.e., a "political being". Politics was a necessary result of man's proximity to man and of the scarcity of resources available to meet the needs and desires of human beings. Essentially, it was the basis for social control of human beings. Because politics was everywhere influential in the affairs of man, Aristotle regarded it as the "master science." He believed that knowledge about politics was especially crucial for an understanding of our environment. In his view, therefore, the political dimension of man's existence was probably the most important dimension, in that politics decisively conditions the other circumstances in which we live. Politics, said Aristotle, "legislates as to what we are to do and what we are to refrain from doing" (Welsh, 1973, p. 3).

In the first book of Politics, Aristotle deliberated on the matter of political relationships and sought to distinguish the authority of the political leader in a political association or polis, from other forms of authority, such as the master over the slave, the husband over the wife, and the parents over the children (Dahl, 1976). He introduced and firmly established the notion that a political relationship in some way involves authority, ruling and power.

One of the most influential modern social scientists, Weber, further refined Aristotle's notion by postulating that an association should be called political "if and in so far as the enforcement of its order is carried out

continually within a given territorial area by the application and threat of physical force on the part of the administrative staff" (Dahl, 1976, p. 2). A leading contemporary political scientist, Harold Lasswell defined "political science as an empirical discipline, (as) the study of the shaping and sharing of power" and "a political act (as) one performed in power perspectives" (Lasswell & Kaplan, 1950, p. 240).

Any observer of political life who looks at the range and diversity of political actions may conclude that no single definition can cover the entire scope of political events. Frohock (1979) indicated that theorists of the past often defined politics in evaluative terms stating not only what politics is but what it ought to be. Recent political theorists, in contrast, have distinguished between facts and values, and have offered empirical definitions of politics. Early twentieth century political scientists often concentrated on institutions of politics, such social units as Congress, the Presidency, the Judicial branches of government. Accordingly, Conway and Feigert (1976) have summarized the dominant characteristics of political science as it existed in the pre-World War II period:

1. An emphasis on the study of institutions to the exclusion of political processes.
2. The neglect of the study of non-American political systems, the focus being largely on Western European systems.
3. A very strong tendency toward description of existing institutions, rather than an analysis and development of systematic generalizations about political behavior that would account adequately for similarities, differences, and changes in political processes.

4. A fascination with institutions or political patterns perceived by the researchers as unique, and consequently a failure to consider adequately the premise of uniqueness; also, a failure to develop generalizations, which cannot, of course, be derived from the study of phenomena conceived of as unique.

5. A tendency to take the characteristics of the political system for granted, thereby ignoring changes in the political system or differences in rates of change over time within one system or between different political systems.

6. A view of science as raw empiricism, rather than as the development of systematic theories through the thoughtful gathering and analysis of data in order to test specific hypotheses.

7. A strong reformist tendency, with emphasis on value judgments specifying what ought to be the nature of political structures and institutions, occasionally accomplished by polemics for the adoption of the political scientist's preferred reforms of the political system.

8. A neglect of the findings of other social science disciplines that would contribute to the understanding of political behavior (pp. 9-10).

Some American scholars involved in politics saw the need for an alternative method of studying the traditional subject matter of political science. One sociologist and journalist argued that political science should focus on human behavior in political situations, emphasizing group relationships and

activities in the political process (Bentley, 1908). Another advocated greater attention to psychological factors in political behavior (Merriam, 1925). Still another used ideas drawn from psychology in his research and greatly influenced the use of variables and analytic techniques in political science research (Lasswell, 1930).

The writings and teaching of many European scholars also influenced the direction of political science in this country. For example, an Englishman, Wallas, advocated attention to psychological factors that affect individual political behavior in a book published in 1908. Tingsten, a Swede, published in 1937 an analysis of European political behavior that received considerable attention in this country. The crisis in Europe during the 1930s brought to this country a number of scholars strongly influenced in their approach to political analysis by European sociologists. The writings of the Europeans received exposure through the teaching and research of refugee scholars such as Weber and Parsons (Dahl, 1976).

During the Second World War, a number of political scientists descended from the ivory towers of the universities to assume a variety of responsibilities in the federal government. It was then that many of them realized that the emphasis on legal processes and institutions resulted in ignorance of much of the political process and that the answers to important questions could not be provided by such an approach (Conway & Feigert 1976). This realization provoked a major shift among political scientists to the processes and behaviors associated with government. This behaviorist approach involved the study of the sociological and psychological bases of individual and group political behavior such as the determinants of voting and other political activities, the functioning of interest groups and political parties, and the

description of various processes and behaviors in the legislative, executive, and judicial areas (Dye, 1972).

Public policy has been a major concern of politicians and social scientists for a long time. Lerner (1975) argued that it had its beginning in the late eighteenth century in Britain when such scholars as Petty and Graunt initiated studies which evolved into the science of demography. Their work was commissioned by the government for the purpose of foreseeing needs in housing, schooling and public works of all kinds. By the latter half of the nineteenth century the British Empire had grown to such proportions that a new systematic method of acquiring knowledge about the diverse people under British rule became essential. With the turn of the century, the problems of urban work and living had intensified to the point where two policy issues had emerged: (a) the problem of maximizing human resources, (b) the problems of public health in urban environments. The first led to a school of industrial psychology symbolized by the "timemotion" studies initiated by Taylor. The second led to studies of congestion and crowding, noise and speed, in urban settings (Lerner, 1975).

In the United States, World War I produced an overall concern with the shaping of a truly democratic polity. Soldiers, back from the war demanded a "square deal" (Theodore Roosevelt) and a "new freedom" (Woodrow Wilson). Urban industrial workers everywhere were organizing to demand their rights. Under the leadership of Merriam, who chaired the first Presidential commission on social needs and resources, a new political science developed rapidly with a focus on democratic planning — a focus which Lasswell (1958) characterized as a "concern with the shaping and sharing of all values" (p. 202).

Among Americans, there is a considerable dissatisfaction with politics.

Trust and confidence in the local, State and federal government has deteriorated and many people believe that political leaders and political institutions are not responsive to their needs and interests (Miller, 1974). Everyday we are directly affected by policies established within public institutions of which we are a part. Public policies, to a large extent, shape the events that occur in our lives. Public policies deal with a wide variety of issues such as education, taxation, housing, health, economic opportunity, and civil rights. Distinct levels of government in recent years have devoted a growing share of the nation's resources to policies and public programs for meeting societal needs. Nevertheless, one hears complaints about inefficiency, ineffectiveness, and waste. Voters seem to be rejecting more and more the proposals of their elected officials (Miller, 1974). In education, for example, Gorham (1972) has observed that from 1963 to 1970 the percentage of school bond issues approved by voters declined from 72 percent to 53 percent in spite of the efforts by school officials to put fewer issues on the ballot.

Freeman and Bernstein (1975) admitted that the boundaries of the field of public policy analysis are elusive and the outlooks and styles of individuals and groups involved in policy studies vary markedly. Perhaps a starting point is to examine how public policy was defined by political scientists. Dye (1972) defined public policy as a concern with what governments do, why they do it, and what difference it makes. Easton (1953) stated that public policy is "the authoritative allocation of values for the whole society" (p. 129). Lasswell and Kaplan (1950) believed public policy to be a projected program of goals, values, and practices. Friedrich (1963) said that "...it is essential for the policy concept that there be a goal, objective, or purpose" (p. 70). Eulan and Eyestone (1968) defined policy as "the relationship of a governmental unit to its

environment" (p. 126). Anderson (1975) offered the following as a useful concept of policy: "A purposive course of action followed by an actor or set of actors in dealing with a problem or matter of concern" (p. 3). Sharkansky (1970) defined policies as actions taken by governments. Jenkins (1978) stated that public policy is "a set of interrelated decisions taken by a political actor or group of actors concerning the selection of goals and the means of achieving them within a specified situation where these decisions should, in principle, be within the power of these actors to achieve" (p. 15).

Clearly there is no single definition of public policy. It is what governments say and do, or do and not do. It is also the goals and outcomes of government programs such as bilingual education. Included are the important ingredients of programs, like the requirement that self-concept activities be included and that parent advisory committees be established. Policy further includes the implementation of intentions and rules. Edwards III and Sharkansky (1978) believed that policy may be stated explicitly or implied in programs and actions. Interestingly, some policies consist of a lack of action and may be difficult to discern. A change in policy may be proposed and debated in public with the full participation of interest groups and the mass media, or policy may be changed covertly under a cloak of secrecy.

Dye (1972) outlined three reasons why researchers should devote greater attention to the study of public policy:

1. Scientific: gaining an understanding of the causes and consequences of policy decisions improves our knowledge of society.
2. Professional: an understanding of the causes and consequences of public policy permits us to apply social science

knowledge to the solution of practical problems.

3. Political: insuring that the nation adopts the "right" policies to achieve the "right" goals (p. 4).

Serious students of policy have various motivations. Jones (1970) argued that some study policy because they want to improve it. Lindblom (1968) thought that the political system would work better if those who study and execute it would be more realistic about how it works. He asked that policy analysts accept the limitations of human beings and act accordingly. Dahl (1976) believed that studying public policies helped us understand the world we live in, make more intelligent choices among alternatives and influence the changes inherent in all political systems. Welsh (1973) indicated that given the central importance of political activity for much of what human beings do, an intelligent grasp of one's environment demands a sound understanding of politics. Given the extent to which public policies permeate all aspects of our lives, it is not presumptuous to conclude that the formation and implementation of policies is one of the most serious types of activities in which human beings participate.

Educational Policy

While this study was primarily concerned with bilingual education policy, an appreciation of the general educational policy environment seems necessary. Education is one of the oldest continuing public policies in America. In 1647, the colonial legislature required Massachusetts towns to provide public funds for the education of children (Dye, 1977). One of the oldest federal policies was the Northwest Ordinance which required that one section of land in each township be set aside for the support of education (Anderson, Brady, & Bullock, 1978). This early priority on public education grew out of the judgment of the political leaders of the time that popular government required an

informed public. Responsible democratic government demanded that an educated people control the government by their vote. Thus, the movement toward universal suffrage paralleled the movement toward education which was universal, free, and compulsory (Sanera, 1979).

According to Walton (1959), most public school organizations in this country derived their power and policies from local and State governments. Public education is legally a function of the States. Since the powers of the government of the United States are delegated rather than inherent, and since the Constitution makes no mention of education, any positive power that the federal government may possess in educational matters must arise from some implied grant of authority. On the other hand, because of the Tenth Amendment: "The powers not delegated to the United States by the Constitution, nor prohibited to the States respectively, or to the people", the courts have consistently declared education as a State function. The general purpose of public education organizations are formalized by (a) State constitutions, statutory enactments, by-laws of State boards and adjudication by State courts and State educational authorities, (b) local boards of education and (c) national legislation and federal courts (Walton, 1959).

Boundaries of school districts -- even their very existence --depend on State action. A substantial proportion of their operating revenues are provided from State funds. Teachers are certified by State officials in accordance with State laws. The reality is that the caliber of the public schools in any given district is to a considerable extent determined by the constitutional provisions, the statutes, and the administrative decisions of the State of which that school is a subordinate unit (Masters, Salisbury, & Eliot, 1964).

Holmes (1980) suggested that education has been recognized as an

instrument of selection and a source of power. Additionally, he believed it (education) is the State's most powerful instrument for moulding the character of its people. "As a political agency education can, in addition, preserve what is worth preserving or promote change, depending on how the system is organized, who formulates and adopts policies and what purpose it is intended to serve" (p. 122). The United States Supreme Court in deciding the landmark case of Brown v. Topeka in 1954 noted "Education is perhaps the most important function of State and local governments."

Decisions affecting public schools, even those made by a State legislature, are seldom considered political decisions. In fact, many educators seem to abhor the term "politics" and probably with good reason for whole school systems have been blighted by the intrusion of certain aspects of politics, especially the use of patronage in appointments and contracts in apparent disregard of the need to give children the best possible education (Eliot, 1959). The result has been a belief that public education must be above the political conflicts that are a part of other public services.

The belief that politics and public education are separate, or separable, could not be further from the truth. Masters, Salisbury and Eliot (1964) indicated that a strong commitment to the position that education is essentially a public responsibility, coupled with the fact that a public school system is a costly and complicated operation, placed considerable burdens upon those who decided how to allocate scarce resources. Those concerned with changing the pattern of education or with introducing major innovations were compelled to negotiate with political officials who are pressured by other interests that desire other goals. It is no secret that the support of public education has become one of the States' largest expenditures. Yet, despite the increasing role of

government in education, little scholarly attention has been devoted to the many political considerations involved. Eliot (1959) suggested that research is needed at the State level on:

1. the organization and financial administration of the State's educational activities and
2. the pressures on the legislatures and the response to those pressures (p. 1032).

Eliot's statement called for an analysis of the interactions between a State's environment and its educational policies. Additionally, the pressures on State legislators and their attitudes should be examined. Zeigler and Johnson (1972) stated that researchers have carried out specialized studies concerning school district expenditures, school elections, and educational finances in particular, but seldom have they focused on the impact of State legislatures on educational outcomes. Kimbrough (1964) believed that educators have not yet developed a usable and accurate understanding of how educational policy decisions are made. He raised three questions which must be addressed if educators are to impact educational policy decisions:

1. What are the predominant forces which affect the formulation of educational policy decisions?
2. How can these decisionmaking forces be identified and their strength estimated?
3. How can one conceptualize the behavior of these forces in decisionmaking (p. 2)?

Kimbrough also stressed the critical role played by informal groups and informal interaction in influencing community decision makers who operate within the associational-institutional structure of offices. He suggested that the relation-

ship of state to local politics of education depends equally upon the informal network and the formal structure of offices.

Developments in the scholarship of politics and education offer greater opportunity for understanding the State politics of education than ever before. Specifically, research supported by the Carnegie Corporation in the State politics of education has resulted in published descriptions of political processes clustered around educational law-making in eleven States. The research includes, Schoolmen and Politics by Bailey (1962), State Politics and the Public Schools by Masters, Salisbury, and Eliot (1964), and Political Power of Education by Usdan (1963). These studies describe the typical arrangements and customary patterns of influence used by schoolmen and their supporters to influence the course of educational legislation in eight Northeastern and three Midwestern States. Usdan (1963) was quite detailed and penetrating about the educational politics of New York State. Bailey (1962) studied the politics of education in New England and New Jersey. Illinois, Michigan, and Missouri were studied by Masters, Salisbury and Eliot (1964). Each of these studies followed a reporting pattern characteristic of political science and had no explicit conceptual framework at the outset. Goldhammer (1965) believed that studies such as these will become more valuable contributions as soon as the concepts for dealing with them are explained and the relationships classified. Iannaccone (1967) expanded extensively on the Carnegie Corporation studies and generated a typology which classifies the four types of organization patterns present in the eleven States. However he cautioned that since each sequential phase carries much of what was built in the past, each successive phase in the State politics of education is significantly different -- not only from the phase which immediately preceded it, but also from the one which it preceded. Therefore, we must always

realize that educational policymaking at the State government level is in a dynamic state.

Public policy case studies investigate the workings of the policy-making process. While little common agreement exists on how this process operates, there is one common thread. Descriptions of the policymaking process include discussions of actions of participants. These actions are evaluated in terms of whether they helped or hindered the approval of the policy. Hofferbert (1974) suggested that the objective is not an assessment of aims and accomplishments but an illumination of the way in which specific processes work or in which particular policies get formulated.

A summary of a few examples of outstanding case studies will serve both to illustrate their central features and to give some idea of what they can teach us about the policymaking process. Dozens of outstanding case studies have been written by political scientists. One that clearly illustrates the conduct of systematic political science research is Bailey's (1950) Congress Makes A Law. This case study was an insightful inquiry into the legislative behavior of the U.S. Congress as it dealt with what became The Full Employment Act of 1946. The reader was given a generalization about the formation of congressional attitudes and the determination of congressional behavior. Bailey (1950) assumed that the action of congressmen and other participants in the policy process is determined by various factors. Personal background was one. Political experience was another. The climate of public opinion was still another. So too were constituent preferences. He also clearly highlighted the conflict points in the history of the Employment Act. Bailey concluded his study not with a series of hypotheses constructed for subsequent testing but with a rendition of concerns which must be answered by political scientists.

Another illustration of a case study which related the impact of political actions on policy outputs is found in the case of the passage of The Elementary and Secondary Education Act (ESEA) of 1965. This act is considered the watershed in attempts to provide large scale federal aid to education. Discussions of the ESEA are replete with references to the political actions of the actors involved (Sanera, 1979). Dye (1972) discussed how the actions of President Johnson influenced policy output. He argued that Johnson's abilities at group negotiation and compromise were very important. In fact, he characterized Johnson's actions in these areas as being quite skillful. Dye compared the possible impact of these actions in negotiation and compromise to the possible impact of Johnson's popular mandate arising from his landslide election over Barry Goldwater in 1964.

McLaughlin's (1975) study of the passage of the evaluation section of The ESEA of 1965 was in a similar vein. He argued that the evaluation sections of Title I were successfully inserted into the bill as a result of the actions of certain participants. One important participant felt that an evaluation requirement would be a red flag to the chief State school officers and that it could greatly damage if not kill the bill. This belief led to the strategy of slipping the evaluation requirements into the bill in such a way so that major opposition groups would not notice. This political action worked and the amendments passed intact. McLaughlin referred to these actions by participants in the policy process as "political diplomacy."

Another major educational policy area of the 1960s was an attempt to increase the accountability of the schools. Political activity was vigorous on the local school level. In 1967-69, a decision was made to decentralize the New York City School System. Gittell's (1975) study of this attempt concluded that

actors, their roles, and the final policy output all reflected an enormous concentration of power in the hands of the school professionals. This conclusion was based on a detailed case study of the political actions that transpired in New York during the 1967 to 1969 period. Gittell argued that the policy output resulted from the financial resources, not the quality of actions of the participants. She believed that while financial resources were extremely valuable, they were not the only ingredients for political success. Much of the victory of the school professionals could be traced to the organization of members in attending meetings, use of the teachers' strike and communications with legislators concerning their political support.

Another interesting example of educational policy analysis was the influential report on American education by Coleman's (1966) Equality of Educational Opportunity. The study was probably the most comprehensive analysis of the American public school system ever made (Sanera, 1979). It cost $2 million to produce and it included data on 600,000 children, 60,000 teachers, and 4,000 schools. The results of the study undermined much of the conventional wisdom about educational policies on student learning and achievement. Coleman found that factors such as the number of pupils in the classroom, the amount of money spent on each pupil, library and laboratory facilities, teachers' salaries, the quality of the curriculum and other characteristics of the school had no significant effect on student learning or achievement (Coleman, 1966). Those factors which did affect a student's learning were family background and the family background of his/her fellow students, and the verbal abilities and attitudes toward education of the student's classmates (Coleman, 1966). Coleman's (1966) study was a strong basis for ending racial imbalance and urging the busing of black and white children to racially balanced schools. Additionally, the

study implied that compensatory programs have little educational value for they have little impact on the achievement or aspiration levels of children.

Understandably, the results of a policy study can lead to a significant political controversy. One such case was the research undertaken by Westinghouse Learning Corporation and Ohio University on the impact of participation in Head Start Programs on the academic success of disadvantaged children (1969). The typical Head Start project was a cooperative program between the Community Action Agency and the local school district. Pre-school children from poor families were given 6 to 8 weeks of special summer preparation before entering kindergarten or first grade. The idea was to give these disadvantaged children a "head start" on formal schooling. The program turned out to be the most popular program in President Johnson's "War On Poverty". In 1968 Director Shriver ordered an evaluative study of the program. The results of the study were:

1. Summer programs were ineffective in producing any gains in cognitive and affective development that persist into the early elementary grades.
2. Full-year programs produced only marginally effective gains for certain sub-groups, mainly black children in central cities.
3. Parents of Head Start enrollees voiced strong approval of the program (Westinghouse, 1969).

Head Start officials condemned the report. Liberals attacked it because they believed President Nixon would use it to justify major cutbacks in the program. The end result was that, despite the study, Head Start remained a politically popular program (Sanera, 1979).

In 1973, Sanchez completed a study which analyzed the process of Congressional proceedings which resulted in passage of The Title VII Bilingual Education Act of 1968. Data were gathered and analyzed from various sources including government documents, newspaper accounts, official reports, conference proceedings, questionnaires and in-depth interviews. The author was particularly interested in individual actors and their perceptions of the federal bilingual education legislation. The author concluded that there was a discrepancy between the desired outcomes and actual implementation of The 1968 Title VII Bilingual Education Act.

Schneider (1976) examined in detail the legislative history of The 1974 Bilingual Education Act, Section 105 of the Education Amendments of 1974, Public Law 93-380. The study examined the roles of representatives, senators, lobbyists, judicial decisions, minority groups and administration officials in developing the 1974 Bilingual Education Act. Employing a case study approach, congressional and administration documents were analyzed. Interviews were conducted with representatives and senators, congressional staff, administration officials, lobbyists, and educators involved in the legislative process. Schneider (1976) found that senators and congressmen with large numbers of limited English-speaking constituents echoed their constituents' support for bilingual education. Congressional courtesy and the personal relationships of legislators with their colleagues had major impact on the legislative process, promoting the integration of different views of the federal role in bilingual education. House and Senate Committees responsible for education legislation were more liberal than the House or Senate as a whole, therefore, more receptive to equal educational opportunity and to active federal support of bilingual programs. The division of a Republican President and a Democratic Congress significantly

affected the final legislation. The Supreme Court decision of Lau v. Nichols substantially influenced the House and Administration positions. Public opinion had minimal influence on the legislative outcome. Schneider (1976) concluded that The 1974 Bilingual Education Act was neither revolutionary nor reactionary but reform of existing law and practice in bilingual-bicultural programs.

Freda (1976) conducted a study to analyze the role of the New Jersey Coalition for Bilingual Education in the enactment of bilingual legislation in the State of New Jersey. Inherent in the research was a reporting of the social, educational and political events at the national and State levels which contributed to the legislative action. The major portion of the study analyzed the particular process in New Jersey which gave rise to the unique process in educational politics undertaken by the coalition. Findings indicated that the major role of the New Jersey Coalition was that of a facilitating body bringing together normally non-affiliated forces from the educational, ethnic, and business communities and channeling their efforts toward the creation, promotion, and passage of the bilingual legislation.

Santiago (1978) studied the sociopolitical and historical background of policies determining the language of instruction for children of limited English proficiency in New York City schools prior to 1972. She also analyzed the impact of the resulting landmark legal agreement on language of instruction and related policies between 1974 and 1976. The study illustrated the complexity of institutions and forces that were involved in determining language-of-instruction policies and practices in the New York City public schools. Included also was a historical overview of the efforts of two community organizations in changing the existing policies. The researcher concluded that the litigation brought about by the Hispanic advocacy groups was indeed an effective policy change strategy.

The suit resulted in policy reform and a broad-based bilingual education program in the New York City public schools.

Morales (1979) studied the perception of influential participants in the enactment of The Colorado Bilingual Bicultural Act of 1975. The researcher examined the expectations, objectives, and appraisal of the legislation and the reactions of the influential participants after program implementation. The findings indicated that the influential participants did not believe The Bilingual Bicultural Act was implemented as it was originally conceived. In spite of careful planning, by the influential participants, in terms of goals, objectives, and expected outcomes, the final legislation did not result in fully implemented programs at the local school district level.

Berke (1980) conducted a case study of the influence of an evaluation on one program's reauthorization policy. Her study traced the influence of the American Institutes of Research (AIR) Evaluation of the Impact of the ESEA Title VII Spanish/English Bilingual Education Program on the 1978 reauthorization of the Bilingual Education Act. She utilized the techniques of historical and policy research to investigate: (a) the usual function of governmental units which make and effect bilingual education policy; (b) the use of research findings by those units; and (c) the influence of the AIR findings on the 1978 reauthorizations of the Bilingual Education Act. Public documents, government reports, internal memos, and legislation were analyzed. Berke (1980) concluded that the influence of the AIR evaluation on Title VII's 1978 reauthorization was a function of characteristics of the program, the evaluation and the political climate. The case study also confirmed and expanded a previous analysis of the merging of information in policy deliberations, the distinction between short-term utilization for action versus long-range utilization for understanding, and the role of

evaluation in conceptualizing policy issues.

General Systems Theory and Public Policy Analysis

One of the most significant contributions to scientific research in the last 25 years has been the application of general systems theory. Originally, such models were used by biological and physical scientists. However, psychologists, sociologists, anthropologists, economists, and policial scientists have discovered and now use system models. Thus, the system model is regarded by some system theorists as universally applicable to physical and social events, and to human relationships in small or large units (Bennis, Benne, Chin, & Corey, 1976).

Von Bertalanffy, an Austrian biologist, is generally considered the original proponent of the application of general systems theory to all the sciences. He believed that the aims of general systems theory could be indicated by the following:

1. There is a general tendency towards integration in the various sciences, natural and social.
2. Such integration seems to be centered in a general theory of systems.
3. Such theory may be an important means for aiming at exact theory in the non-physical fields of science.
4. Developing unifying principles running vertically through the universe of the individual sciences, this goal brings us nearer to the goal of the unity of science and
5. This goal can lead to a much needed integration in scientific education (Morphet, Johns, & Reller, 1974, p. 60).

According to Hearn (1958), general system theorists believe that it is possible to

represent all form of animate and inanimate matter as systems including such forms as atoms, molecules, crystals, viruses, cells, organs, individuals, groups, societies, planets, solar systems, and galaxies.

Huse and Bowditch (1973) defined a system as:

> a series of interrelated and interdependent parts, such that the interactions or interplay of any of the subsystems affects the whole (p. 28).

Daniel Griffiths (1964) defined a system as:

> a complex of elements in interaction. Systems may be open or closed. An open system is related to and exchanges matter with its environment, while a closed system is not related to nor does it exchange matter with its environment. All systems except the smallest have subsystems and all but the largest have supra-systems, which are their environment (p. 116).

In its simplest form, a system can be illustrated as in Figure 1.

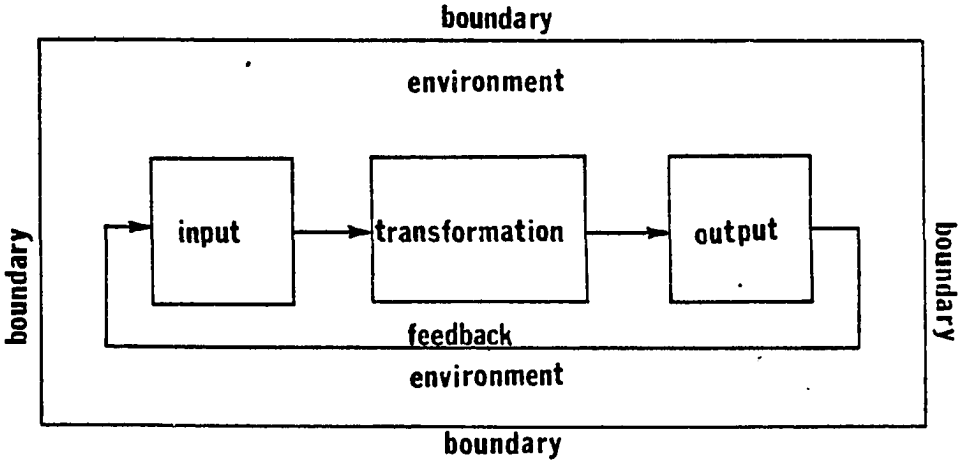


Figure 1. A Simple Systems Model

There is more interaction in the environment within the system boundary than outside of the boundary. There are numerous factors within a system and its environment that affect the behavior, structure, and function of the system. These factors come together and provide inputs. The system receives the inputs and transforms them into outputs. The result is continued movement toward the established goals. The total process is a dynamic one which requires the system to constantly monitor its goal achievement, internal maintenance, and environmental adaptation (Argyris, 1964).

A large body of research in the area of public policy involved an attempt at determining what influences policy outputs (Dye, 1972). The systems approach was one method used to research this subject. This method conceptualized the policymaking process as a system in which the political system is flanked by policy demands and policy outputs. (See figure 2.)

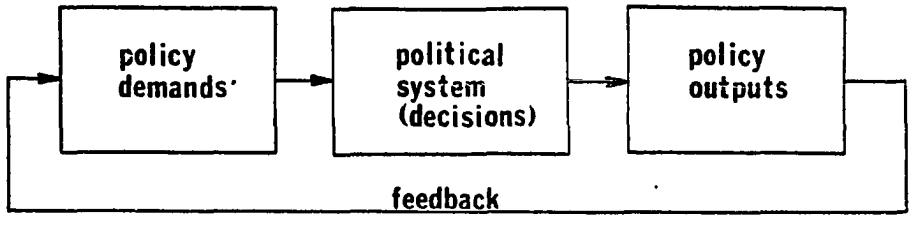


Figure 2. A Political Systems Process

The focus of this approach was the dynamics and processes of a political system operating in its environment. Jenkins (1978) reported that the three primary

dimensions were:

1. policy demands: demands for action arising from both inside and outside the political system.
2. policy decisions: authoritative rather than routine decisions by the political authorities.
3. policy outputs: what the system does; thus, while goods and services are the most tangible outputs, the concept is not restricted to only such outputs (p. 19).

Anderson (1975) stated that systems theory was a useful aid in organizing our inquiry into policy formation. It also alerted us to some significant aspects of the political process such as:

1. How do environmental inputs affect the content of public policy and the nature of the political system?
2. How does public policy affect the environment and subsequent demands for action?
3. What forces or factors in the environment act to generate demands upon the political system?
4. How is the political system able to convert demands into policy and preserve itself over time (p. 19)?

Thompson (1976) affirmed the utilization of systems theory by stating that the most comprehensive approach to the study of politics was the systems approach, which provides a conceptual overview of how the political system operates. He believed that the analytical construct of a political system provides a means of examining the interrelationships among political actors and institutions, and of understanding the complex processes by which public policy is made. This approach assumed that the political system, that is, those human

activities predominantly oriented toward the allocation of values by a society, can be separated for study. Economic, religious, and other social forces obviously influence the political system and the interrelationships of the social forces investigated can be studied separately (Gregg, 1965).

Dye (1972) believed that the value of the systems model to policy analysis lies in the questions that it poses:

1. What are the significant dimensions of the environment that generate demands upon the political system?
2. What are the significant characteristics of the political system that enable it to transform demands into public policy and to preserve itself over time?
3. How do environmental inputs affect the character of the political system?
4. How do characteristics of the political system affect the content of public policy?
5. How do environmental inputs affect the content of public policy?
6. How does public policy affect, through feedback, the environment and the character of the political system (p. 19)?

The conceptual framework for this study is based primarily on David Easton's (1965) work and his framework for political analysis; "A Dynamic Response Model of a Political System." (See Figure 3.) Easton's (1965) Political Systems Theory viewed public policy as a response of the political system to forces brought to bear upon it from the environment. The political system, (See Figure 3) was defined by Easton (1965) as a set of interactions through which values are authoritatively allocated for a society. Persons who are in the

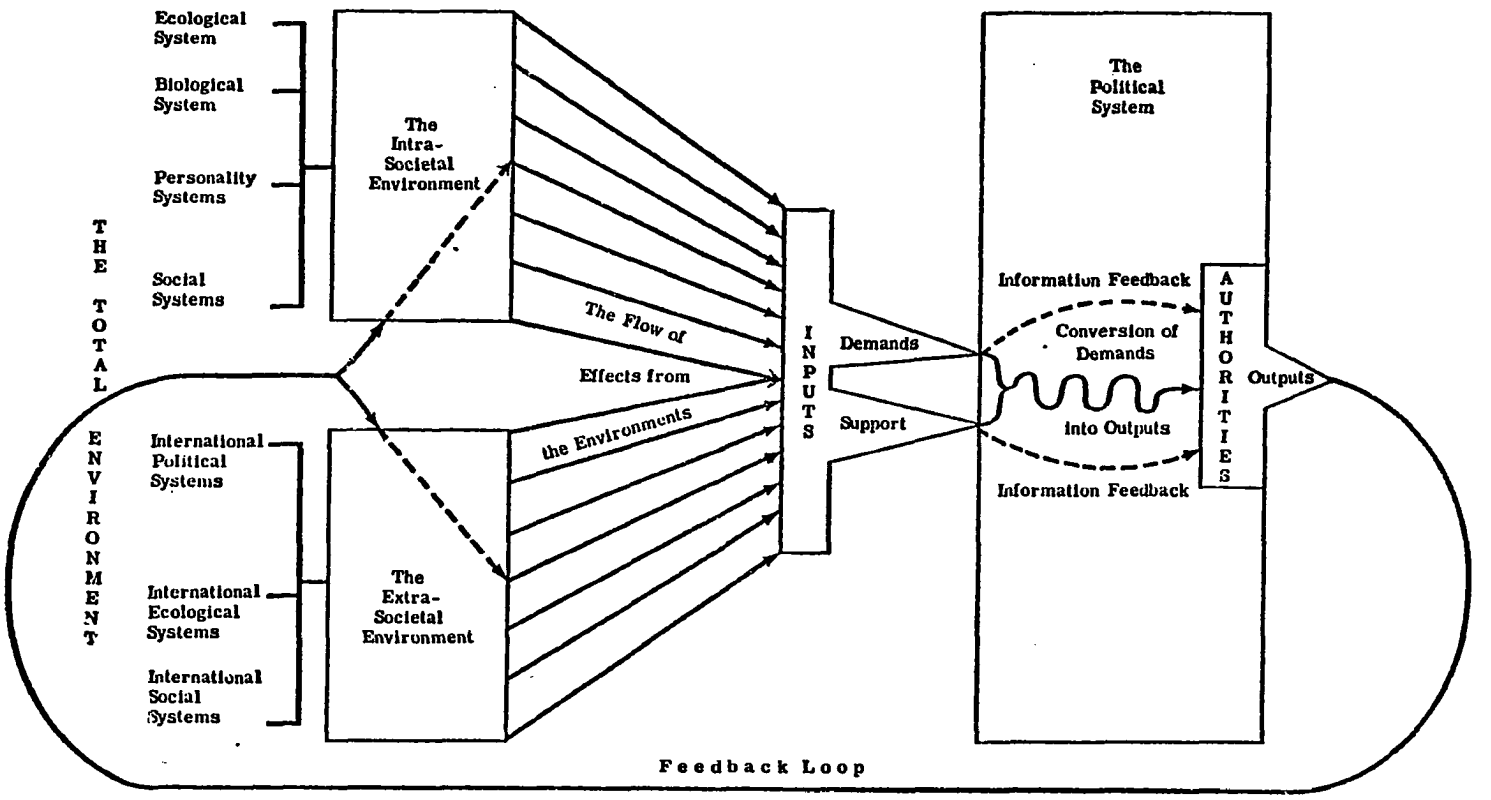


Figure 3. A Dynamic Response Model of a Political System.
Note: From A Framework For Political Analysis by D. Easton. Copyright 1979 by The University of Chicago Press. Reproduced with permission.

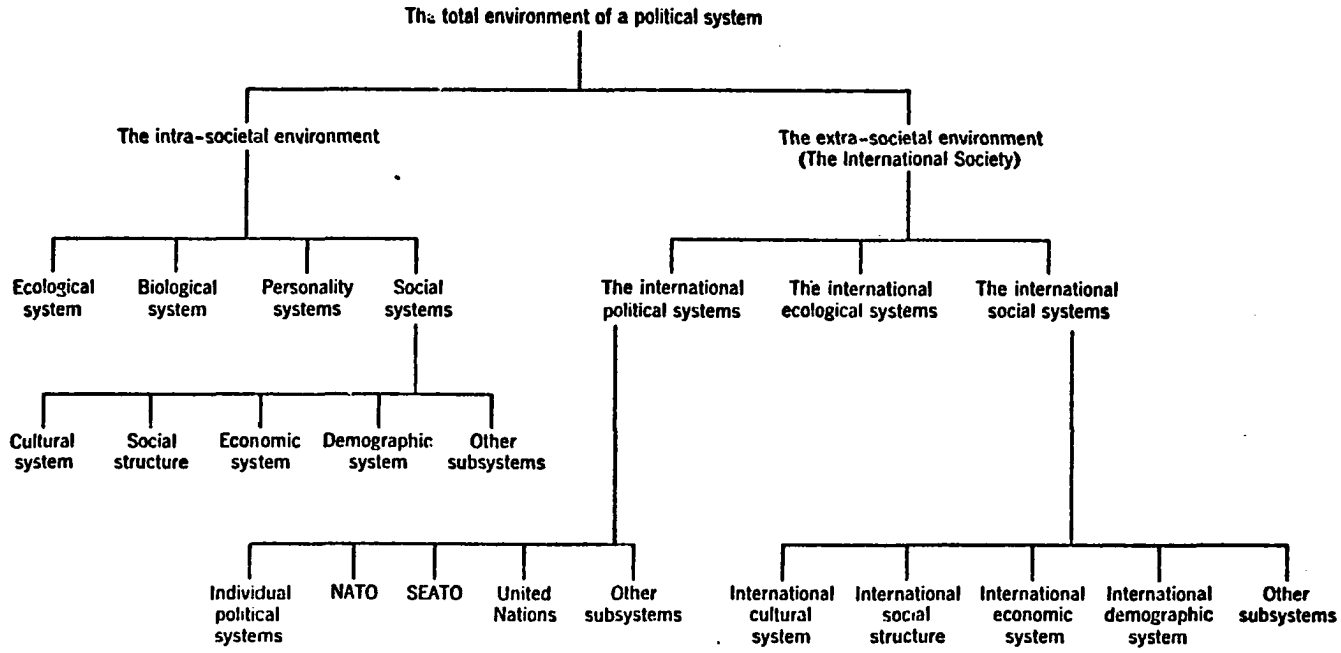


Figure 4. Components of the Total Environment of a Political System.
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process of engaging in such interactions are referred to as members of the system. Understandably, the political system is surrounded by an environment. The environment consists of all those conditions and events external to the boundaries of the political system. (See Figure 4.) It is the environment and the events that take place within it which impact on the political system. This impact which was labeled inputs by Easton (1965) are the summary variables which create stress for the political system. These were divided into two types:

demands: The claims made by individuals and groups on the political system for action to satisfy their interest. It is an expression of opinion that an authoritative allocation with regard to a particular subject matter should or should not be made by those responsible for doing so.

support: exists when groups and/or individuals abide by election results, pay taxes, obey laws, and otherwise accept the decisions and actions of the authoritative political system made in response to demands (pp. 50-51). The sources of demands and support will vary, oftentimes depending on the number of individuals involved. (See Figure 5.)

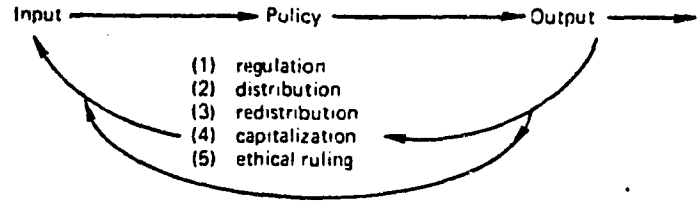


Figure 5. Sources of Demands and Support
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Additionally political leaders and their government can lose authority, i.e., the

mass public's acceptance of their right to rule, if they are unresponsive to the demands of the people (Isaak, 1975). The authoritative allocations of values constitute public policy and are the outputs of the system. They represent a transaction between the political system and its environment. These transactions have consequences for both the political system and the environment by setting goals toward which the energies and resources of the society are directed. The consequences, when felt, are translated into feedback which results in another demand or support on the political system. (See Figure 6.)

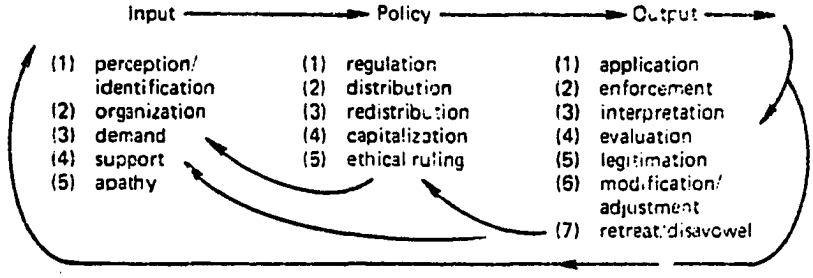


Figure 6. Dynamic Feedback Loop.
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This feedback loop provides public policy with a dynamic quality. It builds into the system approach a method for handling the two-way relationship between inputs and outputs. It is a continuous process in which outputs are reactions to inputs and inputs are, in turn, influenced by outputs. (See Figure 7.)

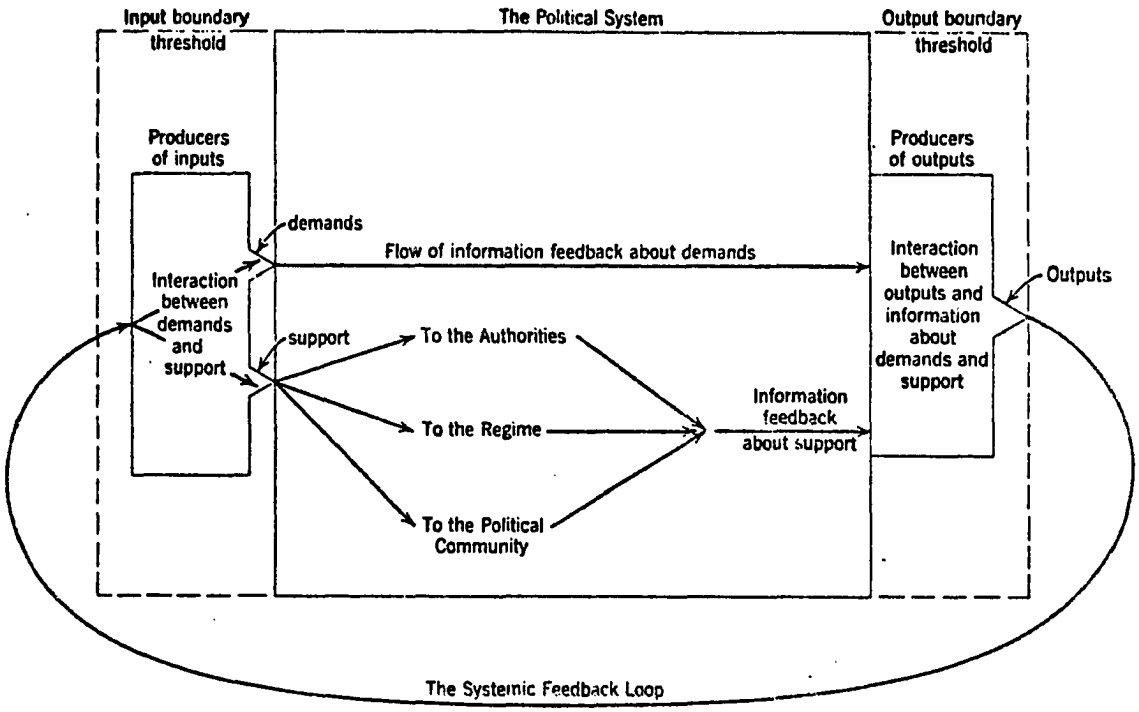


Figure 7. The Systemic Feedback Loop
Note: From A Systems Analysis of Political Life, by D. Easton. Copyright 1965 by John Wiley & Sons, Inc. Reproduced with permission.

Thompson (1976) embraced the systems approach and developed a model which shows the interaction of all variables influencing educational policy. The first step is to identify the variables. For example, a basic question such as, who will attend school, depends on a host of economic, cultural, social, psychological, political, and legal factors. Figure 8 is Thompson's attempt to categorize the various factors that influence major educational policies. Changes or differences in the variables will result in differential policies.

A. *Economic Factors*
   1. Demographic factors—population: number and density, urban-rural ratio, age and sex mix; geographic location of people, housing patterns
   2. Resource base—wealth available, cost of expanding program, tax system, competing demands for available resources, per capita wealth; transportation system available, communication system
   3. State of technology—society's need for workers (e.g., rural society and summer vacation, early industrial needs for child labor, youth and adult educational needs); rate of change in society; educational technology available; teachers available, textbooks, etc.
   4. Cost of education—to society; to individual

B. *Social and Cultural Factors*
   1. Racial beliefs—e.g., slavery, caste system, power of dominant group, the minority
   2. Religious beliefs—position of male-female; view of work (Protestant ethic), view of change
   3. Society's status system—cultural beliefs about importance of education, role of education (American view of education as solution to social, economic, and political problems); status of educational programs; status and influence of educational professionals
   4. Individual motivation for education—socialization process of importance of education (e.g., women don't need as much education as men)
   5. Cultural beliefs about children; how to rear children
   6. Beliefs about the role of government—the nature of men and their development; who should be educated
   7. Nationalism—patriotism; needs of military

C. *Political and Legal Factors*
   1. Political ideology—nature of man, and government, role of government; needs to politically socialize youth; degree of freedom and openness of society
   2. Political-administrative structure—legal and constitutional requirements and conditions, tax system
   3. Influence and power structure—strength of groups in political process; diversity of groups in society; linkages between groups
   4. Degree of stability of governmental system
   5. Military and economic needs—war or peace; needs of soldiers, needs for military production workers (e.g., Rosie the Riveter in World War II)
   6. Political and administrative organization of schools; organizational theory; concept of authority; role of teachers, administrators, students; traditional and legal aspects of education

D. *Social-Psychological Factors*
   1. Attitudes, beliefs, and values of teachers and administrators
   2. Educational backgrounds of educational personnel
   3. Roles of educational personnel and role perceptions
   4. Group affiliations and group strength of educational professionals
   5. Individual motivations, and intellectual abilities

Figure 8. Variables Influencing Major Educational Policies: Who Will Attend School

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As indicated previously, States have the fundamental legal responsibility for education and the State political system is the major arena for making educational policies. Thompson (1976) has illustrated the structure of the

political system of State education in Figure 9.

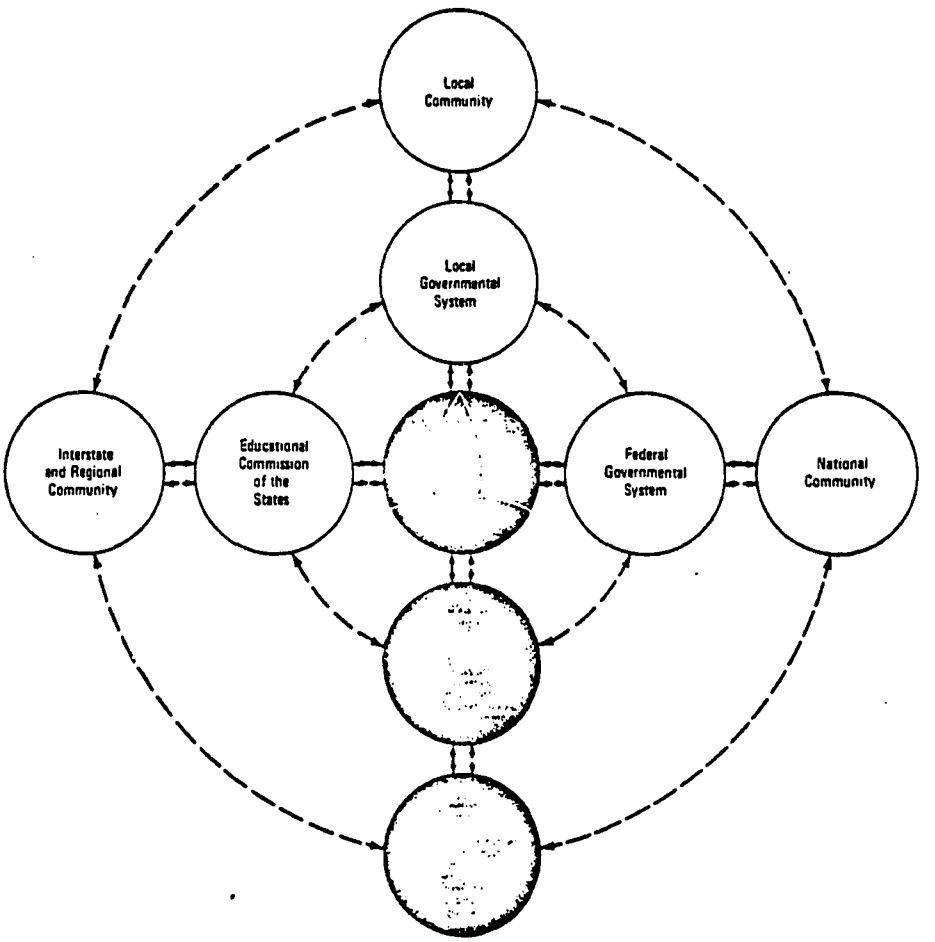


Figure 9. Model Representing the Political System of State Education
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Politics of State education are affected by environmental factors within the State, inputs from local political subsystems, and demands from the broader environment of the nation. Figure 9 shows the interaction of these

factors. The circle at the bottom of the diagram represents the State community, that is, the cultural and socioeconomic factors affecting State politics. The circle directly above represents the State political and governmental system and the concomitant political variables. The upper three circles represent the political system of local school districts. The outputs of local schools oftentimes act as inputs into the State political arena, and in turn, the State's actions are inputs on the local system. The formal legal and administrative relationships between the various parts of the State system are represented by solid-line arrows connecting the various parts of the model, and the informal interactions and communications are depicted by broken-line arrows.

As education has been drawn more into the State political arena, groups seeking to influence educational policies have been forced to develop political power and influence. These influences are inputs into the political system. Thompson (1976) reported that relatively few policy proposals pertaining to education result from general public pressures or a wave of public protest. Instead, those groups that are most directly affected by State policies initiate and push for their enactment. The real laborers working to shape educational policies are the educational professionals. Teachers, principals, and superintendents are most directly affected by State school policies, and thus they organize on a statewide basis in an attempt to influence educational policies. Figure 10 shows the various groups which interact in an attempt to establish educational policies which they support. Additionally, other non-educational groups are affected by State educational policies. These groups are shown growing out of the circle representing the State community. Groups supporting highways, public health, welfare, higher education, and fiscal responsibility often compete with public education groups. Last, but certainly not

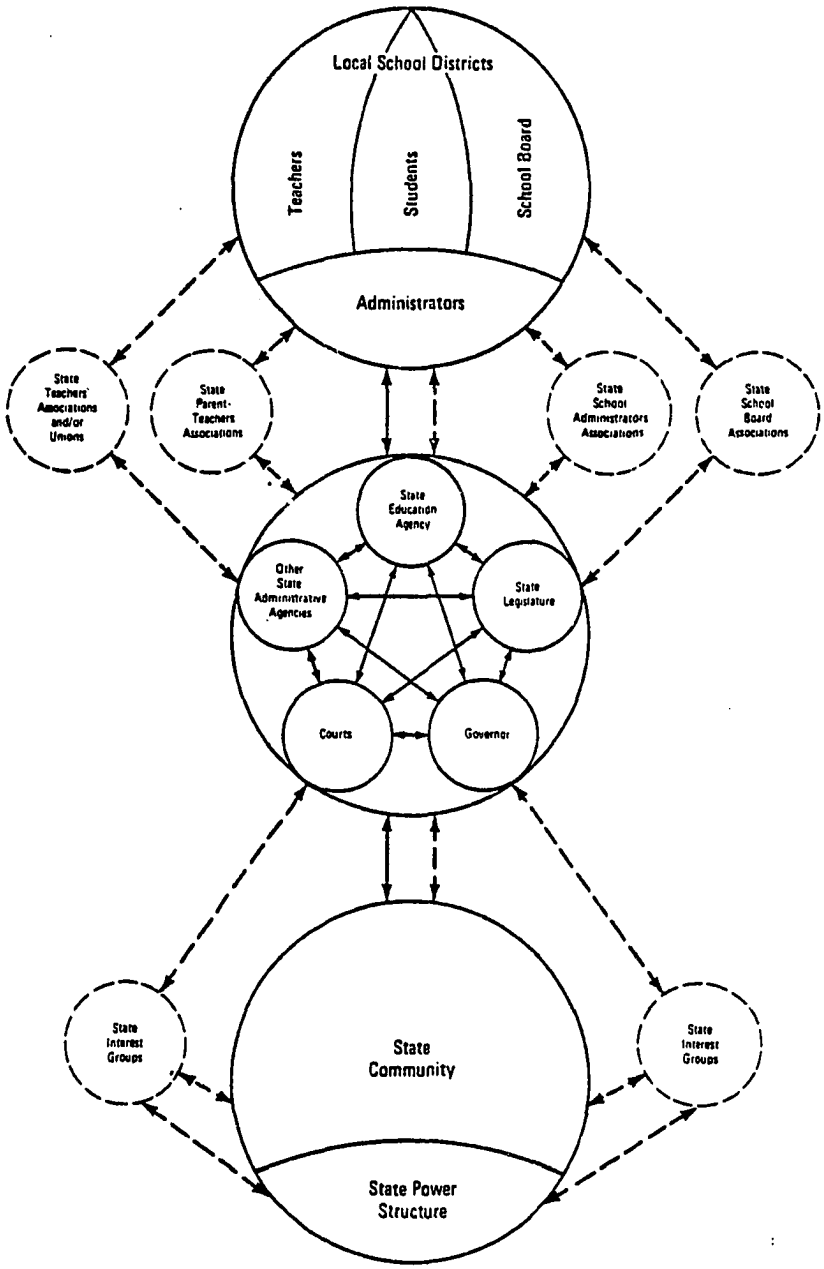


Figure 10. Inputs on the State Educational System.
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least, State educational policies are shaped by the character of State political institutions and individuals holding public office. Various institutional offices involved in State educational policymaking are represented by small circles within a large State governmental circle. Interactions of these parties such as the governor, legislature, courts, educational agencies, and other State administrative agencies are shown by arrows connecting the various circles.

Thompson (1976) suggested that educational politics has in many ways become similar to the politics of other issues in a democratic society. In educational politics, as in State politics generally, some people want something from government and build a coalition of influence to get it. Other people with different preferences join each other to block or modify the designs of the first group. Strategic and tactical campaigns are conducted to persuade proximate decisionmakers. The constitutional wielders of power determine winners and losers by laws passed or repealed.

The conversion process whereby inputs, demands of individuals and groups, are enacted into outputs of public policies might be conceived of as a series of interactions between the actors in the policymaking process (Lindblom, 1968). First, groups articulating demands for change contact and interact with constitutional decisionmakers. In these interactions, groups present their demands, inform and attempt to persuade the decisionmakers of the rightness of their cause, argue and apply influence, and make compromises in an effort to shape public policy. Second, formal decisionmakers, the constitutional wielders of power, interact with one another. Persuasion, pressures, and bargaining are aspects of these interactions also. Third, the implementation of State policies requires interaction between State and local officials (Thompson, 1976).

For the purpose of this study a systems analysis model was utilized.

This model, examined previously as developed by Easton (1965), has been expanded and refined by Rakoff and Schaefer (1970). The researcher applied this model in the conduct of this study. Rakoff and Schaefer (1970) developed the model to specifically serve as a catalytic or open proposal, i.e., as a reference for "the findings of ... initial case studies and exploratory investigations" (p. 77). It was conceived as a proposal because of the situation in which policy analysis found itself: with a variety of theoretical perspectives, none of which seemed specifically satisfactory or sufficiently comprehensive.

The critical issue which shaped the transformation of the Easton model into a more complex schema involves a Rakoff/Schaefer assumption that among the important determinants of public policy are those processes in the "so-called black box of the political system". As Rakoff and Schaefer (1970) argue "the problem ... is that the Dye model (an adaption of Easton's model) does not shed light on the crucial task of somehow discriminating among these ... possibilities and predicting and explaining which inputs will emerge as which form of output" (p. 57). Simply to assert that it happened is to beg every crucial question. What must be done is to question clearly what happens to inputs on their way to becoming outputs, why some are substantially changed while others are simply ratified by the governmental institution.

The fundamental concern underlying Rakoff and Schaefer's adoption of Easton/Dye's work is an assumption that process matters. Moreover, they suggest that without an understanding of the processes whereby environmentally generated concerns may be transformed into input and linked by a variety of political system devices to policy output/outcomes, the conventional measures of political variables may be inappropriate. If processes are assumed to matter a much more complex model becomes essential. (See Figure 11.)

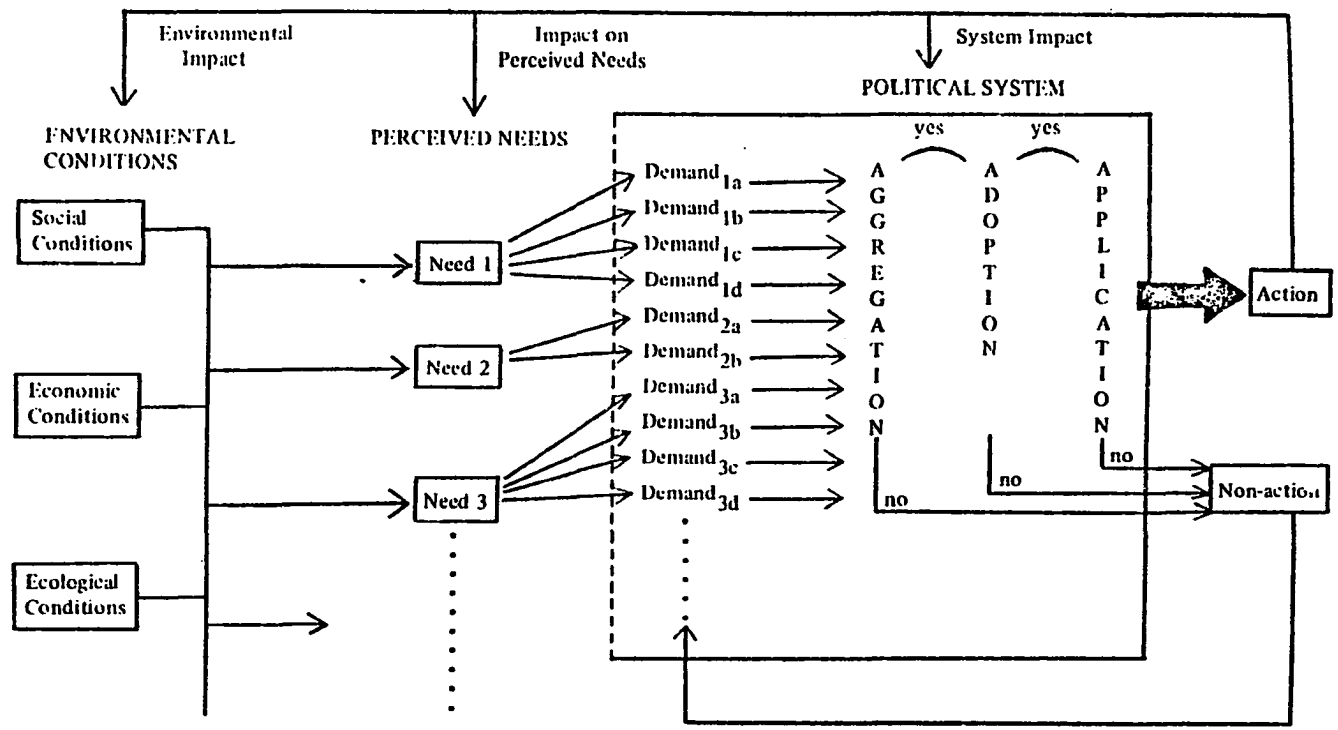


Figure 11. A Model of The Policymaking Process

Note. From "Politics, Policy, and Political Science: Theoretical Alternatives" by S.H. Rakoff and G.F. Schaefer, Politics and Society, 1970, Vol. 1, No. 1.

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The making of public policy involves a context (the environment), procedures (systems), resources, time, and outcomes. To present it as simply inputs/systems/outputs/feedback does not serve to enhance our understanding of the how, when, why, where and under what circumstances the policymaking occurs. The Rakoff and Schaefer model is an attempt to conceptualize the tiers of real functions and their interaction in such a way as to account for policy output/outcome possibilities. The three tiers are: environmental/economic; political/governmental systems; symbolic action. The result of a policy is organized in the form of impact/outcomes, including responses fed back into the policy process.

According to Rakoff and Schaefer (1970) there is a context in which the policy process and its system rests. Out of this setting, with its conveniently ordered categories of conditions, emerge perceived needs. The context, as laid out in this model, assumes the possibility that the needs can emerge from a social, economic, or ecological base, or any combination thereof. It does not assume that an issue matters only when transformed into economic conditions or terms. Nor is it assumed that all policy must of necessity develop within the environment. It is clear, on the other hand, that policy development -- or non-development, as the case may be -- affects and is affected by its context or settings. Moreover, the reciprocal relationship between setting and policy action assumes a time dimension.

With environment recognized as a dominant force, the transformations of initial impulses into specific requests for political/governmental action are assumed to involve two steps. The first, perceived needs, simply entails an acknowledgement and articulation of a condition -- with no judgment implied on that process. Given a condition, that condition will be perceived and acted upon

by those it affects -- in various ways. Some of those ways may include a move to generate a public policy response. At this point, some of the perceived needs can be transformed into political demands requiring a response from a system presumably established to allocate society's resources authoritatively. Here a branching effect occurs, and the effect occurs in part because this is a point or line at which the political systems encounter their mother systems. Here, too, the case may be that the boundary is itself an accommodation device and the characteristics of the political system, as well as factors in the social environment, act to establish what is accepted as a political demand and what is rejected or never presented to the political system (Rakoff & Schaefer, 1970).

With a series of successful transformations already completed, the demands undergo political system transformations in three distinct sortings: aggregation, adoption, and application. Failure to negotiate successful transformations through at least two of these linked stages spells failure as a policy initiative. Aggregation is the first stage because the political system cannot cope with the multitude of initiatives flung its way, hence the collection, weighing and ordering of these is essential. Demands can be generated which are not susceptible to aggregation; they can be developed as coalescent; they can assume conflicting patterns; they can be passed and adopted without the necessity of aggregation (Rakoff & Schaefer, 1970).

Adoption is the formal process whereby the legitimated or, perhaps, aggregated demand is allocated a decision, "yea" or "nay" (or a series of yeas and nays). Here, the characteristics of the formal structures of government assume a critical determinant status. Demands, which may have successfully been steered (or have found their way) through the process thus far, can be denied at this stage not only because "the public interest" may not be served, but also

because political system variables may actively preclude accommodation at this point. For example, at some critical junctures in the decision making process concerning a given item of legislation, legislative council must be called upon to determine if the bill, (political demand) is possible; does it meet the minimal constitutional requirements and thereby entitled in fact to the status of legislation? The final outcome is that some demands are -- some are not -- at least not without concomitant changes in the constitution.

Assuming successful passage through the varieties of transformations already mentioned, the process of application assumes looming proportions. Even given passage as an act of legislation, the law can be functionally meaningless unless applied. The courts, regulatory, and other bureaucratic organizations are instrumental in practically determining the ultimate response of government to demands. If decisions on the intent and scope of policy initiatives are left in the hands of government agencies, they may or may not conform to the letter (not to mention spirit) or intent of the policy as promulgated. Furthermore, policies may be generated without adequate or appropriate support.

The system proposed is not closed to the implications of its own efforts. A given policy measure will deliver output and generate outcomes and we can presume what their effect on environmental conditions might be. But they may also -- and perhaps more importantly, -- affect the other stages and conditions of the policy process: perceived needs, political demands, and political system. So there are four routes of access to the system from the various feedback loops. The impact of policy outcomes is likely to affect any one or all stages of the process, including and perhaps most importantly, that which has been most forgotten in most policy analyses, the perceived need range.

Since policy formulation is a manipulation of symbols, and in fact is always a response to an environmental condition, the degree to which a perceived need attains the appropriate symbolic weight may be as important as the output outcome or impact (Rakoff & Schaefer, 1970).

In summary, utilization of the Rakoff and Schaefer model for this study is based on:

1. The existing alternatives are inadequate for a thorough analysis of policymaking processes and their implications.

2. The Rakoff and Schaefer model retains the best aspects of Easton's political system flow model and extends its capability by developing an emphasis on perception/transformations which seems justifiable in light of actual policy-making processes.

3. The model flows into logical stages, and thus provides for a more complex ordering of researches, including exploratory investigation into the policy itself and its intended and actual impact.

4. The model's major utility is the provision of a reasonably well developed guiding metaphor which suggests a richness and complexity of purpose analogous to the actual richness and diversity of function and purpose which characterizes policymaking.

Summary

The literature reviewed in this chapter enhanced the researcher's understanding of the political process in educational policymaking. Research presented included the following perspectives for consideration: (a) a history of bilingual education in this country; (b) a history of political science and public policy; (c) significant policy analysis studies; and (d) systems theory and policy analysis.

Although the concept and practice of bilingual education in the United States is not new, the current discussion and debate regarding its merits has become a fiery political issue. The passage of House Bill 1295 in the Colorado legislature in 1975 initiated a series of political skirmishes which finally resulted in the passage of Senate Bill 462 which repealed the Bilingual Education Act in 1981.

The awareness, on the part of humankind, that politics influence everyones' lives, has existed for hundreds of years. As people began to organize their societies into specialized social structures, philosophers such as Aristotle began to conceptualize ideas about the political dimension of man's existence. Early political scientists concentrated their energies on institutions of politics, such as Congress, the Presidency and the Judicial branches of American government. Modern political scientists are now choosing to focus their attention on the processes and behaviors associated with government.

Education is one of the oldest continuing public policies in America. Public education is legally a function of the State. Thus, contrary to popular opinion, decisions affecting public schools made by State legislatures are political decisions. Unfortunately, little scholarly attention has been devoted to the political considerations which impact on educational policymaking.

The application of general systems theory to the analysis of public policymaking has presented exciting research possibilities to political scientists. Easton is considered to be the first scientist who made this application. He did so by focusing in on the dynamics and processes of a political system operating in its environment. Rakoff and Schaefer have expanded and refined Easton's model. Their model focuses in on gaining an understanding of the processes whereby environmentally generated concerns may be transformed into inputs and linked

by a variety of political system devices to outputs and outcomes. The model was employed as a reference for this case study and exploratory investigation.

CHAPTER III

RESEARCH DESIGN AND METHODOLOGY

The purpose of this research was to discover and describe the antecedents of the decisionmaking process which resulted in the establishment, and six years later, the repeal of mandated bilingual education public policy in the State of Colorado.

Qualitative Inquiry

The investigator chose to utilize a qualitative research tool: the exploratory case study. Lofland (1971) wrote that qualitative analysts ask such questions as: What kinds of things are going on here? What are the forms of this phenomenon? What variations do we find in this phenomenon? Thus, qualitative analysis is addressed to the task of delineating forms, kinds and types of social phenomena, i.e., documenting in detail the things that exist.

McCall and Simmons (1969) in describing participant observation, i.e., qualitative research, said that "...it is most sensibly regarded as the blend of methods and techniques that is characteristically employed in studies of social situations or complex social organizations of all sorts." (p. 3). That is, participant observation is not a single method but is a type of research enterprise, a style of combining several methods toward a particular end. The end is an analytic description of a complex social organization. Included in the analytic description are (a) the concepts, propositions, and empirical generaliza-

tions of a body of scientific theory as the basic guides in analysis and reporting (b) thorough and systematic collection, classification, and reporting of facts, and (c) a generation of new empirical generalizations (and perhaps concepts and propositions) based on these data (McCall & Simmons 1969). Thus, an analytic description is primarily an empirical application and modification of scientific theory rather than an efficient and powerful test of such a theory, since only one case --however complex -- is involved in this study. This is not to say that participant observation studies cannot be used to test theory. The test of theory comes in comparing such analytic descriptions of complex cases when these are available in sufficient number and variety (McCall & Simmons, 1969).

Rist (1980) reported that qualitative methodologies assume there is value to an analysis of both the inner and outer perspective of human behavior. This inner perspective or "understanding" assumes that a complete and ultimately truthful analysis can only be achieved by actively participating in the life of the observed and gaining insights by means of introspection. Qualitative research is predicated upon the assumption that this method of "inner understanding" enables a comprehension of human behavior in greater depth than is possible from the study of surface behavior, the focus of quantitative methodologies. Filstead (1970) noted that qualitative methodology refers to those research strategies, such as participant observation, in-depth interviewing, total participation in the activity being investigated, and field work, which allow the researcher to obtain first-hand knowledge about the empirical social world in question.

Procedure For Collecting Data: Document Analysis

The research design procedure employed two qualitative techniques: (a) document analysis and (b) in depth interviews. Legal documents and Colorado

legislative records served as primary sources. Such documents included all of the Colorado bilingual legislation which was proposed between the years of 1973 and 1981. Additionally, evaluation reports filed by the Colorado Department of Education were examined and analyzed. As a secondary source, the Colorado mass media, as well as pertinent journal articles relating to the policy process under study, were sought out and analyzed.

Bailey (1978), in pointing out the advantages of document study and analysis, presented the following arguments:

- One of the basic advantages of document studies is that they allow research on subjects to which the researcher does not have physical access, and thus cannot study by any other method.
- Document study shares with certain types of observation the advantage of little or no re-activity, particularly when the document was written for some other purpose.
- Like observation and unlike experiments and survey, document study is especially well suited to study over a long period of time.
- Document study shares with observation the advantage that spontaneous actions or feelings can be recorded when they occur, rather than at a time specified by the researcher.
- Although the cost of documentary analysis can vary widely, it is inexpensive compared to large-scale surveys.
- Although documents vary tremendously in quality, many documents, such as newspaper columns, are written by skilled social commentators and may be much more valuable than, for example, poorly written responses to mailed questionnaires (Bailey, 1978, p. 267-269).

Many researchers use data from the available data archives for secondary analysis. Secondary analysis is the analysis of a document or data gathered or authored by another person. The secondary analyst generally has a research goal different from that of the first researcher (Bailey, 1978).

Hyman (1972) presented a comprehensive treatment of secondary analysis. Among the benefits of secondary analysis listed by Hyman are: (a) a savings of time and money by use of available data rather than collection of original data; (b) less invasion of privacy by using existing data rather than collecting new data; and (c) ease in making comparative analyses. Comparative studies would include trend studies or comparisons over time.

Van Dalen (1966) in writing about documentary analysis, explained that when conducting this qualitative type of study, the researcher is relatively less concerned with the content as such than with content as a reflection of "deeper" phenomena.

The process of document analysis was conducted prior to the interview stage. The purpose of the document analysis was to ascertain illustrative data regarding the political system in Colorado. The documents and mass media information covered a time span of eight years. Thus, it was possible to reconstruct a historical perspective of the policy issue. Documents were also used throughout the study as a cross reference. Data collected at a later time by interviews were compared with the data collected from the documents. Data from the documents were also clarified and expanded through the interview process. Document analysis revealed subtle data which were verified through the interview process (Brandt, 1972). Documents were at times superior to interviews because they covered details of the political system beyond the sphere of a particular actor and were more precise than the interviewee's

memory. Documents provided descriptions of events which the researcher could not have observed directly (McCall & Simmons, 1969).

Procedure for Collecting Data: In Depth Interviews

The second stage of data collection was the conduct of in-depth interviews. Conway and Feigert (1976) suggested that in certain instances, research cannot take advantage of very large survey samples, records of individual or group behavior, formal documents, or observations of behavior, or it cannot rely completely on these sources. In such cases, it may be possible or desirable to conduct in-depth interviews with a limited number of respondents.

The purpose of the research guides the means by which respondents are selected. In some research, interviews should to some extent represent a large population, in which case normal sampling procedures can be applied. In other research, one cannot determine representativeness beforehand for various reasons, for example, a study that seeks to develop hypotheses that are subject to replication later. Such a procedure is employed in a case study, where the researcher in the initial phases attempts to determine the existence of an event, situation or process (Conway & Feigert, 1976).

Van Dalen (1966) wrote that many people are more willing to communicate orally than in writing and, therefore, will provide data more readily and fully in an interview than on a questionnaire. In a face-to-face meeting, an investigator is able to encourage subjects and to help them probe more deeply into a problem, particularly an emotionally laden one. Through respondents' incidental comments, facial and bodily expressions, and tone of voice, an interviewer acquires information that would not be conveyed in written replies. Such auditory and visual cues help the researcher key the tempo and tone of the private conversation so as to elicit personal and confidential information and to

gain knowledge about motivations, feelings, attitudes and beliefs (Van Dalen, 1966).

Bailey listed the following advantages of Interview Studies:

1. Flexibility. Interviewers can probe for more specific answers and can repeat a question when the response indicates a misunderstanding. The interview situation makes it possible for the interviewer to decide what questions are appropriate, rather than writing them all in advance.
2. Response rate. The interview tends to have a better response rate than the questionnaire. Many people simply feel more confident of their speaking ability than of their writing ability.
3. Nonverbal behavior. The interviewer is present to observe nonverbal behavior and to assess the validity of the respondent's answers.
4. Control over environment. An interviewer can standardize the interview environment by making certain that the interview is conducted in privacy, that there is no noise.
5. Question order. The interviewer has control over question order and can ensure that the respondent does not answer questions out of order.
6. Spontaneity. The interviewer can record spontaneous answers. Spontaneous answers may be more informative and less normative than answers about which the respondent has had time to think.
7. Respondent alone can answer. The respondent is unable to "cheat" by receiving prompting or answers from others.
8. Completeness. The interviewer can ensure the answering of all

questions (p. 157-158).

McCall and Simmons (1969) emphasized that in general, interviewing, of whichever kind, is more flexible than observation, allowing the researcher to circumvent the barriers of time, space, and closed doors.

Lofland (1971) elaborated on what he called the "unstructured interview" or "intensive interviewing with an interview guide." Its object is not to elicit choices between alternative answers to pre-formed questions but, rather, to elicit from the interviewee what he considers to be important questions relative to a given topic, his descriptions of some situation being explored. Its object is to carry on a guided conversation and to elicit rich, detailed materials that can be used in qualitative analysis. Its object is to find out what kinds of things are happening (p. 76).

The interviews conducted for this study were carried out following the document study. Inferences drawn from the data collected during the reading and/or listening to documents provided a base for questioning. Information about the interviewees' past involvement with bilingual education policymaking was gained in the interviews. The basic topics on which to focus questions and a general sequence of their presentation were predetermined in the interviews. The interviewer still maintained the freedom to probe indirectly.

Individuals were selected to be interviewed because of their significant involvement in the bilingual education policymaking process. The individuals were chosen for interviewing when there was a need for verification of data, generation of new data, or to gain an idea of the sentiments related to a specific situation or issue. Interviews were structured not only to obtain opinion and reaction content but also retrospective accounts of situations, events and practices that could not be observed directly. The interviews were also aimed at

determining the subjective impact of a given experience.

During the interviews the researcher was aware of the importance of using a wide variety of questions. The following types were utilized during the interview sessions:

1. Leading questions, used in initiating a topic on which opinions were desired.
2. Comparative questions, used in seeking preferential judgments among content items from the respondents.
3. Recall-of-past-event questions, used in obtaining what respondents remember about a given event or type of event.
4. Recall-of-past-behavior questions, used frequently to specify concrete performance data as a prelude to asking if such behavior is typical of the respondents.
5. Feeling questions, used to obtain subjective, affective reactions to past events.
6. Cause-effect questions, used in determining respondents' reasons for particular happenings and situations.
7. What was-there-about-it questions, used in stimulating respondents to cite additional details about their reactions, opinions, or happenings.
8. Would questions, used to assess respondents' beliefs about action standards.
9. Should questions, used to assess respondents' beliefs about preferred and ideal actions and situations.
10. Why questions, used for various purposes, in general to probe for more detail than has been given in an earlier question (Brandt,

1972, p. 169-172).

Treatment of the Data

Indicated previously in the body of this study was the researcher's intent to produce a descriptive case study of an exploratory nature. The primary purpose was to learn as much as possible about the Colorado political system as it dealt with bilingual education policy. Additionally, there was a fundamental concern with locating and describing the relevant variables and suggesting how they related to each other.

Schneider (1976) reported that the fundamental technique for reporting prior legislative histories is the case study. Case studies focus on one policy issue or governmental action and provide the basis for generalizations about the political process. Marmor's (1970) legislative history of Medicare shows that a case study aids in the analysis and interpretation of the policy-making process. This research tool lends itself well to the study of the processes of policymaking and the substance of policy itself. The primary objective is an illumination of the way in which specific processes worked or in the way policy was formulated. Hofferbert (1974) indicated that the goal of most political scientists' case studies is to tell us why a particular result occurred and how the process that produced it worked. He believed that numerous case studies have become standard references because of their insight and obvious relevance in assisting toward an understanding of the policy process.

Freeman and Sherwood (1970) posited that the analysis of an individual case and the comparison of a number of cases are important methodological approaches to understanding social behavior and processes. Case studies provide the insights required to bring the problem into focus and develop the framework for a study. Such studies, partly because of their narrative mode, stress the

actions, hopes, and expectations of individuals; it is one of their strengths that they bring to the curious student a sense of the human dimension in the policy-making process (Hofferbert, 1974).

Schaefer and Rakoff's (1970) model was utilized as a conceptual base for this study. Riley (1963) reported that the well-trained investigator generally realizes that he is forced to select from the universe of phenomena, and so makes an effort to become aware of the bases for his selection. This selection tends to reflect the theory he has in mind, the kinds of assumptions which are implicit, if not explicit, in the original conceptual model. Thus, this researcher started with the Schaefer and Rakoff concept-notions of the political system as a network of relationships that support and are supported by the interaction among its members. These concepts guided the researcher in looking for particular kinds of data and in abstracting the relevant aspects of interaction from what was examined. The model, "A Model of The Policy Making Process", is based upon a conceptualization of the interrelationship of the political system properties and parts.

Hofferbert (1974) indicated that exploratory case studies have a fairly common format:

1. A single public policy decision, such as an executive order or a statute, or a set of closely related policy decisions is isolated for investigation.
2. The case analyst gives a history of the development of policy in the particular area.
3. The case study focuses upon political conflict. Affected interest groups are identified and an effort is made to assess the impact of their activities.

4. The last step is to reconstruct, within the context of a bargaining model, the attitudes of participants and the actions they pursued. The various components that are perceived to have been operative in the policymaking process are weighed and their relative effect on the output is gauged and assessed.

It was this researcher's intent to organize this case study employing such a format. The data were treated as sources which explained the differing viewpoints held regarding the nature, intent, and consequences of the Colorado bilingual education policy. The researcher analyzed the sequences and interrelationships of the political system and constructed a comprehensive, integrated picture of the system as it functioned in society.

Summary

This investigator's research design was qualitative in nature. Two data-gathering techniques were employed: (a) document analysis and (b) in-depth interviews. Legal documents, Colorado legislative records and evaluation reports, as well as secondary sources were examined and analyzed. Individuals chosen for the in-depth interviews were significant actors in the bilingual education policymaking process. The interviews were structured not only to obtain opinion and reaction content but also retrospective accounts of situations, events, and practices that could not be observed directly.

This researcher reported his findings by producing a descriptive case study of an exploratory nature. Schaefer and Rakoff's model, "A Model of the Policymaking Process" was utilized as a conceptual base for this study. The result was a reconstruction of the attitudes of participants and the actions they pursued as they considered bilingual education policy in the State of Colorado.

CHAPTER IV

BILINGUAL BICULTURAL EDUCATION IN COLORADO: THE FORMULATION, IMPLEMENTATION AND CONSEQUENCES OF EDUCATIONAL POLICY

The Issue

The human species has clearly differentiated itself from other forms of life. Like other beings, humans are food, shelter, and mate-seeking animals. But we insist upon being more than competent animals. Clark (1974) reported that the evolution of the human brain made possible and demanded thought and introspection, the emergence of an awareness of responsibility for others, the development of the superego. Man began to think and to feel, and could no longer reject those who were weak. The results were sensitivity, responsiveness, and moral confusion leading to the human predicament: the demand for human unity and universal identification competing with the demand for personal survival and disunity. The tension between these two forces creates an imbalance among and within groups of men which results in actions of violence, injustice and cruelty (Clark, 1974). Humankind seems always intent on understanding and eliminating man's inhumanity to man by defining and redefining "truth" and "justice."

American culture contains three strongly held values that significantly influence public policy: equality, efficiency, and liberty. Government action or

inaction regarding defense, housing, taxation, racial desegregation and hundreds of other policy dimensions, including education, are motivated and moulded by one or more of these three values (Garms, Guthrie, & Pierce, 1978).

American political ideology champions equality and freedom. Thomas Jefferson proclaimed in the Declaration of Independence that "All men are created equal..." Among the eighteenth century leaders of the New Republic, education was viewed as a means to enable the citizen to participate as an equal in the affairs of government and was thus esential to ensure liberty (Rudolf, 1969).

Tumin (1977) believed that equality of opportunity refers to what sociologists call life chances; that is, the chances of having the relevant talents and powers of an individual discovered, trained, recruited, and employed in the competition for making a living and for securing a place on the ladders of property, prestige, and power that characterize American society. Public education has been a primary battleground for debates and developments relative to this country's pursuit of equality of opportunity. Americans have always placed great faith in the power of education and have hailed its potential for affecting societal relationships. Nevertheless, progress toward a more equal society through the provision of equal educational opportunities for students in American public schools has proceeded, at best, at a snail's pace.

The two decades that followed World War II are widely regarded as a time when a major portion of mid-twentieth century education policy was directed at achieving greater equality. The United States Supreme Court's 1954 landmark decision in the case of Brown v. Board of Education of Topeka, Kansas was the beginning. In that case, the Court broke with judicial precedent by declaring legal racial segregation in public schools to be in violation of the

United States Constitution's (Fourteenth Amendment) guarantee of equal protection for all citizens of a State. Sociological as well as financial matters were held to be important determinants of equal opportunity in public schools. Questions such as differential expenditures in black and white schools were considered along with the effects of enforced segregation on the self-image and motivation of the minority-group students (Menacker & Pollack, 1974).

Again, in 1964 the Supreme Court moved further into other facets of education's impact on equal opportunity. The Court heard the case of Griffin v. Prince Edward County School Board. This Virginia county had closed all of its public schools in order to avoid integration, but the Court ordered that they be reopened. Furthermore, the county was forced to cease tuition payments to private schools established for white students. Another landmark Supreme Court decision in educational equality came in 1967, in Swann v. Charlotte Mecklenburg Board of Education. In this case, the Court reiterated that segregation based on race was a denial of the equal protection clause under the Fourteenth Amendment. The Court also went beyond its usual generalist role and specified the remedy -- massive student busing to integrate the schools of the North Carolina school system. These decisions were among many State and federal court decisions which guaranteed the rights of racial and ethnic minorities.

The courts have not been the only stage for action. In the 1960s the people of this country rediscovered the remarkable extent to which poverty persisted in American society. Thus, poverty within the land of plenty became the concern of social reformers. Again, these social reformers saw education as a powerful device for achieving social change. Those who subsisted on low incomes were perceived as inadequately educated. Discrimination in employment and housing was believed to be the result of a lack of education. It was

widely accepted that if poor Blacks, Chicanos, Whites, Puerto Ricans and Native Americans could be given more schooling and training for jobs, they would receive higher-paying jobs that would remove them from poverty (Carnoy & Levin, 1976).

The Johnson Administration's War on Poverty also produced many pressures for educational reform. For the very young there was Head Start with its emphasis on improving the skills of pre-school youngsters from low-income families in order to prepare them for entry into elementary school. At the elementary and secondary levels the Elementary and Secondary Education Act of 1965 provided billions of dollars a year to school districts for instituting and financing compensatory education programs for poor children. For school dropouts and potential dropouts there were training and education programs such as Job Corp and the Neighborhood Youth Corp. A variety of programs including Upward Bound were expected to increase the participation of the disadvantaged in higher education. For adults there were manpower training programs, especially those provided under the Manpower Development and Training Act of 1962.

School reformers in the 1960s and 1970s also scrutinized the substance and resources of the public school classroom. Additional personnel were employed for instructional purposes including para professionals. Class size was reduced, remedial specialists were trained, new materials and instructional technology were adopted and the curriculum was modified in order to improve the rate of learning of children from low-income backgrounds. Multicultural education was conceptualized and school districts began to retrain teachers and scrutinize their instructional materials in order to eliminate stereotypes and racial bias from the curriculum. Teacher-training institutions initiated courses

designed to include preparation for teaching in urban and rural environments. Courses on the "disadvantaged child" were mandatory in any respectable teacher education program. Bilingual education and teaching English as a second language courses also proliferated among such institutions.

Carnoy and Levin (1976) argued that the educational reforms of the 1960s were based on the belief that certain groups were below the poverty level mainly because they lacked the skills to be productive in a system that rewarded merit. They tended to have less schooling than non-poverty groups; disadvantages in their homes, discrimination, and inferior schools were thought to provide a lower-quality education to them than to their more advantaged counterparts. The basic educational reforms were predicated on overcoming these shortcomings through correcting the biases in the school system and compensating minority students for the inadequacies of their sociocultural background.

The development of bilingual education in the United States has been reviewed at length in Chapter II of this study. Equal educational opportunity and school reform, not bilingual education, appear to be the appropriate generic terms for the perceived needs element of the Rakoff -- Schaefer model. The perceived need for school reform has resulted in a variety of reform proposals over the past 25 years. Initially, these reform proposals or mandates emanated from the federal level and/or the judicial system. More and more the pressures for assuming additional responsibilities for school reform, school finance and general improvement are being applied to individual States. The predominant challenge has been the demand of various minority groups for more influence in school policy and control. The basic argument is that the public schools have failed minority children because they have been unresponsive to their needs. Minorities have attempted to work through the traditional policymaking struc-

tures to accomplish their objectives but it is clear that such attempts have not resulted in significant changes. Equal educational opportunity continues to elude large numbers of minorities in this country. The effort of Chicano people in the State of Colorado, to establish bilingual education programs in the public schools, is an example of the relentless minority struggle to secure a more meaningful access to the educational process. The remainder of this chapter is devoted to a detailed account of the aforementioned struggle. The researcher has chosen to report the story by employing Rakoff and Schaefer's conceptual framework. The formulation, passage, implementation and repeal of The Bilingual Bicultural Act in Colorado is fitted into the policymaking process as presented in "A Model of the Policymaking Process." At various times in the narrative, direct quotes of significant actors are recorded. These quotes have not been edited and are presented as they were recorded by the researcher.

Social Conditions

The life chances of children are said to be at stake in the education system in the United States (Menacker & Pollack, 1974). Without the "advantages" of formal education the credentials and training for a productive life are simply not available. Virtually no segment of society is unaffected by the form, shape, fashion, and manner of public education. Parents are confused, public figures seem unable or unwilling to provide educational leadership, and school personnel are afflicted with varying degrees of frustration, rage or smug satisfaction.

For many years, the dominant white society seemed unconcerned about the schooling of "Mexicans." Educators, for the most part, shared the larger community's view of them as outsiders who were never expected to participate fully in American life. Attitudes were tinged with racial prejudice

and the literature always emphasized the inadequacies of the child of Mexican descent (Carter & Segura, 1979). The low test scores of Chicano children were considered evidence of innate intellectual inferiority. Mexicans were believed to be capable only of manual labor. As one Texas farmer put it: "I am for education and educating my own children. But the Mexicans, like some whites, get some education and then they can't labor. They think it is a disgrace to work. The illiterate makes the best farm labor..." (Taylor, 1934, p. 196).

Finally during the 1960s society awoke to the Mexican American reality. Educators belatedly recognized that Chicano school enrollment and academic achievement were substantially lower than for other groups and that the dropout (or pushout) rate was alarmingly high. Other social indicators came to light: high rates of unemployment and underemployment were characteristic; Chicanos were grossly overrepresented in low-skill occupations. Housing was poor; political participation was low. Mexican Americans, the nation's second largest minority, were more economically, socially and educationally disadvantaged than blacks (Carter & Segura, 1979).

The most significant force which influenced Chicano educational activists and which provided the ammunition for demanding educational reform was the Mexican American Education Study conducted by the U. S. Commission On Civil Rights in the early 1970s. The study was conceived and designed with two purposes in mind: (a) to compile extensive new empirical data defining the status of Mexican American Education in the Southwest and (b) to utilize the data as a solid factual foundation to stimulate swift constructive changes in education at the federal level, through the States, and down to districts and individual schools (U. S. Commission On Civil Rights, 1974). The study was unique at the time because it was not a study of the Mexican American student,

i.e., the social, economic, and familial characteristics of school-age children but a close look at the schools as they responded, or failed to respond, to minority groups. The study was limited in scope to Mexican American children in the following five Southwest States: (a) Arizona (b) California (c) Colorado (d) New Mexico and (e) Texas. The research was designed to answer the following three fundamental questions:

1. What current practices in Southwestern schools appear to significantly impinge on educational opportunities for Mexican Americans?
2. What current conditions in these schools appear to affect educational opportunities?
3. What are the significant relationships between these practices and conditions which affect educational outcomes for Spanish-speaking students? (U. S. Commission on Civil Rights, 1974).

The gravity of the conclusions reached by the U. S. Commission On Civil Rights in its sixth and final report can be realized by the following statements:

> ...the Commission has documented the inadequacies of the schools and their lack of concern for Mexican American children, who represent nearly 20 percent of the school enrollment in the Southwest. They reflect a systematic failure of the educational process, which not only ignores the educational needs of Chicano students but also suppresses their culture and stifles their hope and ambitions. In a very real sense, the Chicano is the excluded student. The language which most Chicano children have learned — Spanish — is not the language of the school and

is either ignored or actively suppressed. English, a language in which many Chicano children are not fluent, is the exclusive language of instruction in most schools of the Southwest. Yet, with little or no assistance, Mexican American children are expected to master this language while competing on equal terms with their Anglo counterparts. Not only has the educational establishment in the Southwest failed to make needed changes, it has failed to understand fully its inadequacies. The six reports of the study cite scores of instances in which the actions of individual school officials have reflected an attitude which blames educational failure on Chicano children rather than on the inadequacies of the school program. Southwestern educators must begin not only to recognize the failure of the system in educating Chicano children, but to acknowledge that change must occur at all levels -- from the policies set in the State legislatures to the educational environment created in individual classrooms (1974, pp. 67 & 69).

Heavily armed with factual data such as the Mexican American Education Study, Chicano reformers began to raise serious questions of local education agencies. It became increasingly clear that school officials, for the most part, were either unable or unwilling to respond in providing data which documented the educational benefits being derived by Mexican American students in Colorado public schools.

Economic Conditions

Education is not free. It requires an expenditure of considerable time and resources, both human and material. The costs of formal schooling amount to billions of dollars, making schooling one of the most important economic activities in the United States. Education is the single largest category of

governmental expenditures in America today (Burke, 1971). As an example, in 1974 public education consumed 108.7 billion dollars or 7.8 percent of the total goods and services produced that year (Garms, Guthrie & Pierce, 1978).

Nevertheless, broad economic support for public education has diminished. For some 10 years now, school bonds and operating budgets have increasingly met defeat at the hands of local voters. The property tax, which is the source of most government revenues for education, is under attack, charged with being inequitable as a device for extraction, and inappropriate as a basis for allocations of monies for education.

Another judicial battle which surfaced in the 1960s and continues presently is the extent to which States are providing equal educational opportunity in school districts differing greatly in property wealth. This is a legal-financial battle to change the pattern of local district school finance in such a manner designed to benefit poorer communities, possibly at the expense of the rich (Menacker & Pollack, 1974). The matter hinges on the different levels of financial support for schools in different school districts of the same State. Although the States have ultimate authority for public education, the pattern that has developed in almost every State is for the State to delegate a large measure of authority for the control of the schools to local school districts. Thus, the development, establishment and tradition of the concept of "local control." To further validate this concept, the public education system developed a pattern in which the majority of funds for supporting schools are raised locally. The money is almost totally derived from taxing the property within the district. Even though almost every State has a system of equalizing the financial levels and a policy ensuring that even the poorest district will have enough money for a minimally acceptable financial level, the differences in the wealth

of communities results in wide-spread differences in the dollars spent for the education of students in the same State.

There are those who believe that the wealth available to support public education that exists throughout the State should be distributed among all students of the State on an equal basis. Accordingly, students living in a poorer community should have the same amount spent on their education as is spent for the education of students fortunate enough to live in wealthy communities. Those who believe thusly, have turned to the courts as the instrument of redress on this matter. The California Supreme Court in Serrano v. Priest ruled that California's formula for financing public education was unconstitutional because it makes the quality of a child's education dependent upon the resources of his school district and ultimately upon the pocketbooks of his parents and neighbors. The Court said "that the right to an education in our public schools is a fundamental interest which cannot be conditioned on wealth, we can discern no compelling state purpose necessitating the present method of financing." Another school finance case which originated in Texas, Rodriguez v. San Antonio was appealed to the U. S. Supreme Court. The Supreme Court overturned a Federal District Court Ruling and concluded that education did not comprise a fundamental right. Thus, the State was not obligated to demonstrate a "compelling interest" in defense of the fiscal disparities which accompanied its school finance formula. Though acknowledging the Texas school finance formula might be unjust, the Court ruled it was not unconstitutional. More importantly, this decision established individual State courts as the proper arena for future school finance reform battles. Most recently in the State of Colorado, Judge Joseph Quinn of the Denver District Court in the case: Lujan v. Colorado State Board of Education, ruled in favor of the plaintiffs who challenged the

constitutionality of the Colorado school financing system. The ruling has been appealed to the Colorado Supreme Court and the Court is expected to issue a decision in the spring of 1982.

Any reform measure or proposal cannot survive without sharp scrutiny to determine its economic implications and assumption. Many such measures derive from preliminary economic considerations, although there is no guarantee that such considerations are likely to have any real effect on program outcomes or real costs. The economics of public education is of major importance in the development and progress of public education policy initiatives.

In the case of bilingual education in the State of Colorado the catch phrase "prevention is cheaper than remediation" was expressly promoted as a key factor in development of the legislation. Additionally, supporters of the legislation argued that bilingual education would drastically increase the schools' holding power of Chicano students. This in turn would make these students productive members of American society. The implication was that fewer Chicanos would be on the welfare rolls of the State of Colorado.

Ecological Conditions

Without a satisfactory means of measuring the quality of life, which would include measures of the ecological impacts of past, present, and alternative educational practices, it is impossible to relate ecology to schools, education and educational policies. Consideration of ecology, insofar as public issues are concerned, has been limited to the policy boundaries surrounding such issues as land use, transportation systems, levels and effects of certain forms of industrialization, and questionable agribusiness practices. Ecology has been assumed to be relevant to schools in terms of curriculum policies. Thus, while there may be ecological conditions that are deserving of attention insofar as

educational reform measures go, they have not yet entered the arena of public discussion and debate.

Perceived Needs

If the movement in the 1960s for equal educational opportunity and educational reform set the stage for the political drama of The Bilingual Bicultural Act in Colorado, it did not write the script. Necessity may indeed be the mother of invention but it is clear that it is not the invention. In the arena of public policymaking the theories of experts and a variety of institutional and personal channels through which such theories gain political support are indispensable links between a social need and a resultant legislative proposal (Bailey, 1950). So it was with bilingual education in the State of Colorado. Special attention must be given to the forces which initiated a policy response by the political system.

There are few who would question the contribution of Ruben Valdez to the successful passage of The Bilingual Bicultural Act. Valdez is a native Coloradoan who was born in Trinidad. He was the youngest of nine children in a one parent family. At the age of 15 Valdez dropped out of school to go to work in a brick yard for the purpose of contributing to the family income. Later, he went to work in California at a can company and became actively involved in the unions. It wasn't long before he became the shop steward with the United Steel Workers Union. Four years later he returned to Colorado, secured a job with Continental Can Company in Denver and again actively involved himself with the local union, soon becoming president. Meanwhile he enrolled in the Opportunity School in Denver and earned his GED. In 1967 he left Continental Can and accepted a position with SER, a manpower training agency. Eventually he became the director of the SER program. In 1970, Valdez ran for the State

legislature and was elected as a democratic Representative to the House by voters in a west Denver district. He remained in the legislature for eight years, serving as the Democratic Speaker of the House, House Minority Leader and Democratic Caucus Chairman. In 1978 Valdez ran for Lieutenant Governor and was unsuccessful in the Democratic Primary. Shortly after his unsuccessful bid he was appointed by President Carter to serve as the Regional Representative for the Secretary of Transportation in the Rocky Mountain Region. Approximately one year later, Governor Lamm appointed Mr. Valdez as Executive Director of the Colorado Social Service Department. He has continued to serve in that capacity up to the present time. During these years of public service, Valdez also enrolled in college and earned a bachelor's degree with a major in political science.

Valdez's involvement in social issues started early in his adulthood. He was actively involved in the Denver Chicano community and was instrumental in pointing out the insensitivity of the white establishment to the plight of the Chicano. It was during this period of time that he became aware of the educational needs of Chicano students. Valdez was alarmed at the number of Chicano students who continued to drop out of schools. As a member of the State legislature he communicated with Chicano educators who shared with him the need for educational reform. His sensitivity to this particular issue prompted him to begin working with a group of concerned educators. It was this group which began to strategize and consider alternative means for initiating necessary changes in the educational system. Ultimately, the instrument decided upon to initiate educational reform for Chicano children was bilingual education. In reflecting upon that decision Valdez recalls:

We just decided to go. We knew it was going to be a controversial

subject. It certainly was. We knew that one of the biggest problems we faced was misunderstanding and I still feel looking back that the biggest trouble that bilingual education has had is misunderstanding of the concept of bilingual education, not only among the majority community; but amongst our own people, among the educators. It was hard to sit ten Chicano educators down and get them to tell us what bilingual education was. We decided to sort of take charge and say what we thought it ought to be doing and got most educators to agree with us. We, the legislators at that point just decided that there was just too much out there to try to incorporate everything and nobody ever could, everybody had a different concept. We said, well, two things. We have to gear this for Colorado. We can't...I think the first bill was passed in Massachusetts and there is a large Puerto Rican population there. We didn't know what the problems were but we certainly knew that we couldn't adopt everything from that bill over there. We wanted to get it geared to the Chicano in Colorado. As you know there is a diverse community out there in terms of...You know, if you're from Denver and you're a kid growing up on the west side in the last 10 years, you probably weren't speaking Spanish, you were speaking English but not adequately. So we felt like we had to address the needs of that child. But on the other hand, if you were in Fort Lupton or some place where the migrant stream was coming for the winter it was purely Spanish. On the other hand you had people that were here from Mexico that didn't have any mixture at all. They were recently settled in from Mexico, so it just varied all over the state (Valdez, 1982).

On February 15, 1973, Representative Valdez introduced House Bill

1224: A Bill For An Act Concerning Bilingual and Bicultural Education and Enacting the Bilingual and Bicultural Education Act. The bill was cosponsored by 11 other legislators including Representative Lamm who, one year later, was elected Governor of the State. The bill would make it mandatory for school districts to provide bilingual education if there were 100 or more pupils under the age of 12 with limited Engish language skills, or if 25 percent of the pupils in grade levels kindergarten through four had limited English language skills. The bill was immediately assigned to the House Education Committee for consideration. On February 26, 1973, the House Education Committee began their deliberations on H.B. 1224. Mr. Valdez began the process by carefully detailing the various components of the bill. Following his explanation the committee began to hear testimony in support of the bill. Thirteen individuals presented statements which spoke to the expected benefits of the legislation. Included among those who testified were several Title VII Bilingual Directors in the State, a Head Start Director, a representative of the Catholic Diocese in the area, a representative of the State Department of Education and the Dean of the College of Education at the University of Northern Colorado.

After hearing testimony and debating the merits of the bill, the House Education Committee recommended several amendments which made the bill permissive rather than mandatory. The bill, as amended, was referred to the Committee on Appropriations. The Appropriations Committee recommended that the bill be passed on to the Committee of the Whole with a favorable recommendation. On June 6, 1973 H.B. 1224 was passed by the House.

Shortly thereafter, Representative Valdez introduced the bill to the Senate Education Committee where Senator Fowler served as chairman. It became clear immediately that the bill did not have the support necessary for

passage. The Senate Education Committee argued that insufficient time was available to seriously consider the bill. The committee was clearly troubled by their perception that the bill would establish two separate school systems in the State. Shortly thereafter the Senate Education Committee voted to place H.B. 1224 into indefinite postponement thereby effectively eliminating any opportunity of passage during the 1973 legislative session.

On January 23, 1974 Representative Valdez introduced House Bill 1114: A Bill For An Act Making An Appropriation To The Department Of Education For Programs Of Bilingual Education. By this time Valdez had secured 19 cosponsors for the bill including 14 Representatives from the House and five Senators. Again the bill was referred to the House Education Committee. The House Education Committee, with the influence of Representative Lucero, passed the bill on to the Appropriations Committee with a favorable recommendation. Upon reaching the Appropriations Committee H.B. 1114 died quickly with action by the Committee to postpone the bill indefinitely.

Although passage of bilingual education legislation was unsuccessful in 1973 and 1974, considerable progress was made in gaining influential support for the concept. The two significant human forces in the legislature who labored long and hard for passage those two years were Representatives Valdez and Lucero.

Valdez believed these first two years of introducing a bilingual bill were invaluable in paving the way for success in 1975:

> I think the general assembly was, even when we were able to pass it was always concerned about the mandatory provisions. Probably if you think back 1973 was a time when we were going through some changes, but most of them (legislators) felt that Colorado hadn't arrived yet.

They also felt that they weren't sure about the program yet, what it was going to do and they wanted school districts to look at it and try to decide for themselves whether it was something they wanted to get into or not (Valdez, 1982).

Valdez, in talking about the strong opposition in the Senate noted: I'm not sure that it wasn't easier for them (members of the House) to let us get the bill through the House knowing it was going to get killed in the Senate. As you see, that happened a few years, right? I just feel that the Senate never had, for whatever reason, the kind of testimony we had in the House. They never had the committee meetings, the leadership in the Senate wasn't there on bilingual education as it had been in the House, so they weren't exposed to it as much and therefore didn't understand it so that was part of the reason (Valdez, 1982).

Representative Leo Lucero, a Democrat from Pueblo, in reflecting back upon the early struggle for bilingual education legislation, recalls:

We began to try to get some political backing. By that time Ruben (Valdez) and I knew what the system was. We thought that merely being a good idea to the legislature wasn't going to help. We had to get outside forces to say to the legislature that this is a good bill. Once we had the bill in front of us, we began to tell all these other organizations, get out and get support from your State legislator. Wherever they are at, you start getting people to recognize that bilingual becomes a need in the State of Colorado in the educational system. We felt that this was a program that was coming through and by the people. You know, it wasn't a program that I thought up myself, or Ruben, or anybody else. There was really a lot of involvement. It became very

close and dear to me -- politically, ethnically, and culturally. We knew that the State of Colorado is tough, except its shell. We knew that if you want to get legislation through here you put a million backers. We had some good backing, good sponsorship in the House. We had our stuff together. We knew what we were talking about. All we knew at that time was that it was a political game and that we were going to have to use political muscle at that time. We knew that it was no longer going to be thought a very good teaching bill, an educational bill (Lucero, 1982).

Despite the unsuccessful attempts in passage of the bilingual education legislation in 1973 and 1974, Representative Valdez remained quite optimistic regarding future bilingual legislation:

Basically, we were trying some things out, maybe at that point trying to feel our way through. I just felt that it was a good concept. I felt that if I had enough time that I would eventually be able to sell it. I didn't have any illusions about getting it passed the first year or second year. I, of course would have been delighted had it passed, but knowing how things happen up there, I felt I had to introduce the concept and keep hammering away at it. I said, one of these days it's going to be law in Colorado and we have to start now. The sooner we start and get our message across, the more we educate legislators on it and the general public, the quicker we will be able to realize our goal, so it was an educational process. I think it received a lot of play in the press. It was a controversial subject to be sure. It received a good deal of testimony and we were starting to bring people together. And of course, the opposition was starting to line up. It was very interesting.

> Kind of exciting. I just knew in my own mind that someday it would become law. I didn't know when or where, but I just knew that it would and I knew that I had to pursue it, so my intention was as long as I was going to be there I was going to be introducing that concept, that this was something that was needed (Valdez, 1982).

It was not difficult to discern that the issue of bilingual education legislation had not died. Sponsors and supporters of the educational technique had just begun to fight. The stage was set, preliminary battles had taken place, lines were drawn, but the war was just beginning.

The Political System: Political Demands and Aggregation

A major policy bill is not conceived in one moment and enacted in the next. The Bilingual Bicultural Act had a six month gestation period and as already detailed, its ancestry dated back more than two years. The social conditions and educational needs in relation to Chicano children had certainly not changed and reform advocates continued to press for meaningful educational alternatives. Of significant importance to Colorado reformists however, was the legal sanction given to their struggle by the highest court of the land.

In 1974 the United States Supreme Court decision, Lau v. Nichols, affirmed the responsibility that school districts had in establishing meaningful educational programs for language different students. The resultant Lau Remedies, established by the Office For Civil Rights as guidelines for reviewing local educational agencies' compliance plans, clearly indicated a preference for initiating bilingual education programs. Consequently, in 1975 members of the Colorado political system not visibly supportive or perhaps actively opposed to bilingual education legislation could not ignore this decision.

The Chicano Education Project

In 1974, a Colorado native, Gilbert Cisneros, met Alabama-born civil rights organizer Bill Rosser. Together they set out to establish an agency which intended to "tell and retell the story of how the public school system continues to discriminate against Hispanics" (Chicano Education Project, 1980, p. 34). The result was the Chicano Education Project (CEP) which is based in Denver, Colorado. The CEP, a non-profit organization, is totally dedicated to identifying and correcting the educational conditions within school systems which have served to discourage Chicano children from achieving their potential. Joining forces with Chicano legislators and educators, the CEP began to enlist support from the grassroots, i.e., the parents whose children were being denied an equal educational opportunity. Gilbert Cisneros in describing their work with Chicano people stated:

> Our work grew out of a want for people to have some kind of power in a sense of trying to control their own destiny. This really was a movement to begin to involve people in a lot of specific educational issues. I know some of the communities that we traveled into, we kept hearing the same old things, lack of Chicano teachers, the lack of adequate textbooks that reflected the contributions of Hispanics in this country and to the development of the United States. The lack of Chicano administrators, the lack of any Chicanos in the school systems, the great dropout rate of Chicano children, the exclusion of Chicano children in extra curricular activities and on and on and on. (National Public Radio, 1979).

Although the CEP was not hesitant to champion the cause of Chicano plaintiffs such as in Otero v. Mesa County Board of Education, the staff believed

that, in the long run, support of bilingual education legislation in Colorado would result in greater benefits for Chicano students. Consequently, members of the CEP organized a series of workshops all around the State. The response of parents in attending the workshops was overwhelming. Participants numbered anywhere from 100 to as many as 400 in each workshop. It was at these parent workshops that significant components of what was to become The Bilingual Bicultural Act were drafted.

Federico Peña who, in 1975 was serving as the staff attorney for the CEP, strongly believes that their involvement in 1975 was a critical key to enlisting widespread support for bilingual education legislation:

> Back in 1975, despite the fact that Ruben (Valdez) had already introduced some legislation previously which the CEP had been following, it was a view of some of us in the project, and because we had various field offices around the state working with parents in rural areas primarily, that Chicano kids in the State continued to fail academically and were not receiving an equal educational opportunity in the schools. Based on our best information from educators and others, we were led to believe that bilingual bicultural education was one of the most effective ways of helping kids. So, given that, given what had happened in other States (other States had also introduced legislation) we in the CEP, together with parents that we were working with throughout the State were the ones who engineered the movement in 1975. It was not the educators necessarily, it was not the bilingual directors necessarily and it wasn't the legislators necessarily. I think it was the CEP and its parent coalition which brought the issue to the front and did it in such a way which was much different than had been

done in previous years because the efforts of previous years were introducing rather skeletal bills that were not very thorough and comprehensive (Peña, 1982).

Nevertheless, the existence and activities of the CEP were received differently depending upon one's perception and experiences with the organization. Rosalie Martinez, former Director of the Bilingual Bicultural Unit within the State Department of Education believed the CEP's activities to be critical:

> The Chicano Education Project had laid such a groundwork for active participation. I mean they had people out in all the areas looking at those schools and monitoring on their own other than just what the department was doing in monitoring and, also monitoring us. There was a lot of pressure from the CEP. Some people may feel that's giving too much credit to that group. But I really feel in many respects that they're like the NAACP. Very active, you know, and I don't think Chicanos have had that kind of organization. Other organizations like the G.I. Forum and LULAC were not issue-oriented. They provided support, but they weren't activists. I think that CEP was one of the real leading forces in Chicano activism, especially here in Colorado. I mean the fact that they would have no qualms about talking to Vice President Mondale. I mean they and their influence was not confined to Colorado. They were hardworking and dedicated (Martinez, 1982).

On the other hand, there were those who perceived the Chicano Education Project quite differently. Representative Tom Tancredo, an active opponent of bilingual education, was very open in his own perceptions of the project's activities:

> The Chicano Education Project -- their people are articulate and very

competent leaders of the Chicano community. But they are political leaders. They have goals in mind which are not compatible with my own political goals and my own view of this country. I do not want a divided Southwestern United States. I don't want a Quebec here in my home. They do. Bilingualism is a very important part of that whole process. If you do something to minimize the use of the Spanish language among people of Spanish heritage then -- I believe they're right when they say that if they lose that, they'll have lost the battle for separatism. Because that's a major unifying factor. Language always has been. I believe that bilingual education is a seditious action. Now, no way do I believe that all bilingual teachers or aides are seditious. I don't believe that at all. I believe that there are leaders out in the Chicano community who have that as their major goal and they use bilingualism and bilingual education (Tancredo, 1982).

Certainly, the decision by the Chicano Education Project to join forces with already committed bilingual educators and Chicano legislators was a factor which would be significant in the upcoming political battle. The CEP contact and leadership among Chicano people throughout the State provided the widespread, grassroots support which heretofore had not existed among the Chicano community in Colorado.

The Colorado General Assembly

The legislature of Colorado is called the General Assembly. It is the lawmaking body under the State Constitution and makes laws for the State within the constitutional limitations. The General Assembly is comprised of 100 members; 65 in the House of Representatives and 35 in the State Senate. State Representatives are elected for two-year terms and Senators are elected for

four-year terms (Walton, 1973). Legislative general elections are partisan and take place in November of even-numbered years, with half of the Senate and the entire House standing for election every two years.

A review of the recent history of General Assembly elections is useful to an understanding of this study. Up to and including 1980, Democrats have been quite unsuccessful in these elections, controlling both the House and Senate simultaneously for just six years since 1948. Republicans have controlled both chambers for 20 years, while for eight years the parties split control of the legislature. The Democratic party last controlled the legislature during the 1961-1962 legislative session. Since those two years, the Democrats have not won the Senate. However, they did win control of the House following the 1964 and 1974 elections (Simmons, 1981).

It is clear that the Republican party has dominated legislative elections in Colorado during the 1972 – 1980 period. The GOP won a majority of seats in the Senate in each of the five elections. Republicans have continuously controlled the Senate since the election of 1962. Although the Republicans lost the House of Representatives by a large margin in 1974, they were able to hold or regain control in the other four elections of the decade (Simmons, 1981).

In studying the 1964 and 1974 General Assembly elections, most analysts would credit the concept of "coattailing" to the Democrats gaining control of the House of Representatives in those two years. In 1964, it is believed that State Democrats benefitted from President Johnson's landslide sweep of the State. In 1974, a narrow victory by Democrat Lamm was accompanied by a 14 seat Democratic gain in the legislature (Simmons, 1981). Another factor in the legislative election of 1974 is that at the national level the electorate rejected the Republican party. It is widely believed that this

rejection could be directly attributed to President Nixon's involvement and subsequent resignation in the Watergate scandal.

A significant factor which is believed to shape legislative behavior is the ethnic makeup of the legislature. In 1968, Hjelm and Pisciotti described the typical Colorado legislator as: "white, Protestant, male, 35 to 55 years old, college-educated, a lawyer or businessman, a non-Colorado native, and a longtime resident of the State (p. 722). While some changes have occurred, this profile remains essentially correct in 1982. The percentage of Hispanics in the legislature did not reflect their proportion of the State's population from 1971 to 1982. Spanish-surnamed persons were 10.2 percent of the State's population in 1970 and 11.7 percent in 1980 (U.S. Bureau of the Census, 1972). Although substantially underrepresented at the beginning of the 1970s, Hispanic representation has risen steadily, reaching approximately nine percent in both chambers following the 1980 election. Table 1 illustrates the race and ethnic background of Colorado General Assembly members during the 1970's.

All except one of the minority legislators who have served in the General Assembly in the past decade were Democrats. This pattern of legislative representation reflects the voting preferences of Colorado minorities who heavily support the Democratic party. Republicans have few minorities within their ranks from which to recruit candidates and little electoral incentive at the present time to actively pursue minority voters (Simmons, 1980).

Another important characteristic of Colorado government over the past 10 years has been the existence of divided government. From 1970 to 1974, Republicans controlled the governorship and both houses of the legislature. However, Democrat Lamm, who won the governor's office in 1974, has yet to secure a legislature with Democratic majorities in both chambers. Democrats

RACE AND ETHNICITY OF COLORADO GENERAL ASSEMBLY MEMBERS, 1972-1980

Chamber	Year	Race or ethnicity		
		White	Black	Spanish-surnamed
Senate	1972	94.3%	2.9%	2.9%
	1974	91.4%	2.9%	5.7%
	1976	91.4%	2.9%	5.7%
	1978	88.6%	2.9%	8.6%
	1980	88.6%	2.9%	8.6%
House	1972	90.8%	4.6%	4.6%
	1974	90.8%	3.1%	6.2%
	1976	89.2%	3.1%	7.7%
	1978	89.2%	3.1%	7.7%
	1980	87.7%	3.1%	9.2%

Note: From The Electoral System Of The General Assembly, 1972 -- 1980 by Thomas H. Simmons, University of Colorado, Unpublished Thesis, 1981.

won the House in 1974 but Republicans regained control in 1976 and have

maintained control since then. In the Senate, the GOP has held majorities in the State without interruption since the 1962 election (Simmons, 1981). As in other States, the product of divided government has often been "bitter partisan conflict and resultant near-total deadlock" (Ranney, 1971, p. 109).

Governor Lamm has been frustrated in efforts to pursue numerous policy initiatives due to Republican opposition. During the 1975 and 1976 legislative sessions when the Democrats controlled the house, the Governor's programs would emerge from the House only to be killed in the Republican-controlled Senate (Earle, 1976). During the 1976 election campaign, Lamm branded the Senate as the graveyard of good legislation.

On the other side of the aisle, Republicans in the legislature have been stymied in cases where Lamm has vetoed their legislation and in attempts to propose constitutional amendments. A two-thirds vote is needed to override a veto or propose an amendment and Democrats have rarely joined Republicans for such purposes. The current Democratic House Floor Leader Federico Peña (a significant actor in the battle for bilingual legislation) has stated that he believes Democrats have a duty to "confront the Republicans on every issue where we substantially disagree" (Taylor, 1980, p. 4). Majority Floor Leader Ronald Strahle (R — Fort Collins) summed up the importance of partisan legislative domination: "Control...is everything in the legislature. Every committee is composed of a majority of the prevailing party. Being in the minority is no fun" (Delsohn, 1978, p. 48).

It is clear in this case that the unanimity which Chicano reformists and their supporters presented, in making their political demands upon the formal political process, prevented the legislators from side-stepping the issue of bilingual education. It is also quite clear that the unique characteristics of the

1975 Colorado General Assembly were crucial in the eventual adoption of bilingual bicultural education legislation.

Adoption

The first regular session of the Fiftieth General Assembly in the State of Colorado brought with it some new faces and changes in the executive and legislative branches. Former Democratic Representative Lamm had waged a hard battle for the Governor's office and had succeeded in defeating the incumbent. The legislative general elections which also took place in November of 1974 had resulted in the Democrats gaining control of the House, as well as winning more seats in the Senate. Representative Ruben Valdez was elected by his fellow members as Speaker of the House. As a member of the majority party, he was responsible for appointing all committee members; he appointed chairmen of the committees in the House, he made the determination of which committee would consider a proposed bill and he recognized House members for debate. Valdez served as the chief spokesman for the Democrats in the House. He was the debate leader and carefully controlled the flow of legislation by working with the presiding officers. He was chiefly responsible for guiding his party's program through the legislative process (Walton, 1973).

On February 19, 1975, Representative Leo Lucero (D — Pueblo) introduced House Bill 1295: A Bill For An Act Concerning Bilingual Bicultural Education, and Enacting The Bilingual and Bicultural Act, and Making An Appropriation Therefor. Included as cosponsors of the bill were 39 other Representatives and 13 Senators. Introduction of the bill by Lucero was a departure from the previous two legislative sessions. This was no accident but part of a carefully laid plan by supportive legislators.

Representative Lucero in detailing the plan explained:

I had talked to Ruben (Valdez). He says, I am now Speaker of the House. Therefore, you are going to have to be the sponsor of bilingual education and I said, I want to. So, I got together with people throughout the State including the San Luis Valley, all these people, and I told them I would not introduce five or six bills like we had had the previous year. Everybody had a bilingual bill. That was one thing that hurt us the first time. We had about 10 bilingual bills. Everybody was the author of bilingual. Everybody wanted to get on the bandwagon. Because I was talking to Ruben, I said, okay I will not introduce any bill unless we have general agreement by everybody and so any fights or any arguments are not going to be taken here in the legislature with us. We are going to settle them out there. So there was a committee formed to do the screening. They came up with a bill that we thought we all could agree with. Therefore, the bill was introduced rather late in the session. It was almost the latter part of February. The reason for that was that I told them I would not go with five or six bills. We did that finally and came with a strong bill. It was a good bill. Ruben and I and Paul Sandoval and a few legislators got together and decided it looked like we have an instrument going. It is going to be tough, but it is a good bill and it will definitely set up certain things in a school that we haven't used before. It will say that schools will have to do certain things that never have happened before. You will do it. You will be accountable, in other words not just run children through an experience but you are going to be accountable. You will have parents involved. A lot of people will be involved with the school system in helping you make decisions. The school won't like this. This is the first time it is

going to be done. We knew it was going to be a tough go (Lucero, 1982).

Without question, the power base from which the Chicano legislators were operating had shifted dramatically in two years. Valdez, in recalling the difference states:

> The biggest difference was in politics because I was Speaker of the House. At that point the context played a secondary role to political power. That's the way the world works. It would be nice to say that everything passes on its merits and everything is glorious and everything, but that's just not the real world. The real world is who has the power or who doesn't have the power. But, I'm saying you could see the difference in those two years when we really modified the bill in 1975 and started working on it with people from the Chicano Education Project. We were trying to get some parent involvement as we were able to do. We were trying to get a concept that, even though we had the power in the House, that we'd still have to sell it in the Senate. So we made, I think, some pretty realistic changes for the 1975 bill and that was the year that we did it (Valdez, 1982).

House Bill 1295

House Bill 1295 was introduced for the purpose of establishing a program of bilingual bicultural education. The program was designed to serve students in grades kindergarten through twelve who came to the schools with linguistically different skills and who were not able to take full advantage of educational programs taught in English because of their language skills. The students were expected to come from an environment of different customs and traditions which may have included the influence of another language in their family, community or peer group. The program was to give preference to

students with linguistically different skills, but the program was to be open to all other students.

Each school district was to annually conduct a census on or before October 15 or within 30 days after registration to ascertain and identify the number of school-age children in grades K -- 12 with linguistically different skills residing within its boundaries in accordance with rules, regulations, and procedures adopted by the State Steering Committee.

The bill mandated that districts shall develop a plan for bilingual bicultural education in a school having twenty or more students with linguistically different skills or culturally different environments or if five percent of the students in a school had linguistically different skills or culturally different environments. A local education agency may establish a program if there were less than 20 students in a school with linguistically different skills or culturally different environments or if less than five percent of the students in a school building had linguistically different skills or culturally different environments.

A bilingual bicultural program as defined in H.B. 1295 would be a full-time program of instruction in which appropriate subjects shall be given in the language of the students with linguistically different skills or culturally different environments and in English; in which the necessary skills of comprehension, speaking, reading, and writing are taught in both languages; and in which the history, culture, and cultural contributions associated with the language of the students with linguistically different skills or culturally different environments and the history and culture of the United States are presented to the students in both languages.

The program was to be located in the regular program of the public schools and not in separate facilities, and no local education agency shall assign

students to schools in such a way that will promote, encourage, or have the effect of segregating students by national origin or linguistic ability. Every local education agency was to insure that the students enrolled in the program should have an equal and meaningful opportunity to participate fully with other students in all extracurricular activities.

In selecting teachers for the program, districts were to make an affirmative effort to seek, recruit, and employ persons who were bilingual and who shared or reflected the culture of the students with linguistically different skills or culturally different environments who enroll in the program. Districts were to offer contracts to teachers for the program with the consent and participation of the parent committee. Applicants who were bilingual and who shared or reflected the culture of the students with linguistically different skills or culturally different environments were not to be rejected for a program solely because they were not certified to teach, but rather districts were to make affirmative efforts to obtain letters of authorization for persons who possessed a bachelor's degree but were not certified to teach.

The State Department was to allocate money to school districts employing teachers for the bilingual program for the purpose of improving their teaching skills through in-service training sessions. In-service training was to include: (a) development of personal skills in reading, writing and speaking; (b) provision of opportunities to develop general teaching skills; (c) provision of opportunities to develop the ability to identify, create and apply instructional techniques that will enhance the cognitive and psychomotor development of bilingual bicultural children and (d) provision of opportunities to demonstrate practice teaching skills relative to bilingual bicultural education.

Local school districts were to provide for the maximum involvement

of parents of students enrolled in the program. A regular parent committee was to be established with each district offering a bilingual bicultural program. The parents of students enrolled in each respective program of each school were to elect 75 percent of the regular parent committee. The parents elected were to be parents of students enrolled in the bilingual program. In addition to the parent members of the committee, a teacher, teacher aide, community coordinator and the director or supervisor of the bilingual program were to be members of the parent committee. The parent committee, in cooperation with the school board, was to approve and have full and effective participation in hiring, curriculum and budgeting of the bilingual program. The parent committee was to involve itself in visiting other successful or model bilingual bicultural programs and to participate in recruiting trips by the district in seeking, attracting and employing prospective personnel for the program. The district was obligated to furnish the parent committee with the district's plans for the bilingual bicultural program, together with a description of the planning process, as well as the projected times at which each stage of the process will start and be completed. The district was to furnish the parent committee all information available concerning the educational needs of children with linguistically different skills or culturally different environments residing within the district's boundaries and the various programs available to meet those needs. The parent committee was also to have the opportunity to review evaluations of prior programs and was to be informed of all performance criteria by which the programs were to be evaluated. The district was also obligated to consult at least once a month with the parent committee with respect to the administration and operation of the bilingual bicultural program and to provide the parent committee with a reasonable opportunity to periodically observe and comment

upon all program-related activities.

The bill also contained provisions for the establishment of a State Steering Committee whose duties were: (a) select the assistant commissioner of education; (b) adopt all rules, regulations, guidelines, and procedures necessary for the full and effective implementation of the law; (c) adopt appropriate timetables for the submission of district bilingual bicultural plans and adopt standards, criteria, or other measures necessary for evaluating district plans; (d) review any appeals by local school districts whose bilingual plan is not approved; (e) report its evaluations or analyses of all district bilingual plans funded or rejected.

Provisions in the bill also mandated the establishment of a bilingual bicultural unit with the State Department of Education headed by an assistant commissioner of education. The unit's responsibilities were to: (a) study, review, evaluate, publicize, and disseminate all available resources and programs that could be directed towards meeting the language needs of students with linguistically different skills or culturally different environments; (b) study, review, evaluate, publicize, and disseminate to all local school districts on an annual basis, information on student dropouts, retention, special education placement, achievement performance and such other information deemed relevant regarding the ethnic groups of students enrolled in public schools of Colorado; (c) study, review, evaluate, publicize and disseminate all successful and innovative pre-service and in-service programs for bilingual program staffs; (d) compile a data bank on bilingual and bicultural teachers and potential graduates from colleges and universities in Colorado and other States; (e) submit an annual report to the General Assembly regarding the State bilingual program including an evaluation of the program and recommendations for improvement.

Ruben Valdez, who was then Speaker of the House, and Federico Peña, who was then the Staff Attorney for CEP, still remember what they considered to be the important elements of H.B. 1295. Peña vividly recalls:

> Every part of that bill was important. The key elements, we thought, were:
>
> 1. getting parents involved
> 2. having competent teachers
> 3. having some specific program direction given to school districts
> 4. monitoring and evaluation of the programs
> 5. the teeth, the enforcement mechanisms
>
> The stated objectives of the bill were four-fold including improved performance in comprehension, reading, and writing and speaking the English language, improved school attendance and a reduced dropout rate, development of a positive self-concept and attitude and the fourth one was increasing parent involvement which was very key and excluded from other legislation in the country we find. This was interesting because the critics of minority kids contended that the reason minority kids fail in public school systems is because their parents don't care. They were of course the greatest critics of our guaranteeing that parents were involved in classes. They didn't want parents to have power on the parent councils. They didn't want parents screening teachers. They didn't want to have parents going into the school districts and we made sure that that happened (Peña, 1982).

Valdez reemphasized the intent of the bill as described by Pena:

> Without those four concepts there was no need for the bill. Proficiency

in English is something that we wanted because we knew that the children we were addressing were going to function here in a country that is dominated by English and we wanted them to be proficient. That was the basis of it all. We also knew that if people on the other side realized that, they woudn't be as horror-stricken. That was the whole concept behind the bill anyway. Parent involvement was really, really, crucial. If parents aren't interested, and especially parents in our community that have been turned off by the school system, have been involved either with their own experiences or with their children's experiences where the school districts weren't treating them well, weren't addressing their problems, didn't understand them for whatever reason they had had bad experiences. We felt that we wanted to get the parents back into the school system, finding out what was going on in their schools, get active in terms of who was running the schools, you know, the school boards and others. We wanted them to pay attention to their children's education, to take an interest, to find out how they were doing in school, how they could help them when they got home, all of these things. That's why we wanted parent involvement (Valdez, 1982).

House Bill 1295 as introduced to the 1975 General Assembly, did indeed reflect the concerns of Chicano activists. The bill was one of the most detailed on record, numbering 27 pages in length.

Development in the House

On March 3, 1975, the House Education Committee began consideration of House Bill 1295. House Speaker Ruben Valdez had appointed Representative Leo Lucero as Chairman of the House Education Committee. As such,

Chairman Lucero had broad powers. He was responsible for scheduling consideration and debate of proposed bills. Indeed, he decided if a bill would be debated at all. He also fixed the time and place of committee meetings and public hearings. Last, but certainly not least, Lucero conducted all committee meetings and was responsible for orderly dispensation of committee business.

Mr. Ernie Andrade, Title VII Bilingual Director of a program in Johnstown, began the deliberations by presenting an overview of the linguistic characteristics of Chicano children in Colorado. He also reviewed for the committee some significant research findings which established the validity of bilingual programs for linguistically different children.

Federico Peña, Staff Attorney for the Chicano Education Project and one of the principal writers of the bill, carefully detailed elements of H.B. 1295. Peña strengthened his argument for the bill by briefly reviewing the Lau v. Nichols decision, as well as other favorable bilingual litigation.

Chairman Lucero then announced that substantial time was to be committed for hearing testimony on H.B. 1295. Thus, the remainder of that day's committee time, as well as all day March 5 and March 10, 1975, were allocated for that purpose. During those three days, approximately 30 persons had the opportunity of voicing their support or opposition to the proposed legislation. Included in that number were the following individuals:

1. Mr. Ken Goodwin, Superintendent of Schools in Johnstown, Colorado, who spoke of the beneficial effects that their Title VII Bilingual Program had on their students.

2. Dr. Moises Venegas, Director of the Teacher Corp Program at Southern Colorado State College, who spoke about the drastic need for bilingual teachers properly trained to work with linguistically different students.

3. Mr. Victor Alires, President of the Mexican American Development Association in Montrose, Colorado, who spoke about the educational needs of Chicano children who lived on the Western Slope of Colorado.

4. Mr. Bob Liphart, Principal of Butler Elementary School in Fort Lupton, Colorado, who spoke about their bilingual program's success with students.

5. Dr. Richard Bond, President of the University of Northern Colorado, who spoke in support of the bill and the need to establish a teacher training program for bilingual teachers.

6. Mr. Martin Gerry, Deputy Director of the Office for Civil Rights in the Department of Health, Education and Welfare, Washington, D.C., who spoke strongly about States taking affirmative steps in enacting bilingual legislation.

7. Mr. Leo Cardenas, Regional Director of the Community Relations Service in the U.S. Department of Justice, who spoke specifically about the high correlation of Chicano demonstrations in communities where Chicanos were not receiving an equal educational opportunity.

8. Dr. C. Farmer, Director of the Arapahoe County Mental Health Center, who spoke about the need for improving the self-concept of Chicano children.

9. Dr. Rolf Kjolseth, a Sociologist from the University of Colorado, who presented research findings supporting increased parental involvement in educational decisionmaking.

10. Mr. Bill Muldrow, U.S. Commission On Civil Rights, who spoke about the study conducted by the Commission regarding Chicano educational needs in five Southwestern States including Colorado.

11. Sister Sue Kenney, Director of the Southwest Denver Community Ministry, who spoke strongly about the drastic need for relevant educational programs for Chicano children in Southwest Denver.

12. Mr. Donald Oglesby, administrator with the Mesa County School District, who had the following concerns:

a) one bilingual program would not serve monolingual and bilingual bicultural students equally as effectively;

b) his research findings indicated that bilingual bicultural education did not result in significant educational gains by Chicano children; and

c) local districts would lose their policy and decisionmaking powers.

14. Mr. George Wilson, a parent, who believed that the proposed bill was divisive and 95 percent political and only 5 percent educational.

15. Dr. Keith Asplin, from the Commission On Higher Education, who supported the legislation but was concerned that adequate financial support for colleges and universities be included in the provisions.

16. Ms. Robin Johnston, Chairman of the State Board of Education, who presented a resolution of the State Board which supported the concept of bilingual education, but which also listed an extensive slate of concerns with H.B. 1295.

Following presentation of all the testimony on March 3, 5, and 10, 1975, the House Education Committee tabled consideration of the bill. Sponsors of the legislation recognized the need to respond quickly to the substantial concerns raised by the State Board of Education. Consequently, a 20 day period of intense negotiations took place, in which sponsors of the bill and representa-

tives of the State Department of Education rewrote the bill so as to make it acceptable to the State Board. Details of the negotiations, bargaining and compromising which took place are recounted later in this study.

On April 1, 1975, the House Education Committee resumed its deliberations of House Bill 1295. Chairman Lucero announced to members of the Committee that, after many hours of discussion and negotiation, sponsors of the bill and State Department representatives had restructured the bill in such a way as to make it acceptable to both parties. Mr. Joe Douglas, a State Department administrator and liaison between the Department and State legislature, proceeded to detail the substantive changes and agreements which had been reached. In doing so, he highlighted the following points:

1. It was agreed that the legislative intent of the bill was to improve English language skills and bring about cultural understanding.
2. The bilingual bicultural program would include full instruction in academic subjects in two languages.
3. The monetary appropriation to implement the program was not to exceed eight million dollars.
4. The bill would establish a bilingual bicultural unit within the State Department of Education. The unit would be comprised of a director and five additional employees.
5. The bill would establish a State Bilingual Steering Committee which would initially consist of nine members. After one year, the committee would consist of 19 members who would be chosen from the congres-

sional districts in the State.

6. The State Board of Education was to have the ultimate authority to adopt rules and regulations governing the bill.

7. Each school district was to conduct a census of linguistically different students on an annual basis.

8. The number and/or percent of linguistically different children in a district and school would determine the mandate for implementing a bilingual program.

9. Whenever beneficial and/or necessary two or more school districts could establish cooperative bilingual programs to serve linguistically different students.

10. Non-compliance with the bill by a school district would result in notification by the State Department, a subsequent administrative hearing and, if necessary, a referral to the Attorney General to initiate legal proceedings against the transgressing school district.

11. Parents whose children were eligible were to be notified of their child's participation in the bilingual program.

12. The bilingual bicultural program was to include linguistically different students in grades kindergarten through three.

13. Bilingual bicultural program classrooms were to be integrated.

14. The bill would include provisions for the conduct of in-

service training for bilingual program personnel.

15. Each school district was to establish a parent committee to monitor bilingual program activities.
16. The school district was obligated to consult with the parent committee on a monthly basis.

In reacting to the bill as rewritten, Committee members did raise some concerns. Included in the concerns was the fear that the parent committees would erode the powers of the local boards of education. The mandated bilingual program was a departure from what had traditionally been the practice, i.e., local school boards opting to participate in educational programs established by legislation. Ruben Valdez, who was present at this particular Committee meeting, explained that the bill as rewritten would impress upon local school districts the importance of complying with the proposed bilingual legislation to the best of their abilities and available resources.

By April 3, 1975, all testimony and presentations of information had ceased. The Committee was now deeply involved in an in-depth analysis of the bill's substance. Time and time again, the issue was raised regarding the establishment and powers of the State Bilingual Steering Committee. A minority of Committee members was concerned about the possibility of the Steering Committee usurping the powers of the State Board of Education. Chairman Lucero, recognizing that such a concern could be a barrier to acceptance of the bill, appointed a subcommittee to work on an amendment making the Steering Committee structure acceptable to House members. Later that afternoon, the Committee reconvened to continue their deliberations. The subcommittee had modified some of the language used to describe the provisions in the bill

regarding the State Bilingual Steering Committee. Their changes were presented to the Committee and a discussion followed.

That same afternoon, the State Commissioner of Education, Dr. Calvin Frazier, joined the House Education Committee in their discussion. He recognized that there were some questions being raised about his role, and that of other State Department personnel, in the legislative process. Supporters of the bill were concerned that opponents of the bill were enlisting assistance from him and other staff to draft revisions to the bill. He knew that emotions were running high and he wished to clarify his and the State Department's position. Dr. Frazier made the following points:

1. He did not want to damage the positive relationships that had been established with supporters of the bill.
2. He believed that the task of the department was to assist in interpreting the educational needs which existed.
3. He and the State Department were charged with implementing the policies of the State Board of Education.
4. He also believed that State staff members had the responsibility of assisting legislators in drafting legislation regardless of their own philosophical orientation.
5. He was concerned that sponsors of the bill felt that he and other State personnel were retreating from the commitment made to the bill as it was rewritten in the past few weeks.

Chairman Lucero thanked Dr. Frazier for his comments. Lucero

indicated that extensive testimony, discussion and debate concerning House Bill 1295 had taken place and that he believed it was time to take action. He also stated that he had been a member of the House Education Committee for several years and to his knowledge, no other bill had undergone such discussion, nor had received more input than H.B. 1295. Minor reservations on the viability of the bill were expressed by two Committee members. There still existed a fear of a dual system of education, and a concern about the loss of local control in the management of the bilingual program.

Chairman Lucero moved support of House Bill 1295 as amended. Representative Brown seconded his motion. The bill was forwarded to the Appropriations Committee with a vote of 10 Ayes and 0 Noes.

It was not hard to recognize that Lucero had displayed considerable skill in guiding the bill through the House Education Committee. He speaks with pride as he reminisces:

> We had the committee pretty well lined up. We had the amendments out to them and had talked about them. We kind of all knew what was going to happen. The Republicans went along with us trying to work out and telling us what some tough spots were going to be. We listened and entered the bill (Lucero, 1982).

On April 4, 1975, the House received the report of the House Education Committee on House Bill 1295. The Education Committee had recommended that the bill be referred to the Committee of the Whole with a favorable recommendation. At this time, three minor amendments were made to the bill and it was passed on the second reading. It was ordered engrossed and placed on the calendar for third reading and final passage.

The next day, April 5, 1975, House Bill 1295 was read and considered

for final passage. The question was asked: "Shall House Bill 1295 as amended, pass?" The roll was called and the result was 50 Ayes and 3 Noes. Thus, H.B. 1295 as amended, having the support of a majority of House members, was declared passed. Speaker Valdez and Chairman Lucero had masterfully guided the bill through the House. Much work remained however, for it would now go to the Senate where it would be in unfriendly hands.

State Department of Education

On January 9, 1975, Dr. Calvin Frazier, State Commissioner of Education in Colorado, met with members of the House Education Committee. His visit was a courtesy call to this legislative body and also for the purpose of informing the Committee of the educational issues which were likely to be discussed during the legislative session. The Committee was reminded of the recent Lau v. Nichols court decision and of the implications which this had for school districts making appropriate provisions for non-English speaking students. Dr. Frazier also indicated that he believed the concept of bilingual education to be a broader concept that related to school districts with large numbers of Spanish surnamed students. Bilingual education included emphases on culture and the development of positive self-concepts. He believed that there was presently a great deal of societal interest in bilingual education. He believed that bilingual education legislation would help the dropout problem of Chicano students in the public schools.

There is no question but that Dr. Frazier was well aware of the swelling numbers of people who were devoting their energies to the passage of bilingual legislation in 1975. Perhaps Dr. Frazier's awareness but non-involvement in the bilingual education issue was a strategic mistake on the part of Chicano legislators. Representative Leo Lucero laments the fact that supporters

of bilingual legislation did not involve the State Department of Education early in the political game:

> We circumvented, probably the education arena. They (State Department) would like to have said, we in education want it because it is good. Everything in Education has to come from us. Possibly we could have worked that arena a little bit better. We also got emotionally tied into a very good strong Chicano program that we believed in. We felt that this was a program that was coming through and by the people. You know it wasn't a program that I thought up myself, or Ruben, or anybody else. There was really a lot of involvement. The Department of Education over here felt that it was a dual system of education. They felt that they had been left out of the planning of the system and now they were forced to get in and plan with us (Lucero, 1982).

As indicated earlier in the narrative, Robin Johnston, Chairman of the State Board of Education, read a resolution to members of the House Education Committee supporting the concept of bilingual education but also indicating that there were some problems with House Bill 1295. Federico Peña believes that neither Robin Johnston or Dr. Frazier ever supported the proposed legislation on its educational merits:

> That was all rhetoric. Let me tell you the way Robin Johnston and Cal Frazier operated. They're politicians and they bend according to political winds. They understood the Democrats controlled the House of Representatives. They understood that Ruben Valdez was Speaker of the House. They understood that if they wanted a budget for the Department of Education approved, they'd have to go along with most of the amendments. If the Democrats were not in control of the House,

had Ruben not been Speaker, they would not have been down there compromising. They would have been down there fighting the bill and killing the bill. But when they sat down, it was not with any good faith effort as general supporters of bilingual education. I've never believed that, I think that's all rhetoric and their actions have never confirmed their resolution to the committee. They did the best they could to water it down but they knew it was going to pass. So, they said the kinds of things that you say to a group when you're not in power (Peña, 1982).

Nevertheless, sponsors of the bill and Dr. Frazier, as well as Robin Johnston, did sit down and make some major revisions to the original bill as introduced to the House on March 3, 1975. Robin Johnston has vivid memories of the negotiations:

I sat down and I read the bill and I was appalled. I said, my gosh what did you do. What you have done is set up a new State Board of Education and a new local Board of Education. To have two totally separate systems, one bilingual -- Spanish and English -- everything, kindergarten through twelfth grade, including chemistry, biology, everything else. Another one under the State Board and local boards. I am totally opposed to this. So they said, well we realize that this may not go. I said, believe me, it would not go. I would be one to say it shouldn't go. So they said, would you meet with us and help work out some compromises, so that you would think it would go? So I said I will. Ruben gave us the Speaker's office every day. It ended up being three of them and then I asked to have Cal (Frazier). Gil Cisneros, Phil Rosser and Federico Peña and three of us. Originally one of me, and

then I asked for Cal. Then we asked for Joe (Douglas, State Dept. employee) to come in and do the technical kinds of things, write as we decided things. That's what he did. So every morning we arrived and argued all day long. I have to say that I learned more about law, legislation, good minds, political compromise, intimidation, how to get something accomplished. I feel today that I had probably three of the greatest teachers on how to get something done with a group of legislators that I possibly could have had. But I was so naive then. They knew exactly what they were doing and they took turns doing it. Before it was all over, they even suggested to me that I should read a few books. Anyway, I read some books. I began to realize the deliberateness of the operation. You know, they're masters. But it was a battle -- a battle of wits. One day Gil would be wearing dark shades and one person would take over the warm, loving, conciliatory role. Another one would be the driver. Only I didn't know what was happening. Tactics. Which I didn't understand was going on at all. Cal, you probably know, is extremely detail oriented. I'm not really that detail oriented. So, he kept track of detail. Every night he would work things out and the next morning, boy he would have something that meant a lot of difference. I don't know what I'm oriented but together we were a pretty good team, we felt. They were an extremely good team. One day we won a point, whatever it was. Gil Cisneros threw his head down and started crying. I said, you poor guy, what's the matter? He said, the people out there are going to hurt my children. That just made me fall apart. But I realized later that some of this was acting, and let me tell you it worked real good, especially with women. Points

we won were to go back to one State Board of Education, one local board of education, to be over this program. One we lost, which from our perspective has caused the problem since, was the power given to the Steering Committee and to those local committees (Johnston, 1982).

The negotiations did indeed result in substantive changes in House Bill 1295. The bill was now ready to be reintroduced to the House Education Committee for further consideration. Although sponsors felt that the bill had been watered down, the revised bill was well received by the Committee and was soon approved.

It is important to note that Robin Johnston's influence on the bill did not cease at this point. Speaker Valdez acknowledges Johnston's assistance later in the legislative process:

I felt that finally, when we reached crucial agreement, that Robin Johnston did a lot to help us in the Senate. I think it was a point that she was a Republican, she was somebody that was on the State Board of Education. She had some credibility over there and once we were able to reach a compromise she was very supportive of that. I think there were a number of different poeple who talked to Hugh Fowler and I think that Robin had as much to do with that as anybody else. I think that was important...there was a lot of pressure on Hugh Fowler from all sides to get the bill in (Valdez, 1982).

Interestingly, Johnston maintains to this day that she never believed in House Bill 1295 and in the benefits which supporters claimed it would have for Chicano children:

From my only background experience, I really believed it (H.B. 1295)

was wrong. I believed that having worked so long over at the hospital...if you have a kid who has poor language, the last thing you do is give him another one. You've got to work with one. It can't be two. But I went along and realized that it had to be tried for political as well as philosophical reasons. They really believed that it would work and, as Ruben said to me, You have to change your school system for my children. You have done them an injustice. I said, I agree. But where we differ is where we feel the answers are. I believe it's early childhood and strong language development in English. He believed it was bilingual education. I never changed. He probably never changed either (Johnston, 1982).

Dr. Frazier and Robin Johnston, although not believers in bilingual education as conceptualized in H.B. 1295, did influence the final version of the bill. Their involvement was perceived by many as tacit agreement by the State Department of Education.

Development In The Senate

On April 17,. 1975, the Senate Education Committee began its deliberations of House Bill 1295. Chairing the Committee was Senator Hugh Fowler (R — Littleton). Senator Fowler had made it very clear to supporters of the bill that he was vehemently opposed to the proposed legislation.

Prior to outlining the details of the Senator's handling of House Bill 1295, it is important to gain an understanding of Senator Fowler's opposition to the concept of bilingual education. Early in the 1970s, Mr. Fowler had been exposed to the Chicano radical: Corky Gonzales. Recounting his introduction to Gonzales, Fowler says:

Generally my interest in early bilingual legislation goes back to earlier

attempts by La Raza Unida under Corky Gonzales to accomplish some political objectives in which were some so-called educational objectives. At that time I had been studying a movement generally called Atzlan. It was a new state which would reattach itself to Mexico and would involve parts of four States, including everything in Colorado from about Colorado Springs southward. The list of...I am not sure they are called demands in the Atzlan statement...but their objectives, political objectives and of course one of those is the return of the language to the Spanish people. So, when I looked at the first drafts of the bills it occurred to me that they were not education bills, they were ways of setting up a parallel political organization in the name of education in the local school districts. Bilingual education, by definition that is, bilingual bicultural education is an anomaly. I do not believe that it is the business of the public school system to propagandize children. Many of the so-called bicultural ideas held by the proponents of bicultural education are propaganda. They don't belong. Mostly, I spotted bilingual education as a movement that had nothing to do with education and it just outraged me. I am outraged by anything that is un-American. I think if people don't like it here for whatever reason, rather than attempt to change something to make it less American, and I use American in the broadest of possible terms which includes the idea of melting pots, that they should go back. You know, if the Mexican culture is so big, hey, go back. Go back and see what kind of opportunities there are. There's no opportunity in Mexico, unless you are born rich (Fowler, 1982).

On April 17, 1975, which was the first day of deliberations, House

Education Committee Chairman Leo Lucero introduced House Bill 1295 to the Senate Education Committee. In his comments to the group Lucero stressed the importance of considering the bill as a tool for instruction. He stated "We cannot impose the English language on people without teaching them how to speak English by using their own language" (Senate Education Committee Hearing, April 17, 1975). Lucero also impressed on the committee the substantial input which had been received and incorporated into the bill. The participation of State Department personnel as well as State Board of Education involvement was greatly emphasized.

After a brief period of questions and discussion, Senator Fowler allowed members of the public to present testimony on House Bill 1295. Included in those presenting testimony were the following individuals:

1. Mr. Al Aguayo, Supervisor of the Bilingual Program in Denver, Colorado, who suggested that the bill needed more specificity in its definitions, approaches and guidelines, so as not to create confusion.

2. Don Oglesby, Superintendent of Schools, Grand Junction, Colorado, who spoke in favor of bilingual legislation but against H.B. 1295. He was also concerned about the proposed bill's mandate and the subsequent threat to local control.

3. Don Webber, Superintendent of Schools, Fort Collins, Colorado, who pleaded for school district discretion in implementing bilingual programs, as well as freedom for local board of education control.

4. J. B. Kennedy, a commercial airline pilot, who felt H.B. 1295 was totally discriminatory and believed that if people chose to live in America then they should learn English.

5. Art Ludka, Colorado Association of School Executives, who

indicated that administrators in the organization could support the bill if the legislature would assure adequate financial support.

6. Juanita Nordel, a Chicano lady, who was opposed to the bill and believed that schools should concentrate on teaching children English.

7. Dorothy Lewis, League of Women Voters of Colorado, who presented a prepared written statement, endorsed by the membership, which strongly supported House Bill 1295.

8. Patricia Baca de McNichols, Denver school teacher, who supported the bill and who believed the legislation would begin to involve Chicano parents in the education process.

The fact that the Senate Education Committee had proceeded to the point where it was receiving testimony regarding House Bill 1295 was in and of itself quite an accomplishment. Robin Johnston, who in 1975 was Chairman of the State Board of Education, was instrumental in assuring the bill's progress. Johnston, in recalling her role, states:

> So it was voted almost unanimously out of the House. I took it over to the Senate. The Senate Republican leadership, Freddie Anderson said, Is it okay? and I said, not really but it's as okay as we can get it. Hugh Fowler was going to kill it. He was Chairman of the Senate Education Committee. He was going to put it in his pocket. He just never wanted it and was very angry at me because of my role of making it livable. He felt that was unforgivable. He had already made his decision that he would pocket it. So, I was very tired by that time, and I said to Cal (Frazier) I really hate this. I've got to get out of this. Phone calls till midnight. Both sides. A lot of intimidation. A lot of things were going on. Cal (Frazier) said, why don't you take a trip which we'll pay for,

and you go look at bilingual programs all over the Southern part of the country, as well as California to find out what we should do here. So, I had that all planned. I was leaving. Then Freddie and whoever that was with Freddie Anderson said to me, You're not going because you're the only person (because Hughie and I were good friends -- Hugh Fowler) who can convince Hugh not to put that in his pocket. We have to have that bill on the table because Ruben (Valdez) has tied up everything. Everything over in the House for this one bill. So, I went up and got Hughie out of a committee meeting and said, I am begging you for old friendship's sake, this one thing. Please, just put it on the table. For the sake of Republicans over here, which I was one of, and for the sake of a lot of things. He did that for me and he, in a way, has never forgiven me. We are still good friends. But he felt that without me, and it was true, there never would have been one (Johnston, 1982).

On May 8, 1975, Chairman Fowler introduced an amendment to House Bill 1295 which was thereafter referred to as the Fowler amendment. Senator Fowler describes the Committee's thinking:

Well, the bill was defective and in our Senate committee the record will show that the committee changed everything in the bill. We inserted what was called the Fowler amendment and later became the tutorial amendment and it has always been a part of the law up until the repeal. But to me what has always been the heart of the matter and what was easy for me to support, in other words to the extent that a child could not speak English well enough to take advantage of the educational resources, whatever the community situation was and of course you can't even generalize about that in this state. It is a specific matter.

> Every school district is dissimilar to the others, especially in these characteristics. That is, the characteristics of the children who are educationally different. Well, the bilingual bill didn't recongize that at all. It set up the steering committees and the State Steering Committee. It was unconstitutional. It would probably have been better to let the thing pass and then attack it in the court as being unconstitutional and then let the court wipe it out. But our committee, instead of doing that, substituted the tutorial approach which simply said that we will appropriate a separate amount of money to fund the tutoring. Now we didn't know the terms then, but that would have been a so-called pull-out program in tutoring. There is no point in leaving a child in a classroom if he can't communicate with a teacher or his peers. So, pull him out, get him up to speed and stick him back in. To me that's a very sensible and workable approach (Fowler, 1982).

Three Chicano legislators, Senator Roger Cisneros, House Education Committee Chairman Leo Lucero and House Speaker Ruben Valdez were in attendance when Senator Fowler introduced his amendment. Hoping for a favorable reaction from them, Fowler said, "We're trying to help children with their needs, what's your opinion?" Cisneros argued that under Fowler's amendment "very few of our kids would fit." Speaker Valdez believed that the State of Colorado had a constitutional obligation to help children become proficient in English and that the State was not upholding its obligation. He believed that House Bill 1295 would fulfill the obligation and warned Fowler that any attempt to weaken the bill would be strenuously fought.

On May 15, 1975, Senators Cisneros and Sandoval, becoming concerned about the relatively few days remaining in the legislative session, asked Senator

Fowler to move House Bill 1295 as amended by Fowler. The Chairman complied and his amendment was adopted on a 5 Aye 0 No vote. The Senate Education Committee then voted to move H.B. 1295, as amended, on to the Senate Appropriations Committee by a 7 Aye 0 No vote. The committee also recommended that the 6 million dollar appropriation approved by the House be reduced to 1 million dollars.

Following action by the Senate Education Committee the Senate Appropriations Committee acted on House Bill 1295. Paul Sandoval, a Senator and supporter of the bill explains what took place:

> It (H.B. 1295) went into Senator H. Fowler's committee, he chaired the Education Committee in the Senate. At that time he said it would never come out. He then said the only way this bill would come out is that it be a tutorial bill only. We said fine because we knew we could amend the bill in Appropriations or on the floor of the Senate. So, it came out just strictly a tutorial bill and it was voted out of the Senate Education Committee as such. When it got into the Appropriations Committee we put everything back in that the Senate Education Committee had taken out, along with an appropriation of about 2.4 million dollars (National Public Radio, 1979).

Thus, the Appropriations Committee restored House Bill 1295 to the form it had prior to consideration by the Senate Education Committee. The bill was referred to the Senate with a favorable recommendation.

Although House Bill 1295 was now back into its familiar form, minus the Fowler amendment, there was still much work to do in the Senate and elsewhere to assure passage. Speaker Valdez and other Chicano legislators worked hard at educating, influencing, and striking deals to gain support from

key members of the Senate. Valdez speaks of this as the political battle:

> I think the real battle was a political battle, the stuff of working with commissioners of education, State School Board members, and other people. But when it comes down to the nitty gritty, it is the elected officials that make the final decision. It was getting people like Joe Shoemaker on board and other people that was crucial. Joe Shoemaker was a big power in the Senate and if we hadn't had his support on the bill, we wouldn't have ever passed it. It's just a reality of life. It really came down to a political question. It was an educational process. Joe had helped us before in obtaining money before we were able to pass the bill. I think we were able to convince Joe Shoemaker that it was a sound investment. We approached the fiscal conservatives in the Senate on the basis that they were wasting money in the educational system the way the programs were running, at least in terms of our children. It was worth the investment of trying something new to see if it would work. We were able to demonstrate, through statistics that we had from other programs under Title VII federal funds, that it really worked and what the need was. So we were able to proceed (Valdez, 1982).

Senator Martha Ezzard, who in 1975 was the press aide for the Senate, recalled a key incident involving Joe Shoemaker:

> As I think back, there was another time when I was exposed to the bilingual bill. I remember going to a hearing of the Joint Budget Committee with Joe Shoemaker who was certainly one of our Republican conservatives and Chairman of the Joint Budget Committee. A little class of children came in with a teacher and they did kind of a

demonstration about bilingual education. They role-played what was going on in a bilingual classroom and it was very moving. It was very well done. The room was crowded with people. I remember Joe Shoemaker said when it was over, "If I had a child, that's a program I'd want my kid in today." I just thought, I can't believe he said that. He was very supportive of the program originally (Ezzard, 1982).

Another individual who was instrumental in gaining Senator Shoemaker's support was Senator Paul Sandoval. Shoemaker and Sandoval were good friends. Sandoval, a newcomer to the legislature, was befriended by Shoemaker who took him under his wing. Some say that he was serving as Sandoval's mentor. Robin Johnston believed that Sandoval and Shoemaker made a deal:

It was a trade-off. Paul Sandoval was on the Joint Budget Committee, as was Joe Shoemaker. Shoemaker was probably the most powerful person in the State. He was Chairman. Paul is very bright, and sort of a rising star there. Conservative financially, yet very caring about this (H.B. 1295). He, from what we understand, traded Joe Shoemaker everything for the bilingual bill and they made a deal. That's why when I went over to the Senate and met with Freddie (Anderson) and the others, they were not nice to me. They never said thank you. They told me to get the bill on the table because you are the only person that can make them do that. That's what I did. I can understand Joe Shoemaker thinking -- so what's a little bilingual bill -- when I get, whatever he got. A lot (Johnston, 1982).

Hugh Fowler also has bitter memories about the negotiations, compromises and deals:

When the House of Representatives came under Democratic control,

that meant that the Joint Budget Committee was split three and three. Three Republicans and three Democrats. Two of those Republicans were from the Senate and the single minority member was Paul Sandoval. On the other side we had two Democratic members and one Republican member. There would have been just a terrible impasse that year in the Joint Budget Committee under the Chairmanship of Joe Shoemaker if something hadn't happened to break the impasse. My suspicion is that, and I've never been able to get Joe to admit it, my suspicion is that he just simply cut a deal with Paul Sandoval and said, you support me on everything else and I'll see that you get your bilingual bill. Shoemaker didn't even whimper when the Senate Education Committee passed the bill with the so-called Fowler amendment. I'd only been in the legislature five or six years at that time and I really was still pretty naive about...I think it takes longer than that to lose your naivete about trusting people when the Chairman of the Joint Budget Committee tells you that you either vote for this bilingual bill or your bill for that new bridge in your county isn't going to pass, you vote for it, especially if you don't care and if you don't know anything about it (Fowler, 1982).

Certainly, enlisting the support of Shoemaker and the Joint Budget Committee was a critical element for passage of House Bill 1295. The committee was responsible for making recommendations for the budgetary requirements of all State services and agencies. Each year they introduced their recommendations in the "long bill." Many believe that the Joint Budget Committee is the most powerful committee within the legislative structure.

On June 16, 1975, one month after House Bill 1295 left the Senate

Education Committee, the Senate conducted the second reading of the bill. Amendment after amendment was proposed for the bill with the majority being rejected. One amendment that did succeed was the Fowler amendment. Consequently, House Bill 1295 now had two main components: a bilingual bicultural component for students in grades K — 3 and a tutorial component for students in grades K — 12. Finally, the bill was declared passed and was scheduled for third reading.

The next day, June 17, 1975, the third reading of House Bill 1295 took place. Again, more amendments were proposed and again rejected. At long last the question, "Shall the bill pass," was presented to the Senate. The majority of the Senate voted affirmatively, the vote being 20 Ayes and 12 Noes. House Bill 1295 as amended was declared passed.

Senator Paul Sandoval, only one of the many supporters who worked day and night to secure passage of House Bill 1295, summed up his feelings:

> That bill, I think, had the most drastic, if not the most closest, scrutiny any bill had endured in the last 15 years. We debated that bill over a period of time, on the Senate floor alone, for almost 19 hours. It was the most hotly contested bill on the floor in the last 12 years that we knew of. There were well over 200 amendments put or tried to be put on the bill. Some were successful, some were not successful. When the bill came out, it was, I think, not the bill I wanted, because it was not the strongest bill I could set. But, it was not imperfect at all. It has the strongest piece and that means parental involvement (National Public Radio, 1979).

On June 18, 1975, members of the House and Senate reached concurrence on The Bilingual Bicultural Act. On June 30, 1975, Governor Lamm signed

the bill into law. The State of Colorado now had a mandated bilingual bicultural program for students enrolled in public schools.

Application/Feedback

The Bilingual Bicultural Act was now a Colorado Statute. Now came the task of implementing the law. Dr. Calvin Frazier, and other State Department of Education employees began immediately to educate themselves. Dr. Frazier and Robin Johnston traveled to Albuquerque, New Mexico to see a bilingual program in action. They were quite impressed with what they saw and were equally impressed with the director of the program, Dr. Carlos Saavedra. A great deal of pressure was exerted on Dr. Saavedra by Dr. Frazier to accept the director's position of the Bilingual Bicultural Unit in the State Department. Finally, Dr. Saavedra indicated that he would come to Colorado as the unit director. Saavedra and his consultants immediately began the implementation process. They had a monumental task before them. Significant time was spent in determining the census procedures, the identification process for inclusion of children in the program, and the details of the rules and regulations operationalizing the law. Local school districts had questions, questions and more questions, and it was Dr. Saavedra's responsibility to respond to the questions.

Meanwhile, educators across the country were sitting up and taking notice of the passage of The Bilingual Bicultural Act. It was the opinion of many that the Act was the strongest bilingual bicultural State law enacted thus far, anywhere in the United States. The reasons for this opinion were:

1. The law was bilingual and bicultural
2. The law mandated the creation of strong, elected community committees with the right to participate in program design, implementation, evaluation, and staff

hiring. Committees could dissent with districts by filing a complaint with the Unit of Bilingual Bicultural Education in the State Department of Education

3. A State Steering Committee was created as an advisory-monitoring body with the State Department and State Board of Education.
4. The law required integrated full-time bilingual bicultural programs (Marshall, 1977).

Proponents of The Bilingual Bicultural Act were optimistic that the Act would provide a real educational alternative for the linguistically different children of Colorado. The legislature had appropriated 2.5 million dollars for implementation of the program in 1976. It was now time to operationalize bilingual bicultural programs at the local school district level.

1976

A new program brings with it new challenges. Implementation of The Bilingual Bicultural Act by local school officials was not without misunderstandings and procedural blunders. In spite of the fact that the Act contained more detail and specificity than any other educational legislation in the State, frequent requests for clarification and/or interpretation were made to State education personnel. Among the most frequent requests were:

1. clarification of guidelines for establishing initial community committees.
2. detailed delineation of conducting initial census.
3. directions for structure and content requirements of the district plan required by the State.

At the State level, steps were taken to establish the State Steering

Committee which was mandated in the new law. This committee was an integral part of the statute and was to immediately assist in giving direction to the new program's evolution. Rosalie Martinez, one of the initial members of the committee, describes the makeup and some details of the group:

> That initial steering committee membership was nine legislators and three lay people of which I was the only educator other than Leo Lucero. Joe Shoemaker was chairman and he was also chairman of the Joint Budget Committee so he was a very powerful man to have on the committee. Paul Sandoval was a part of the committee and he also was a part of the Joint Budget Committee. Leo Lucero was a member and he was chairman of the House Education Committee. Ruben Valdez was a member of the group and of course he was the House Majority Leader. We had a congressman from Colorado Springs and Louis Cortez from Colorado Springs. Also Ernie...a Native American from the southwest area of the State and myself. So it was a powerful group and the involvement of all of those real "heavy" legislators, nine legislators on a committee of 12, with the implementation of a new controversial Act, meant of course, that the commissioner was right there constantly. Those meetings were very, very, critical ones, even to the point where Shoemaker was not content to have the State Department go through the proposals and accept verbatim what their recommendations were. We had to go through the proposals, item by item, and defend what was being done. I am sure that there was a great deal of pressure on the legislators. So Joe Shoemaker, being chairman of the Joint Budget Committee, wanted very strict accountability of the monies. He wanted to know where they were going, what the rationale was for

giving them money, I think so that he could defend himself on having taken a very unpopular position (Martinez, 1982).

Dr. Saavedra, the Bilingual Unit Director, established a precedent, very early in the implementation process, of meeting on a regular basis with the newly appointed local bilingual directors. He utilized these meetings to further refine the rules and regulations governing the Act. As complications or misunderstandings occurred, the directors would assist Saavedra in generating alternative means for addressing the problem areas.

Meanwhile, the relationship between Dr. Saavedra and Dr. Frazier began to deteriorate. Rosalie Martinez provides some insight to the situation:

> Things started out very rosy between Carlos (Saavedra) and Cal (Frazier). But by the end of it all, things were so bad that even the rest of the Department of Education felt that things couldn't have gotten much worse. They (members of the bilingual unit) felt like they were spinning their wheels every time they went out to tell a district that they were not obeying the law, and they had to do this or that. They got the feeling that the commissioner was saying, well that's alright. Don't worry about it. The district would call the commissioner and he would say, Yeah, don't pay any attention to those guys. It's alright. When I talked to the people in the Department as to when the falling out came about, Roger Neppl indicated that he could put his exact finger on the time and place that the falling out had occurred. It was at a hearing for the Joint Budget Committee when they presented their budgets for the following year. Cal normally, it seemed, did not take over members of the department but he made the exception for bilingual education. Usually he took the assistant commissioner or

someone like that. But he made an exception and he took over Carlos. He made his presentation, made all the statements and then he turned to Carlos and he said, isn't that right Dr. Saavedra? Dr. Saavedra said, No, that is not correct. Saavedra then proceeded to give the information that he felt was accurate. Roger Neppl said that from then on that was the end of the relationship between Carlos and the commissioner because he felt that he had lost face in front of the Joint Budget Committee. In fact, every year thereafter when I felt it very important to be there at the Joint Budget Committee hearings, I was never invited. I always had to invite myself and indicate that I really thought it was critical that I be present. So, lots of times I would go but could not speak unless a member of the Joint Budget Committee spoke to me or unless the commissioner said, Rosalie, I can't answer that, would you answer. Then they would allow me to speak (Martinez, 1982).

The Chicano Education Project, which had certainly played a major role in passage of bilingual legislation, had not disappeared. The agency was carefully monitoring the implementation of the law. They were not at all hesitant to express their displeasure with their perception of the State Department of Education:

> During the past two years, the Commissioner of Education, Calvin Frazier, has failed to provide the leadership in the effective and forceful implementation of the Act. The State Board of Education has happily supported the Commissioner in his inaction, lack of enforcement and foot dragging. In addition, Commissioner Frazier further weakened the potential for bilingual bicultural education in Colorado by

issuing oral interpretations of the Act which were not only at variance with the law itself but contrary to the best educational judgment of leading bilingual experts. At a meeting in Pueblo, Colorado in November of 1976, Commissioner Frazier gave school officials from the Arkansas Valley approval to operate one hour, pullout programs which were prone to result in segregation. The Bilingual Bicultural Unit within the State Department of Education, headed by Dr. Carlos Saavedra, warned the commissioner that his new oral interpretations were not only in conflict with the Colorado Act, but also with the United States Constitution and Title VI of the 1964 Civil Rights Act. A subsequent investigation by the Office For Civil Rights, (HEW) did find the one school district which chose to follow the commissioner's advice in violation of Title VI. Not surprisingly, one of the bases for the Title VI violation was the district's segregation of Chicano children in the one hour pullout language program. The commissioner has failed to enforce the Act in school districts which have openly and blatantly refused to implement even token programs. In the Center School District, for example, school officials have stubbornly refused to implement a program. Even though a 10 person team from the Department and the Attorney General's office found the district in open violation of no less than 17 provisions of the Act, the department continues to drag its feet on enforcement. Staff members of the Bilingual Bicultural Unit within the State Department were harassed and eventually undermined by the highest officals of the Department (Marshall, 1977).

It was clear to knowledgeable observers that there was turmoil in the Department of Education. Finally, Dr. Carlos Saavedra, Jesus Martinez, and

Dennis Trujillo, all staff members of the Bilingual Bicultural Unit, submitted their resignations. Their stated reason was that they believed they could no longer function effectively within the State Department of Education.

In November of 1976, elections at both the national and State levels were held. These elections set the stage for new attacks on The Bilingual Bicultural Act. In January of 1977 a new legislature with Republicans firmly in control of both the House and the Senate would convene. This would be in sharp contrast to the past two years when Democrats controlled the House and Representative Valdez was Speaker of the House.

In spite of the internal problems being experienced within the State Department of Education, there were a number of positive developments beginning to take place regarding bilingual bicultural programs across the State. More than 14,000 linguistically different children and 7,000 Anglo children were enrolled in the 1976-1977 school year. School district census figures predicted that the 1977-78 enrollment would include 17,000 linguistically different children and 14,000 Anglo children. Programs with several years experience in bilingual bicultural education, including Title VII Programs, were beginning to produce solid gains in student achievement. Most of the State programs were well-integrated, full-time and quite popular at the local level. Most school districts were making good faith efforts to develop quality bilingual programs. Perhaps most importantly, parent involvement, particularly minority parent involvement, had increased dramatically around the State. Elected parent committees reported good to excellent cooperation with most local school districts in their joint efforts to develop local bilingual programs. The Joint Budget Committee, in making its annual appropriations for the 1977 fiscal year, allocated 3.2 million dollars for the support of bilingual bicultural programs in the State of Colorado.

This was approximately $700,000 more than the 2.5 million dollars made available for the 1976 fiscal year (Marshall, 1977).

1977

The new year brought with it a new legislative session and Republicans were holding their heads up high. They were back in the driver's seat in both the House and Senate and they made it clear that things were going to change. An article in the February 7, 1977 edition of Newsweek also served notice that the passage of The Bilingual Bicultural Act had not been forgotten:

> Critics of the Colorado law think the 5.6 million dollar program is a disaster, far less educational in intent than political. State Senator Hugh Fowler, Chairman of the Senate Education Committee, charges that the bill was passed in an atmosphere of terror, including bomb threats against legislators by Chicano militants. "The State is just subsidizing the political activities of minority groups in the name of education," says Fowler bitterly. "People who use children to achieve their political ends ought to be strung up." Many of Fowler's colleagues agree — and they debate the educational merits of bicultural education. "The idea is a fraud" contends one Senate aide. "It mandates that we teach kids that being Spanish-speaking in the American culture is a hell of a deal — and that's a lie." (Sheils, McGee, Harper & Boyd, 1977, p. 64).

On January 24, 1977, Representative Showalter introduced House Bill 1063. The primary objective of the bill was to eliminate mandated bilingual education programs in the State of Colorado. Showalter believed that if local districts wished to continue their programs they would be free to do so. This would further strengthen the concept of local control which prevailed in the

State. He maintained that the bilingual prog.am problems were akin to the saying "You can lead a horse to water but you can't make him drink." Therefore, he believed his approach, which he summed up with "You build a better mousetrap and the world will beat a path to your door", would result in increased numbers of districts rushing to implement bilingual programs.

The overwhelming negative response to Showalter's bill was devastating. Although a few individuals did support the elimination of mandated bilingual programs, the vast majority of testimony presented, supported the Act as passed. Supporters of the Act, including the Chicano Education Project, had done their homework, evidenced by the substantial numbers and various representatives who argued strongly for continuation of the law as enacted. Recognizing the lack of support for H.B. 1063, Representative Showalter recommended that the House Education Committee entertain a motion for indefinite postponement. Representative Lucero moved in accordance with Showalter's request and the committee took action to postpone the bill indefinitely, thereby killing it.

It was soon quite clear however, that the 1977 battle had just begun. Newly elected Representative Tom Tancredo then introduced House Bill 1146. In doing so, Tancredo explained that his bill would alleviate the problems inherent in the law as enacted in 1975. He believed that there was a great deal of misinformation as to the purpose and effectiveness of the Act and that immediate steps should be taken to clarify the intent and purpose. It was at this point that Commissioner Frazier, who up till now had remained silent, lent his support to H.B. 1146. He wrote a memorandum to the House Education Committee which called for a clearly transitional program and suggested changes that would reduce the number of children eligible for the program. The State Board of Education supported his suggestions and both Frazier and Robin

Johnston, Chairman of the Board of Education, worked diligently to line up Republican support for their position. Again, scores of individuals marched to the Capitol and the majority of those testifying supported the present bilingual law. On February 21, 1977, the House Education Committee moved H.B. 1146 on to the House with a favorable recommendation. Passage in the House occurred on March 17, 1977, after the addition of several amendments. The vote in the House was 35 Ayes and 25 Noes.

H.B. 1146 continued its legislative journey to the Senate. The Senate Education Committee, chaired by Senator Hugh Fowler, heard testimony on the bill on April 19, 1977, and on that same day voted to send the bill to the Committee of the Whole with a favorable recommendation. It was clear that there would be no strong opposition to the support of H.B. 1146 in the Senate. Nevertheless, Senator Duane Woodard, a Republican, gave a reasoned and eloquent plea to the entire Senate asking his Republican colleagues to vote their consciences, not the party line. He said that "he was sick and tired of seeing his party ignore the needs of minorities, the Chicanos, Blacks, labor and the elderly" (Marshall, 1977, p. 3). Senator Woodard was the only Republican to vote against the attempt to weaken the Act in the Senate. On May 2, 1977, H.B. 1146 was passed by a vote of 19 Ayes and 14 Noes. On May 5, 1977, the Senate President signed the bill and sent it to Governor Lamm for his signature.

After little more than a week of consideration, and many hours of listening to supporters of the Act, Governor Lamm vetoed H.B. 1146. Governor Lamm, in his veto message said:

> I find I must reject this bill for the simplest, most historic reason in law -- it is not fair. The Bilingual Bicultural Act has only been in effect for part of the 1976-77 school year. It has not even had a complete school

year to produce results which can be analyzed. It is normal legislative practice to give legislation some years to operate before making important changes. This is the least that can be done in this situation. When one considers that this law is important for approximately 20 percent of the Colorado population and the law is changed significantly before it has had an adequate opportunity to prove itself -- one can only conclude that the change is neither just nor right (Lamm, 1977).

Republicans were angered by the Governor's veto, reintroduced the bill, tied funding to the bill itself and tried again. It was at this point that Representative Valdez, no longer Speaker of the House but still an influential legislator, was able to work out a last minute compromise. The Act was weakened but many of the sections which supporters considered key were left intact. Representative Valdez describes his involvement:

In 1977 was where I really had to scramble and come through. That's where we reached the big compromise rather than having the bill killed even though we watered it down from what we had originally. We sat down and negotiated a series of amendments that we felt we could live with and they could live with. But, I've got to tell you that was a hectic negotiation. That was probably the busiest I've ever been up there on one piece of legislation. I just had to work night and day trying to get a compromise. It's hard to recall every incident. But I just knew I had to work with everybody. I really worked on Cal and Robin at that point because I thought they were key players. I sat down with Hugh Fowler a lot in order to get him to agree to some of it. Of course Tancredo, I went to the Republican Caucus -- no I didn't go to the Caucus -- I went to the Speaker then, Ron Strahle and asked him to give me a chance to

put some amendments together. Not to take a caucus position on the bill. If they liked my amendments fine, if they didn't then they could vote against the bill. I think because I had credibility with them they gave me that courtesy. They didn't take a caucus position, which I think was a key, key issue. They let me work and present on my amendments. We finally were able to pass them in the House and the bill survived again for two more years. We were able to demonstrate, and very few times is a minority party able to demonstrate any powers by the veto and we were able to do that (Valdez, 1982).

In addition to the hard reality of partisan Republican opposition to the Act, it was also becoming increasingly clear that Chicano parents were assuming their responsibilities seriously. Federico Peña argues that bilingual programs had initiated parental involvement all too well for most local school district personnel:

What happened was that parents in those communities took their responsibilities under the Act seriously. Then they began to question the school board on a lot of policies and what happened was that a lot of parents got very much involved, not only on bilingual issues, they got more involved in school board elections. We had what the critics had always been suggesting that we as Chicanos do, and that is get involved in the educational system and the political process. Once that happened, the opponents didn't like that. They turned around and said we were interfering with local control and therefore it's a bad Act. What in fact happened was that we had a lot of parents asking some very tough questions of school board members. They were going to school board meetings for the first time. Board members were

uncomfortable with that. So they saw the Bilingual Act as being troubling for them at the local level (Peña, 1982).

Bilingual bicultural education in Colorado had come dangerously close to being eliminated. The Act was given a new lease on life but the future was uncertain. In direct contrast to the allocations made by the Joint Budget Committee in 1976 and 1977, the funding for the State bilingual program was reduced for fiscal year 1978 to 2.4 million dollars. This was a reduction of 800,000 dollars from the 1977 level of funding.

1978

In even numbered years, the Governor sends a special written message to the General Assembly during the first 10 days for those subjects appropriate for legislative action. Consequently, the General Assembly may consider only those items he places on his call and any revenue measures. Members of the legislature, legislative interim committees, organizations, or private citizens may suggest items for the Governor to place on his call for consideration by the General Assembly. Such sessions are called the "short session" since only the list of items suggested by the Governor may be considered (Walton, 1973). Thus in 1978, no bills affecting The Bilingual Bicultural Act were introduced or considered. Nevertheless, the Joint Budget Committee continued their practice of cutting funds for the bilingual program which it had started in 1977. The funding provided for implementation of the Act in fiscal year 1979 was slightly less than that provided for 1978. The legislator most responsible for this methodical program disembowelment was Representative Tom Tancredo. He speaks proudly of his involvement:

Mostly my involvement was in cutting the funds. I did that every year. I went after everything I could get. It was fairly successful each year

in the Caucus. The Senate would put it back and we'd take it out. We kept going on like that for awhile but we'd always get it for some. So that was my main thrust. It was apparent that we were not going to get a bill through at this time. It wasn't ripe. Things just weren't right. The support would have been there but the Governor would have vetoed anything we put through so what's the use of pushing it (Tancredo, 1982).

Meanwhile, at the State Department of Education, a new Bilingual Unit Director had been employed. Ms. Rosalie Martinez a former Bilingual Director for the Fort Lupton School District, was selected to head the unit. The director's position had been vacant for some time and Ms. Martinez's appointment was not free of political overtones. She recalls the appointment:

The State Board approached me and asked me if I would consider. I'm sure it was because I had been visible there at the State Steering Committee meetings and directors' meetings. I really think maybe they thought I was quiet and softspoken and not perhaps very militant and amenable and they could work with me. Allan Lamb called me and said that he had been instructed by the State Board of Education to offer me the job. I said that I wasn't interested. That I was already enrolled in a doctoral program at Colorado University and I had my direction set out. Bill Dean (assistant commissioner) asked me to reconsider. Robin Johnston asked me to consider it and I said to them the same thing. My basic reasoning for that of course was that, I thought if the establishment selected me then my utility was probably going to be zero. I thought that it was hard enough without having people feel that you've gone in as a vendido (sell out). I wouldn't work under those conditions.

Then a meeting was held in Dillon. The Chicano Education Project and Chicano legislators, and parents and some directors supposedly were going to select from the two finalists, which were Arlene Sutton and Luis Valerio. But they couldn't come to an agreement. Jerri Donache who is now Jerri Aragon called me at school. I was working there. It was already late August. The 29th of August to be exact. She told me my name had come up and she had been instructed to see if I would consider it. Of course, I was shocked because I felt that they were looking for a very militant type of personality. Somebody who could hold their own with the commissioner, with the State Board and so forth. I kept asking, Are you sure? Are you sure? She kept saying yes we know. I said, well, you know I can't change. I can't be a different kind of person. They're going to take me the way I am? She said, yes. So, I said yes, right on the phone because I figured with that kind of support and that kind of backing, things are going to be much, much, easier (Martinez, 1982).

Martinez immediately set about implementing a structured evaluation process for ascertaining the success or lack thereof of the programs in local districts. Results were available at the end of the 1976-77 school year and also for the 1977-78 school year. The final evaluation report submitted by the Southwest Research Associates for the 1976-77 academic year included the following conclusions:

A large majority of the programs in Colorado are successful in assisting children to improve their performance in comprehending, reading, writing and speaking the English language. Specifically:

1. 43 percent of the bilingual programs showed great

success.

2. 35 percent of the bilingual programs showed average success.
3. 13 percent of the bilingual programs showed marginal success to failure.
4. 9 percent of the bilingual programs showed no data on which to base the information.

Evaluation of the other three objectives dealing with improved attendance, self-concept and parental involvement was difficult to do because of the lack of proper instruments and incomplete data (Southwest Research Associates, 1977).

The 1977-78 Bilingual Evaluation, conducted by the Dissemination and Assessment Center for Bilingual Education, also resulted in positive disclosures. The final report concluded that State Programs had generally been effective in improving English reading skills of participating students. Moreover, program participants had a high rate of attendance, being present 90 to 94 percent of all possible school days. As a group, participants demonstrated adequately positive self-concepts and attitudes. Parental involvement in a wide variety of bilingual program activities was also frequent. It is also important to note that during the 1977-78 school year, approximately 25 percent of linguistically different students showed sufficient gains by the end of the year to be reclassified as non-linguistically different students. They had reached or exceeded the district average in English reading achievement. In their summary, Goldsmith and Babcock (1978), authors of the report, asserted "Although not all districts were successful in improving the English reading skills of their participating students, we believe that many of the bilingual programs are experiencing high levels of

success." (p. 16). Dr. Goldsmith, in a cover letter to Ms. Martinez, reported that he had never encountered a set of evaluation findings for any program year, geographic area or population that evidenced as high a degree of success as found in the evaluation of Colorado programs. Given the apparent quality and success of many state-funded programs, he urged continued legislative support and sound documentation of outcomes (Stansfield & Hansen, 1979).

1979

On January 3, 1979, the biennial attack on bilingual education resumed. Senator Hugh Fowler, along with Representative Tom Tancredo introduced Senate Bill 85. This bill was for an Act Concerning The Teaching of Children Who Speak Only A Language Other Than English and Providing For The Elimination of Bilingual Bicultural Education In The Public Schools. Essentially the bill repealed the substance of The Bilingual Bicultural Act leaving only the provisions relating to tutorial programs. Again, supporters of the existing law had anticipated Republican attempts at repealing the Act. Substantial numbers of individuals presented testimony in support of the present law and charged Senator Fowler with "politiking" away their childrens' futures.

Martha Ezzard, a Republican Representative and a newcomer to the legislature, became quite involved in supporting the Act:

> It (The Bilingual Bicultural Act) first came to my attention as a political issue to deal with in the House Republican Caucus the first year when I was a freshman in the House. The issue as it came before us in the caucus was a move by then Representative Tancredo to cut the funding which I understood, even at that point in time, was not his first effort to do so. My opposition was based in part, at least, on what I thought was the unfairness of killing the program in that way. That if

indeed you wish to defeat bilingual education and you don't think it is a good program, then you change the statute and you don't come in through the back door and just keep hacking away, slashing the funding. So, I was one of the minority of Republicans in the House who supported continuation of the funding. I believe Representative Strahle, as I recall, also was. There were few of us, very few, who supported it. I had some rather heated debates in caucus with Tancredo on the subject and I had a hard time, frankly, understanding his rationale, because he seemed to be very emotionally involved with the whole idea of bilingual education. So my interest in the issue was really sparked by that caucus debate because I got the distinct feeling that it wasn't just that he thought it wasn't working but that he thought, as did a number of others, that it was a really bad idea, philosophically in concept. I really couldn't track with that because of course even though the data was sketchy, it makes sense to any of us who are parents. That children learn languages at a young age and that they learn to have some confidence in themselves and create self-image and that the early assistance with the language problems is essential to any long-term savings with respect to social programs and dropouts. Seeing the dropout rate among the Chicanos being tripled, something like that, I believe, I was convinced that was one way to save us some money long term. I guess one of my feelings in this arena is that we very seldom do anything long term. Senator Fowler's position, I think, was based at least in part, on his own belief that there were other ways besides bilingual classes to help children improve their language skills who were deficient in the English language. As you know he was a proponent of

the ESL method and the tutorial method. I think even though Senator Fowler and I had a lot of differences and still do, that he was genuine in his firm belief that this was not the best way to solve the problem. I don't think that he was not concerned about those children. With Representative Tancredo, I frankly could never track with his rationale, nor could I find that he had any. I just felt that he was opposed to bilingual education and he was being used. I felt like he and a few other Republicans, in some way or another, were convinced that bilingual education was being used politically by some political forces that were suspect in some way. It was as if they felt there was political agitation on the part of forces they disagreed with and they reacted very emotionally to that. The Chicano Education Project, to them, was a very distasteful group. I sensed that they had an emotional reaction to that group that I didn't share. They saw CEP as agitators, extremists, radicals, trying to cause trouble, trying to defeat good people at the polls, sort of undercover. Bilingual education had been turned into a political cause for Chicanos and that there was something evil about that. It was kind of sick to me, frankly. I found the CEP leaders to be reasonable people. Certainly believing in their cause. I wasn't always in agreement with them but I found them to be intelligent and to have their facts in order. I had no problem with them (Ezzard, 1982).

Interestingly, widespread support for Senate Bill 85 was not present in the legislature. In spite of the fact that Fowler was able to gain support in the Senate Education Committee, which he continued to chair, when it reached the Senate floor it died on the second reading. Senator Fowler analyzed the lack of support in 1979 for S.B. 85:

It died in the Senate. I think that many of the legislators were really tired of the issue. They just wanted to wave it off, because you see, this is typical of legislators, they had been dealing with the problem in the appropriations bill and that part dealing with education. Over the years we saw the amount of money for the bilingual law being reduced and reduced. But the damn bill was still there in its amended form and the linguistic and cultural difference thing had been changed (Fowler, 1982).

The Denver Catholic Register in its April 12, 1979 issue summed up the legislative battle quite well:

> The saving of the State's bilingual program has offered a concrete example of cooperation among lobbying groups in the 1979 session of the Colorado legislature. With the death of Senator Hugh Fowler's Senate Bill 85 on second reading in the Senate on April 3, the yearly threat to the existence of the State's funding of bilingual programs has been stemmed for another year. Uniting in support of the continued State funding of bilingual education and in opposition to Senate Bill 85 were a number of individuals, agencies, and organizations. To name a few: Hispanic leaders throughout the State, the Colorado Education Association, representatives of the Episcopal Social Concerns Committee, individual members of the Archdiocesan Council of Catholic Women; and numerous others.

Dr. Calvin Frazier and the State Board of Education were also instrumental in lending their support to the existing bilingual law. In a prepared statement to the Senate Education Committee, the Board indicated that they believed the conditions which motivated the legislation still existed and that the

objectives in the Act were still valid and important. They recognized that there were still some problems but they pledged their intent to speak to concerns raised by the committee members. Nevertheless, funding for fiscal year 1980 was set at 1.8 million dollars.

1980

As indicated earlier, the Bilingual Unit within the State Department of Education began, in 1977, to develop a systematized evaluation process which required that all districts submit the same type of data covering achievement, attendance, self-concept and parental involvement. The first year under the system was the 1977-78 school year. Because the evaluation system was not finalized until February of 1978, some districts had not completed the data collection. The system was further refined with the districts supplying more data for the 1978-79 and 1979-80 school years. A remaining problem however, in collecting usable test data, had been the legislative prohibition on a State mandated testing program. Since the State cannot mandate that test data be gathered, evaluations depend upon the regular testing schedules of the districts and their willingness to voluntarily engage in testing beyond what they would otherwise do. For this reason, many projects report data for only one or two grade levels.

In order to express project impact, measured by the use of pre and post-test scores, so that the findings of one district could be aggregated with those of other districts, the districts reported their pre and post-test results in Normal Curve Equivalents (NCES). The use of NCES has been recommended as a criterion for judging educational significance of educational programs. It has been used in a number of federally funded studies of educational program impact.

Table 2 is a display of the number of projects for each grade level in which the linguistically different (LD) children and the non-linguistically different (NLD) children showed either a gain or a loss or no change in their pre-post test status in 1977-78, 1978-79 and 1979-80. The information in the table illustrates the overwhelming success of the program. Each year the amount of useful data has increased significantly. For 1979-80, 38 out of 41 districts had achievement data at least at one grade level. This represented 93 percent of the districts with bilingual programs. The information in the table indicates that at every grade level the program was successful. At the kindergarten level, all reporting programs either maintained or significantly increased achievement for both LDs and non-LDs. At the first grade level, 23 of 24 programs reported no change or significantly increased achievement for LDs while 20 of 21 programs reported the same result for non-LDs. At the second grade level, 30 of 33 programs showed maintained or significantly increased achievement for LDs while 23 of 28 showed the same result for non-LDs. For third graders, 29 of 31 programs reported achievement for LDs as maintained or as significantly increased while all programs indicated maintained or increased achievement for non-LDs.

Table 3 is a report of the achievement data for the 1979-80 school year. The figures are broken down using +3NCES as the measure of significant gain. This is the same criterion used in Title I as the measure of success.

The data indicate the success of bilingual programs in Colorado. The data also support the conclusion that Colorado bilingual programs are eminently successful for both the LD and NLD student. Bilingual education as an educational process benefits both categories of participating students in Colorado (Egan & Goldsmith, 1981).

Table 2. Bilingual Student Gains Over A Three Year Period

1977-78				1978-79				1979-80			
Student Classification	Kindergarten			Student Classification	Kindergarten			Student Classification	Kindergarten		
	Lost 7 or more NCEs	No Change	Gained 7 or more NCEs		Lost 7 or more NCEs	No Change	Gained 7 or more NCEs		Lost 7 or more NCEs	No Change	Gained 7 or more NCEs
L.D. N=13	1	5	7	L.D. N=17	0	2	15	L.D. N=12	0	3	9
NLD N=12	1	3	8	NLD N=16	0	3	13	NLD N=12	0	3	9
Student Classification	1st Grade			Student Classification	1st Grade			Student Classification	1st Grade		
	Lost 7 or more NCEs	No Change	Gained 7 or more NCEs		Lost 7 or more NCEs	No Change	Gained 7 or more NCEs		Lost 7 or more NCEs	No Change	Gained 7 or more NCEs
L.D. N=14	3	3	5	L.D. N=17	2	5	11	L.D. N=24	1	10	13
NLD N=14	1	5	5	NLD N=16	1	9	6	NLD N=21	1	11	9
Student Classification	2nd Grade			Student Classification	2nd Grade			Student Classification	2nd Grade		
	Lost 7 or more NCEs	No Change	Gained 7 or more NCEs		Lost 7 or more NCEs	No Change	Gained 7 or more NCEs		Lost 7 or more NCEs	No Change	Gained 7 or more NCEs
L.D. N=18	1	13	4	L.D. N=23	1	14	8	L.D. N=33	3	21	9
NLD N=16	1	10	5	NLD N=22	1	14	7	NLD N=28	5	16	7
Student Classification	3rd Grade			Student Classification	3rd Grade			Student Classification	3rd Grade		
	Lost 7 or more NCEs	No Change	Gained 7 or more NCEs		Lost 7 or more NCEs	No Change	Gained 7 or more NCEs		Lost 7 or more NCEs	No Change	Gained 7 or more NCEs
L.D. N=14	1	9	4	L.D. N=18	2	12	4	L.D. N=31	2	25	4
NLD N=12	0	9	3	NLD N=18	1	15	2	NLD N=20	0	22	6

N= number of projects reporting usable pre/post-test data for specified grade level group of students

L.D. = Linguistically Different students

NLD = Non-Linguistically Different students

Grade	Number Reporting		More Than -3 NCES		+ -3 NCES		More than + 3 NCES		Percent maintaining or gaining	
	LD	NLD	LD	NLD	LD	NLD	LD	NLD		
K	12	12	0	0	2	0	10	12	100%	100%
1	24	21	1	1	2	8	21	12	96%	95%
2	33	28	7	7	9	5	17	16	79%	75%
3	31	28	5	2	10	9	16	17	84%	93%
Total K-3	100	89	13	10	23	22	64	57	87%	89%

Table 3. Bilingual Achievement Data: 1979-80

Again, because it was an even numbered year and the Governor's Call was in effect, no anti-bilingual legislation was introduced in the 1980 legislative session. However, as in the past three years, funding for the bilingual law for fiscal year 1981 was reduced by the Joint Budget Committee to 1.7 million dollars. Thus, from a high of 3.2 million dollars funding in 1977, the level of funding in three years had been reduced 1.5 million dollars. Bilingual directors, teachers, parents and others could not help but feel the gradual reduction of monies for their bilingual programs. Resources, both human and material, for the programs were limited and many felt the resultant effect was a decline in

the quality of the bilingual programs (Pena, 1982).

1981

The 1981 legislative session began with the Republican Party holding more seats in the House and the Senate than in the previous four years. The party had benefitted from the national trend in the elections which resulted in the victory of Ronald Reagan as President. Bills were introduced by legislators but none dealing with the issue of bilingual education. Supporters of bilingual education were surprised and relieved that the biennial struggle was not going to be staged in 1981.

However, on March 9, 1981, two months into the legislative session, Senator Al Meiklejohn introduced Senate Bill 462, A Bill For An Act Concerning The Establishment Of An English Language Proficiency Program In The Public Schools For Children Whose Dominant Language is not English, and Making An Appropriation Therefor. The bill, as introduced, would establish an English language proficiency program to provide intensive language training to students whose dominant language was not English. It provided for testing to determine inclusion in the program. It also provided funding mechanisms for the program. Local school districts were responsible for implementation of the program. The bill also would repeal existing provisions for bilingual education, specifically The Bilingual Bicultural Act.

Rosalie Martinez, former director of the Bilingual Unit had some penetrating perceptions on the birth of S.B. 462:

> I really feel it was orchestrated by the commissioner and Robin Johnston and that it was because there were many districts that were anti-bilingual. I think there were more districts anti-bilingual education in 1975 and 1976 than there were in 1981. I really felt that what

was capitalized on was the ignorance of the other districts about bilingual education. At the beginning (when Martinez became director) I felt that Cal (Frazier) was very supportive. He was in all our meetings. He was a strong part of it. However, it seemed to me, and this is my own personal observation, that his support waned as did the Democratic controlled legislature. When it became obvious that they no longer had the power, that Ruben Valdez was no longer House Majority Leader or Paul Sandoval was no longer on the Joint Budget Committee, and Joe Shoemaker was no longer there to pull people into line, then it seems to me that's when his true feelings about bilingual education surfaced. He did not support the idea of two languages. We had several conversations. He supported many of the components of bilingual education. He went public on radio and said that he thought it was the parent involvement component of bilingual education that accounted for its success. He supported self-concept, culture, and parental involvement. He always gave lip service to those. But he balked at the use of two languages and would say to me that he feared it was very similar to the situation in Quebec. He feared that the promotion of two languages in our school system would lead to a secession, I guess, of the Southwest from the United States. I know for a fact that the commissioner came to work one day with his idea of what Senate Bill 462 should look like. It was stated that he could not sleep that night thinking about things so he got up and wrote a draft. Now whether that's true or not, I have a copy of that rough draft that he put together at 3:00 o'clock in the morning, so it wasn't Meiklejohn. It wasn't anybody else. It was Cal Frazier at three o'clock in the

morning putting together his idea of what the new legislation should look like. He'd laid the groundwork because at the end of the legislative session the year before he had said that one of the things that he had learned was that he was no longer going to react to pieces of legislation that the legislature would come up with. From now on their tactic was that they were going to come up with their own bills. He would then give it to a sponsor and have him push it through, which is exactly what he did with Meiklejohn (Martinez, 1982).

Robin Johnston, no longer Chairman of the State Board of Education, but now Administrative Assistant to the Commissioner of Education, gives a slightly different version of the development of S.B. 462:

By this time, we had found within our unit here, and our reaction from school districts all over the State, was that the Act had promoted something none of us wanted. That it was a forum for adversary relationships with school districts. It had promoted the one thing I was totally opposed to from the beginning -- which was maintenance. The maintenance of a language and culture. To help with Spanish, great. But that's the obligation of the family. It's our obligation as teachers or whatever to get the kids able to function in a much more highly technological world than we've ever known before and you'd better have your English in there. Well, once it (S.B. 462) was written, I certainly read it. Tom Tancredo wrote it. I helped add things to it and so did Cal. We worked with Al (Meikeljohn) on a daily basis. We were spending three fourths of our time on bilingual education, for how many kids as a percentage? The Chicano Education Project had people around the State and they were organizing parents. But you can do it

and work with people or you can do it and be militant. We were in a posture of reacting to our school districts, to boards, to superintendents who were saying -- this is tearing us apart, please help us. That's exactly what we tried to do. It had turned out to be so divisive that there was only one answer. Start over. We sure helped. Al got it through the Republicans. He got it through quickly (Johnston, 1982).

Federico Peña, now the House Minority Leader in the legislature, believed that all the work had been done prior to introduction of the bill:

Now you had a more credible person working on the opposition. Before, Fowler had become antagonistic, even many of the Republicans didn't like him. Senator Meiklejohn had more credibility, Chairman of the Senate Education Committee, ex-school board member, ex-president of the Colorado Association of School Boards and that made a big difference. He didn't antagonize a lot of Republicans in the way in which he did it. It was a total surprise. He didn't advise me that he was going to be doing that. He and I had worked the previous year together on school finance legislation and I was extremely upset. I felt betrayed by him when he introduced the legislation at the very last minute, all of which indicated that the Department of Education had been working very quietly with him in drafting the legislation (Peña, 1982).

Senator Martha Ezzard, who is perceived as a moderate Republican and who in 1979 had supported the Bilingual Bicultural Act was quite honest in her assessment of the situation in 1981:

There were indications that it (The Act) was not working well. We had created something in the law that was very costly and that there were a

number of ways to help these kids. Maybe we had mandated a particular method of helping them, i.e., bilingual, that was not particularly appropriate. At any rate, I had some conversations with Representative Strahle, whom you will recall was one of the defenders of bilingual education. He and I agreed, along with the commissioner, that perhaps some changes were necessary to allow greater flexibility at the local level. Kids, were classified as needing help, as having a language deficiency because of a second language, who really were there for a lot of other problems, economic, social, and so on. I began to see that that was a little fuzzy. That caused me to think, well maybe we do need to change this so that a district can decide. Maybe for some districts, the bilingual classes are good and for others, not so. I was willing to vote for some changes. I talked to Representative Strahle at length about it but I made it clear that I didn't want, that I thought the bill ought not to be carried or in the hands of Tancredo and those who had such strong emotional feelings about it and who I thought were going overboard the other way. It ought to be carried by some people who were really concerned about improving the program and therefore it was turned over to Senator Meiklejohn (Ezzard, 1982).

The stage was indeed set, the actors in place, when Senator Meikeljohn introduced his bill. On March 12, 1981, the Senate Education Committee, chaired by Meikeljohn, considered S.B. 462. Approximately 10 individuals presented testimony with 7 of them opposed to the bill and 3 in favor of the bill. Commissioner Frazier indicated that in 1975 he and others had worked hard when it became clear that H.B. 1295 was going to pass. Robin Johnston and he worked out some amendments with the sponsors of H.B. 1295 to try to make the bill

acceptable. It was his feeling at that time (1975) that he had tried to deal with many of the issues which the committee was faced with in considering S.B. 462. By 1977 it was clear to him that there were problems with the Act. For that reason he recommended passage of the bill. Testimony and discussion of the bill was limited to one day and on March 16, 1982, the Senate Education Committee approved S.B. 462. Largely through the persistent efforts of Senator Ezzard, some amendments were made to the bill which broadened the kinds of children to be served and permitted local districts, if they so desired, to utilize a bilingual education approach in the classrooms. Senator Ezzard recalls her actions:

> Some of my amendments were to change even the wording. I wanted to get rid of the dominant language test. So often, I think that with little kids, how can you tell what their dominant language is? Sometimes the're so mixed up they have no dominant language. That was essentially what all my amendments, as I recall, were to oppose this whole idea that they had to be dominant in another language to get any help. I did get the one amendment through in the committee, that was then taken off in the Appropriations Committee with a lot of data that was questionable. I just came unglued over that and this whole thing got worse. As we went through the process I became more and more disillusioned about my willingness to go along with any change, seeing that it was out of my control really for the change to be what I felt to be a legitimate kind of change. So I felt myself not in agreement with Peña and the Chicano forces particularly, but certainly not in agreement either with my leadership. I was caught somewhere in the middle. It was a great coup to have gotten the Senate amendment that I got through on the floor of the Senate. That was the great victory as I

recall and that was one of the few times in this legislative process when I have ever felt that something rose or fell on the basis of merits. There was good bi-partisan support for that amendment just on the basis of the facts since I recall Senator Cole and a few people like that whom one might expect not to vote for it did support it (Ezzard, 1982).

On March 30, 1981, S.B. 462 as amended, was passed in the Senate, on the third reading with a vote of 24 Ayes and 10 Noes. It was then introduced to the House and assigned not to the Education Committee but to the Finance Committee. It came out of the Finance Committee on April 9, 1981, and was then assigned to the Appropriations committee. On April 13, 1981, the Appropriations Committee recommended it favorably to the Committee of the Whole. It passed the third reading in the House on April 16, 1982, with a vote of 42 Ayes and 21 Noes. Thus, in little over one month, Senate Bill 462 had passed through both the Senate and the House. On May 27, 1981 the Conference Committee report was adopted.

The bill was sent to Governor Lamm for his signature. There were some who believed that the Governor would veto S.B. 462 as he had vetoed H.B. 1146 in 1977. The Governor neither vetoed or signed the bill. On June 9, 1981, The English Language Proficiency Act became law thereby repealing The Bilingual Bicultural Act and effectively eliminating mandated bilingual education programs in the State of Colorado.

Mandated Bilingual Education in the State came into existence as the result of some unique political circumstances and events in 1975. Accordingly, in 1981 The Bilingual Bicultural Act sustained a fatal strike as the result of drastically different political circumstances and events. This chapter has been an attempt in detailing the story of the rise and fall of mandated bilingual

education policy in Colorado. The researcher has endeavored to communicate the complexity, richness and frustration of the policymaking process. Success, or lack thereof, in this attempt will ultimately lie with the readers as they gain additional insights which will enable them to positively influence the policy-making process.

CHAPTER V

SUMMARY, FINDINGS, CONCLUSIONS, RECOMMENDATIONS

Summary of the Study

This study examined in detail the history of The Bilingual Bicultural Act in the State of Colorado. The various forces: (a) environmental conditions; (b) perceived needs; (c) political system and; (d) feedback, which affected the development, passage, application and repeal of the Act were investigated. Employing the case study method, the researcher attempted to ascertain the antecedents of the decisionmaking process which resulted in the establishment of bilingual education public policy in Colorado. More specifically, this study explored the answers to the following questions:

1. What factors influenced the Colorado legislature to enact a mandated bilingual education public policy?

2. What, if any, evidence was available to determine the impact of bilingual education public policy in the State of Colorado?

3. What factors influenced the Colorado legislature to repeal the mandated bilingual education public policy?

The motivation for conducting this research emerged from a personal commitment to learn something of how education in this country functions. It is quite clear that the premise for development of public schools was established in the legislatures of the various States. The governance of schools, while often perceived as a responsibility of the citizenry's informed participation in govern-

mental processes (the lay school board), has never been delivered from the hands of the schools' maker: the State government. In matters of educational policymaking, the real power rests in the hands of the State while little, if any, rests with those served: the students and their parents. Another reality to serious observers of schools is that control over resource allocations, as practiced by the State, determines to a large extent the degree of power that can be exercised over people.

Schools go on and their governance, financing, and treatment of students are maintained primarily because policies are rarely challenged or changed. Clearly then, a significant process in school affairs entails educational policymaking because policies are the conduits of power. Thus, an understanding of how it is made and made effective is essential for anyone concerned enough about schools to seek change. Whether the framers of educational policy realize it or not, the power to alter school conditions, including the capability of restructuring the basis for public policy development, rests with the State. For the purpose of this study, the researcher grounded the assumption that educational policymaking in the United States reflects the historical fact that the States ordered and devised the development of public schools in America. Given such an assumption, the intent of this study was twofold: to trace the path of a particular policy initiative from its initial formulation, through adoption and to its repeal and to check something of the relevance and coherence of a specific conceptual framework concerning the public policymaking process.

The researcher chose to conduct and record this study by employing Rakoff and Schaefer's "Model of the Policymaking Process." In this regard, the study is a departure from most policy analysis studies. Such studies have tended to focus on inputs and outputs. The most widely used theoretical models are

designed as systems to accommodate the input and output factors. However, few, if any, of these models focus on the interacting, fluid, dynamic elements that comprise the black box of policy development. Most, if not all, system approaches have emanated from Easton's "Dynamic Response Model of a Political System." The application of such approaches has been limited to a concentration on quantifiable phenomena. The end result has been a numerical measure of government efforts in various areas of public policy.

As an exploratory investigation into the dynamics of educational policymaking, this study required a number of circumstances: the bilingual education policy initiative, access to the formative processes in the development of the initiative, access to the formal and informal decisionmaking processes of the State government and a guiding metaphor which served to provide perspective on the process studied. The Rakoff and Schaefer model provided the appropriate framework; the State government provided access as did significant actors in the policymaking process. Additionally, the policy initiative developed by Chicano activists was easily viewed as among the most important and recent vehicles for educational reform in Colorado.

Bilingual bicultural education in Colorado was organized and proposed at the State policymaking level in order to effect changes in educational practices at the school district level. Chicano activists were able to transform the general perceived need for school reform, arising out of particular social and economic conditions, into a specific political demand. Aspects of environmental conditions affecting schooling, such as the U.S. Commission For Civil Rights Study, had generated a myriad of perceived needs and resultant political demands concerning school-related issues. The policy initiative required making a choice among those needs/demands configurations, and an elaboration of

strategies in order to enable Chicano legislators, drawing upon their experience within political subsystems, to aggregate and focus for adoption purposes the variety of issues circulated under school reform. The strategies included: cooperation of groups and individuals concerned with equal educational opportunity for Chicano students, compromise with individuals representing the State education agency, carefully drawn and worked out adoption process tactics including vote counting, pressure tactics, voter support and endorsement campaigns; and a carefully conceived and genuinely innovative application system which was developed as an integral part of the demand aggregation segment.

Insofar as the model is concerned, this researcher easily discerned its fit with the development, enactment, application and repeal of The Bilingual Bicultural Act. Nothing in the proposals and strategies developed within the bilingual education effort seemed to discredit the model. In fact, the degree to which the application systems were provided for within the legislation is testimony to the writers' awareness of the importance of environmental conditions, the impact of policy action, and the critical issues of needs perceptions.

The dynamics of the formal policy adoption process and the interaction of actors involved in the process served to determine the shape and content of the legislation. House Bill 1295 was essentially designed to accumulate the policymaking powers of the State education agency, traditionally delegated to local education agencies for purposes of redistribution to local communities, in a fashion different from current practice. The primary step was to force the State education agency to reacquire policymaking powers it had delegated to local school districts. Thus, the bilingual legislation required: a comprehensive proposal to be submitted annually, an annual census which would establish funding levels, a bilingual bicultural unit to provide program leadership, a State

Steering Committee, and parent committees at the school district level. Upon passage of the legislation and the subsequent program implementation, two issues came to the fore. The State Commissioner of Education was hesitant in enforcing the law as written and local school districts vocalized considerable dissatisfaction with the law which mandated an instructional mode. Thus, the application process of the Act resulted in significant feedback actions which eventually motivated the political system to introduce and legitimize an alternative educational technique.

The results of the case study provided substantial evidence for accepting the Rakoff and Schaefer model as a salient conceptual guide to the policymaking process. The framework offers a sufficiently wide scope to enable researchers to account for the variety and complex interplay of conditions necessary for policy development, impact and context. Furthermore, the methodological construct provides enabling or linking systems which illustrate the networks of interrelationships between and among the conditions necessary to the policymaking process. The model assumes the following: (a) that policies are made, (b) that there are formal and informal processes and systems, (c) that the process is reasonably open, (d) that boundaries are permeable and, (e) that the process is constantly evolving and feeding upon itself. The model establishes an ordering of phenomena which affects the policymaking process.

The model does not establish a series of cause and effect or specific correlations linked by hypotheses. It does not lend itself well even to establishing measures of correlation among the variables. Policymaking is too complex for any such simplistic theorizing. An observation regarding the endless complexities of the policymaking process is that such complexities may be designed into the process for a reason: the more difficult and complex the

process, the fewer people will seek access to it, thus leaving the control to a persistent handful. The complexity of the process also suggests that the Rakoff and Schaefer model may be subject to correction, change or possible abandonment when more insightful approaches to policymaking emerge. Researchers, in order to even approximate a more complete picture of the policymaking process, must rely at least in part on the conduct of case studies.

This investigation was an ordered excursion organized as a case study which necessitated the collection and analysis of motivations, materials and strategies generated in relation to the bilingual education policymaking process. The results of the investigation were checked to determine their fit into a proposed conceptual framework. The case study method was undertaken precisely because the research was exploratory: "Case studies provide the insights required to bring the problem into focus and develop the framework for a study" (Hofferbert, 1974).

The central problem with a case study is methodological. Such a study has an N of 1, no theoretical base and a variety of constraints on the investigation processes. The investigator must make arbitrary judgments as to the length of time of the investigation and which aspects of the policymaking process are to be covered. The investigator, recognizing that a simple case study was too severely limited in its scientific utility, organized the research through use of the case approach to provide data which, when analyzed with a conceptual framework, would provide for the development of further, more detailed, comprehensive and theoretically precise policy studies.

As an exercise in theory building, this study can only serve heuristic purposes. It is an accumulation of inductive facts and at the same time is designed to determine to some extent the efficacy of a proposed framework in

providing a base for hypotheses testing. It is an effort at interposition as described by Dubin (1969): "the research stance toward theory building among behavioral scientists (must) be that of constant altertness to the descriptive knowledge of the domain about which they wish to theorize" (p. 240). Hence, this study should be seen as both a useful pre condition and a complementary function of adequately developed and tested theory. This is also not to say that there are no significant findings in regard to the actual policymaking process. Only that such findings are inferential. Given the purpose of the study and the limited resources available, choices of methods were limited and the most appropriate use of existing knowledge in the field seemed to be to, in a preliminary and tentative fashion, arrive at some basic conclusions based on information derived from a case study.

Findings of the Study

The data collected, analyzed and reported in this case study resulted in the following findings:

1. Bilingual education became a public policy issue in Colorado as the result of school reform demands articulated by Chicano and Anglo activists.

2. Colorado Chicano and Anglo activists argued that the public schools had failed Chicano children by ignoring their distinct educational needs.

3. The U.S. Commission On Civil Rights clearly documented the inadequacies of the schools as well as their lack of concern for Mexican American children.

4. The U.S. Commission On Civil Rights Report provided Colorado Chicano activists with the data necessary for demanding educational reform.

5. In the San Luis Valley of southern Colorado, differences in the wealth of communities resulted in widespread differences in the money spent for

the education of students and this fueled the fires for school reform among Chicano activists.

6. The 1974 Supreme Court Decision in Lau v. Nichols served as a timely agent whereby the Colorado General Assembly became acutely aware of the need to take action relative to the issue of bilingual education.

7. The Chicano Education Project was instrumental in orchestrating the bilingual education crusade and in enlisting statewide support.

8. Former Representative Ruben Valdez was the one individual most responsible for translating school reform demands by Chicano activists into bilingual education policy in the State of Colorado.

9. House Bill 1295, as introduced by Representative Leo Lucero in 1975, reflected the concerns and expectations of Chicano activists regarding their demand for bilingual education policy.

10. House Speaker Ruben Valdez and House Education Committee Chairman Leo Lucero masterfully guided House Bill 1295 through the House, winning overwhelming approval.

11. Dr. Calvin Frazier, Commissioner of Education and Robin Johnston, Chairman of the State Board of Education, influenced the final version of House Bill 1295 and assisted in gaining support and passage in the 1975 legislative session.

12. Although House Bill 1295 was rejected in the Senate Education Committee, Chicano legislators were able to manipulate the support of key Senators, thus assuring passage.

13. Between the years of 1977 and 1981, there were repeated attempts by Republican legislators to either repeal The Bilingual Bicultural Act or to drastically alter its objectives and content.

14. The 1974 State elections resulted in the Democratic Party gaining control of the House of Representatives.

15. Chicano legislators exhibited considerable manipulative political skills in securing support for bilingual education from influential legislators.

16. The personal involvement of Robin Johnston in the policymaking process, as well as her personal relationships with legislators, was critical to continued movement and eventual passage of the bill.

17. House Bill 1295 was enacted as The Bilingual Bicultural Act in 1975 because of the political power wielded by Democrats in the General Assembly.

18. The negotiations and subsequent compromises on the final version of House Bill 1295, agreed upon by State Department representatives and sponsors of the bill, were perceived as tacit approval of the department and thus enhanced the bill's acceptance by legislators.

19. Despite passage of The Bilingual Bicultural Act in 1975 by the General Assembly, there existed different perceptions of the nature and intent of bilingual education programs mandated in Colorado.

20. Chicano sponsors of House Bill 1295, as well as the majority of its supporters, including the Chicano Education Project, perceived the bill mandating bilingual education programs as of the pluralization type.

21. Senator Hugh Fowler and Representative Tom Tancredo perceived House Bill 1295 as promoting bilingual education programs which were of the vernacularization type.

22. Dr. Calvin Frazier and Robin Johnston supported bilingual education believing that the programs would be of the assimilation type.

23. Many of the Anglo legislators and educators who originally

supported the bill also perceived that bilingual programs would be assimilationist in nature.

24. A few cosmopolitan Anglo and Chicano supporters perceived that the bilingual programs to be implemented would be of the internationalism type.

25. Implementation of The Bilingual Bicultural Act brought into focus the sharp philosophical differences which existed between and among suporters and opponents of the law.

26. The repeal of The Bilingual Bicultural Act became a partisan political issue continually promoted by Republicans in the General Assembly.

27. The Bilingual Bicultural Act was too radical an educational reform for the Colorado public school system.

28. Establishment of the State Steering Committee to provide leadership and direction for the implementation of The Bilingual Bicultural Act was perceived by many as an attempt to erode the decisionmaking powers conferred upon the State Board of Education by the Colorado Constitution.

29. The establishment of Community Parent Committees to provide input and advice for the operation of bilingual programs at the school district level was perceived by many as a threat to local boards of education and administrators.

30. The Bilingual Bicultural Act of 1975 was successful in increasing the numbers of Chicano parents involved in the educational process.

31. Community Parent Committee involvement led to the development of political sophistication among heretofore disenfranchised Chicano people.

32. Increased political involvement by Chicano parents was per-

ceived as a threat to the status quo by members of the establishment.

33. Evaluation reports filed by the Bilingual Bicultural Unit of the State Department of Education indicated that the majority of linguistically different and non-linguistically different students enrolled in the mandated bilingual education programs were making significant gains in academic achievement.

34. The enactment of Senate Bill 462: The English Language Proficiency Act effectively repealed The Bilingual Bicultural Act and eliminated mandated bilingual bicultural programs in the State of Colorado.

35. Dr. Calvin Frazier's decision to be proactive in dealing with The Bilingual Bicultural Act was a decisive factor in passage of Senate Bill 462 and the resultant abrogation of mandated bilingual edcuation programs in Colorado.

36. Primary responsibility for the passage of House Bill 1295 in 1975 can be laid on the Democratic Party in the General Assembly.

37. Primary responsibility for the repeal of The Bilingual Bicultural Act in 1981 can be laid on the Republican Party in the General Assembly.

38. The respective strength of the Democratic and Republican parties in the 1975 and 1981 General Assemblies resulted in irresponsible behavior in the bilingual education policymaking process.

39. During the eight year legislative struggle over bilingual education, party affiliation was an important determinant of voting behavior.

40. Although repeal of The Bilingual Bicultural Act did not occur until 1981, erosion of the law's intent and purposes began in 1977 as a result of the gradual decline in program funding.

Conclusions of The Study

This case study of the bilingual education policymaking process in the

State of Colorado has led to the following conclusions:

1. The case study approach is an effective research methodology for gathering data regarding the educational policymaking process.

2. Educational policymaking is the result of a confluence of forces streaming from an almost endless number of tributaries.

3. The Rakoff and Schaefer Model: "A Model of the Policymaking Process" is useful as a conceptual framework for the analysis and reporting of the public policymaking process.

4. The provision of equal educational opportunity for Mexican American children is oftentimes tied to the financial resources derived from taxing property within local school districts.

5. Legislative policymaking is fought out at the level of personal and group strategems, as well as compromises based upon power coalitions of political, administrative, partisan and personal interests.

6. Party affiliation is an important determination of voting behavior and educational policymaking.

7. Educational research relative to the school achievement of minority students is a powerful force in motivating school reformers to press for equal educational oportunity.

8. Judicial decisions and rulings are significant forces in prodding State legislative bodies to establish certain educational policies.

9. Supportive State legislators in powerful positions within the legislative body are crucial agents in promoting educational policies.

10. Support or lack thereof, of educational policy by the State's Education Commissioner, is critical to policy adoption and adaptation in local school districts.

11. Advocacy agencies, such as the Chicano Education Project, are significant forces for garnering and orchestrating educational reform demands of diverse interest groups.

12. Changes in the composition of legislative bodies can drastically affect support or opposition to established educational policies.

13. Adoption of an educational policy does not insure complete understanding among all members of the legislative body.

14. Adaptation of an educational policy results in new perceptions and interpretations of the policy.

15. Educational policy which changes the existing, traditional, educational establishment will be challenged by its members.

16. Favorable evaluation results of a particular educational policy does not necessarily result in continued legislative support for it.

17. Proactive and intentional planning for new educational policies, by responsible groups and/or individuals, is an essential stage for policy adoption.

18. Adoption of educational policies without the concomitant allocation of adequate financial resources for adaptation serves only to vividly illustrate the legislature's lack of commitment to the Statute's intent and purposes.

Recommendations for Further Research

All research is incomplete. If done well, it should result in answers but ought also to raise more questions. This research was an exploration into the emerging field of educational policy studies. As such, it is hoped that it will serve as a base for a further development of methods, as well as a refinement of the chosen conceptual model. This study will contribute to a clearer understanding of the policymaking process as it is imbedded in environmental and

political systems.

As the literature suggests, and as previously mentioned in this study, the recent concentration of policy research on input-output designs which neglects the black box on conversion, requires a balancing of research efforts. If research into policy issues concentrates only on input-output, it hardly provides policymakers and others with sufficient information relative to understanding how the system actually works. Without this understanding, the system cannot be improved upon.

The recommendations for further research are as follows:

1. That an extended investigation of the utility of the systems model, utilizing the Rakoff and Schaefer framework as a theoretical base, be conducted. This research must be conducted both longitudinally and comparatively, employing a variety of analysis approaches. Such research should extract data related to the three critical variables: environmental conditions, perceived needs and the political systems. The feedback returns should also be explored. Additionally, the outputs and impacts of the policy efforts should be measured.

2. That the conclusions discerned in this study be translated into empirical hypotheses for testing against the ground of reality. The Rakoff and Scaefer model should serve as a conceptual guide in the hypothesizing process.

3. That case studies employing the Rakoff and Schaefer conceptual framework be conducted exploring the policymaking process as it occurred in relation to educational policies other than bilingual education in the State of Colorado.

4. That case studies, employing the Rakoff and Schaefer conceptual framework, be conducted exploring the policymaking process as it occurred in relation to bilingual education policies in other States.

Educational policymaking will continue whether or not researchers, administrators, or policymakers in education generate data, analyze processes and measure outcomes. The implications of educational policymaking on the schooling of children are such that the value of relevant research is clear. Researchers must resolve to explicate the processes of policymaking, investigate the outcomes and impacts of specific policy decisions and propose alternatives. The more critical the policy decisions affecting schools, resources, and children in American society, the more important it becomes to gather and analyze data on the factors that influence and establish education policy. To interpret the policymaking process in such a way as to make it accessible and understandable seems an important and pressing task. A citizenry unable or unwilling to understand their government's means, values and ends as exhibited in policymaking is a citizenry no longer capable of governing themselves.

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APPENDIX A

IN-DEPTH INTERVIEW STRUCTURES

Introductory Statement

My name is David Barbosa. I am a doctoral student at the University of Oklahoma and I am working on my research for the dissertation. The research is directed toward "A Public Policy Analysis of Bilingual Education." Specifically what I am doing is studying the formulation and implementation of bilingual education policy in the State of Colorado. My study begins in 1973 when a bill was first introduced, and ends with passage of The English Language Proficiency Act in 1981. I will be asking you some very specific questions in regard to your involvement in the policy process. I have devoted considerable time to reviewing and studying the official records of the State. I have listened to numerous tapes of legislative proceedings. I have identified what I call "significant actors" in this whole process. You are one, and I would like to gain some additional insights into the issue from your particular perspective. If, when I am asking questions, it is your impression that I don't have a factual understanding of what took place, please feel free to bring that to my attention.

Could we begin by your telling me a little about yourself, and how you came to be involved in the issue of bilingual education in Colorado?

Leo Lucero

First Interview

March 9, 1982

A native of Pueblo, Colorado. Professional educator, employed in District 60, Pueblo, CO, for over 20 years. Ran for the Colorado House of Representatives in 1969 and was successful. He has been a member of the House for over 10 years.

1. In 1973 you co-sponsored House Bill 1224. What was the motivation for introducing this legislation? What was the strategy for gaining passage of the bill?

2. The House Education Committee approved House Bill 1224 as amended, then it went to the Senate Education Committee. What happened to the bill when the Committee considered it? Why?

3. What did you learn from this first effort at introducing bilingual education legislation?

4. In 1974, you co-sponsored House Bill 1114. What, if anything, was different about this bill from House Bill 1224?

5. Why did H.B. 1114 get postponed indefinitely in the Appropriations Committee?

6. What, if anything, took place regarding bilingual education legislation between the 1974 and 1975 legislative sessions?

7. In 1975 you sponsored House Bill 1295. This bill was more substantial

and detailed than House bills 1224 and 1114. Why?

8. As H.B. 1295 was being considered by the House Education Committee, what were the problems you encountered in making the bill acceptable and how did you resolve them?

9. Both Dr. Frazier and Robin Johnston went on record in support of the bill. How helpful was their endorsement?

10. What were some of the tradeoffs in making the bill acceptable?

11. What were some of the problems the bill encountered in the Senate? Why?

12. Why do you think Representatives Showalter and Tancredo introduced legislation in 1977 to repeal The Bilingual Bicultural Act?

13. What effect did the passage of H.B. 1146 and then the subsequent veto by Governor Lamm have on bilingual education in the State?

14. Why do you think Senator Fowler and Representative Tancredo introduced S.B. 85?

15. Why did S.B. 85 receive so little support in 1979?

16. In 1981, Senator Meiklejohn introduced S.B. 462 and it moved very quickly. Why was S.B. 462 introduced and how did it receive such instant support?

17. Looking back over the past 10 years and the issue of bilingual education in Colorado, why do you think we are where we are presently?

18. Have you ever regretted your involvement in the development of bilingual education policy in Colorado?

19. If you could do it all over again, is there anything you would do differently?

20. Was there a different social and political climate in 1975 as compared with 1981? If so, what was the difference?

21. How did the differences in the composition of the General Assembly in 1975 and 1981 affect bilingual education?

22. Do you believe Governor Lamm has been supportive of bilingual education policy?

23. Was the repeal of The Bilingual Bicultural Act motivated by partisan politics?

24. Is there anything else you would like to share with me to give me

additional insight into the bilingual education policy process?

Federico Peña

Second Interview

March 10, 1982

A native of southern Texas. Received his law degree from the University of Texas. He worked as a lawyer for the Mexican American Legal Defense Fund and then began work for the Chicano Education Project as their staff attorney. He ran for the legislature and won election in 1978. He is presently the House Minority Leader in the General Assembly.

1. In 1973, Ruben Valdez introduced H.B. 1224. Were you at all involved in that process?

2. In 1975, H.B. 1295 was introduced. This bill was more substantial and detailed than bilingual legislation in the past. Who was responsible for writing the bill?

3. What were the important elements of the bill?

4. H.B. 1295 met with great opposition in the Senate. Who led the opposition and what was the basis of the opposition?

5. Dr. Frazier and Robin Johnston endorsed the concept of bilingual education but had questions about H.B. 1295. What were their questions and why?

6. I understand you and others were involved in reaching a compromise version of H.B. 1295. Tell me about those negotiations.

7. What were the political forces that made passage of H.B. 1295 possible?

8. What was the reason for Showalter and Tancredo's introduction of H.B. 1146 in 1977?

9. What effect did the passage of H.B. 1146 and then the subsequent veto by Governor Lamm have on bilingual education in Colorado?

10. In 1979, Fowler and Tancredo introduced S.B. 85. Why?

11. In 1981, Meiklejohn introduced S.B. 462 and it passed quickly. Why and how?

12. Looking back over the last 10 years and the issue of bilingual education, why are we where we are presently?

13. Have you ever regretted your involvement in the development of bilingual education policy in Colorado?

14. If you could do it all over again, what would you do differently?

15. Do you think there was a different political and social climate in 1975 as compared with 1981? If so, what was it?

16. Did the differences in the legislative makeup of the General Assembly in 1975 and 1981 affect bilingual education?

17. Do you believe Governor Lamm has been supportive of bilingual education policy?

18. Was the repeal of The Bilingual Bicultural Act motivated by partisan politics?

19. Do you think that the Act was too radical an educational reform for school districts in Colorado?

20. Is there anything else you would like to share with me to give me additional insight into the bilingual education policy process?

Robin Johnston

Third Interview

March 12, 1982

A native of Michigan. Majored in Geology at Michigan State College and UCLA. Later re-enrolled at the University of Northern Colorado and earned a Master's degree in Education. She was quite involved as a parent volunteer in the Denver schools. She became a member of the State Board of Education and served as Chairman for some years. She is presently the Administrative Assistant to the State Commissioner of Education.

1. In 1973, Ruben Valdez introduced H.B. 1224. What, if any, participation did the State Department of Education have in writing the bill?

2. In 1974, H.B. 1114 was introduced. Was the State Department at all aware of this bill?

3. Why do you think H.B. 1224 and H.B. 1114 were not seriously considered by the legislature?

4. In 1975, H.B. 1295 was introduced. Was the State Department at all involved in writing the original bill?

5. Although you and Dr. Frazier went on record in support of bilingual education, you had problems with H.B. 1295. What were they and why?

6. You and Dr. Frazier sat down with sponsors of the bill and rewrote it to make it acceptable to you. Tell me about that process.

7. Why was passage of H.B. 1295 possible in 1975?

8. What effect do you think passage of H.B. 1146 and then the subsequent veto by Governor Lamm had on bilingual education in Colorado?

9. What was the motivation for the introduction of S.B. 85 in 1979? Did the State Department support S.B. 85?

10. In 1981, Senator Meiklejohn introduced S.B. 462 and it moved quickly. Did Dr. Frazier and the State Board support it? Why?

11. Why didn't Governor Lamm veto S.B. 462?

12. Looking back over the last 10 years and the issue of bilingual education, why do you think we are where we are presently?

13. Have you ever regretted your involvement in the formulation of bilingual education policy in Colorado?

14. If it were possible to recreate the introduction of bilingual education, what do you think should have been done differently?

15. Was there a different social and political climate in 1975 as compared to 1981? If so, how did it affect the issue of bilingual education?

16. Did the differences in the makeup of the General Assembly in 1975 and 1981 affect bilingual education? If so, how?

17. Do you think that somewhere along the line bilingual education ceased being considered as an educational issue and became a political issue? If so, when? Why?

18. Was the repeal of bilingual education motivated by partisan politics?

19. Was the Bilingual Bicultural Act too radical an educational reform for school districts in Colorado?

20. Is there anything else you would like to share with me to give me additional insight into the bilingual education policy process?

Ruben Valdez

Fourth Interview

March 24, 1982

A native of Trinidad, Colorado. Active in Union activities and a Chicano activist. He ran for the Colorado House of Representatives and won in 1970. He made an unsuccessful bid for Lieutenant Governor in 1978. He worked as Regional Representative of the Secretary for Transportation with the Carter Administration. Governor Lamm appointed him as Executive Director of Social Services in 1979 and he still serves in that capacity.

1. In 1973 you introduced H.B. 1224. What was your motivation for doing so?

2. The House changed H.B. 1224 from being a mandatory bill to a permissive bill. Why and how did this happen?

3. Why did H.B. 1224 die in the Senate Education Committee?

4. What did you learn in 1973 from introducing bilingual education legislation?

5. Tell me a little about the introduction and disposition of H.B. 1114 in 1974.

6. What, if anything, took place in regard to bilingual education planning before the 1975 legislative session?

7. In 1975, H.B. 1295 was introduced. Who wrote the bill and what were the critical elements of the bill?

8. Dr. Frazier and Robin Johnston went on record in support of bilingual education but indicated some dissatisfaction with H.B. 1295. What was your reaction to their position?

9. Supporters of the bill and Frazier and Johnston sat down to work out some compromises in H.B. 1295. What is your understanding of that negotiation process?

10. Why did H.B. 1295 pass in 1975?

11. What part did you play in the successful passage of H.B. 1295?

12. What problems did H.B. 1295 have in the Senate? How did you finally gain Senate support?

13. Why did Showalter and Tancredo introduce H.B. 1146 in 1977?

14. Why did H.B. 1146 pass in 1977?

15. What effect did Governor Lamm's veto of H.B. 1146 have on bilingual education in Colorado?

16. Why did Fowler and Tancredo introduce S.B. 85 in 1979?

17. Why was Meiklejohn's S.B. 462 successful in 1981?

18. Did you believe that Governor Lamm would veto S.B. 462?

19. Looking back over the past 10 years in relation to bilingual education, why do you think we are where we are today?

20. Have you ever regretted your involvement in the formulation of

bilingual education policy in Colorado?

21. If you could do it all over again, what would you do differently?

22. Was there a different social and political climate in 1975 and 1981?

23. Did the differences in the makeup of the General Assembly in 1975 and 1981 affect bilingual education? If so, how?

24. Do you believe Governor Lamm has been supportive of bilingual education in Colorado?

25. Did bilingual education cease being an educational issue and become a political issue? If so, why?

26. Was the repeal of bilingual education motivated by partisan politics?

27. Was the Bilingual Bicultural Act too radical an educational reform for school districts in Colorado?

28. Is there anything else you would like to share with me to give me additional insight into the bilingual education policy process?

Martha Ezzard

Fifth Interview

March 26, 1982

Came to Colorado from Missouri. She received her B.A. from the University of Missouri, in Journalism. She accepted a position early in the 1970s as a press aide to then Governor John Love. She ran for a seat in the House of Representatives in 1978 and won election. In 1980, she ran for a Senate seat and also was successful.

1. You are a relative newcomer to the Colorado General Assembly. Prior to your election, were you at all aware of the passage of The Bilingual Bicultural Act?

2. Once elected to office, when did you first deal with the bilingual education issue?

3. Why did Senator Meiklejohn introduce S.B. 462?

4. You are a member of the Senate Education Committee which considered S.B. 462. Was passage of S.B. 462 a foregone conclusion?

5. Why was there so much opposition in the General Assembly to S.B. 462?

6. Looking back over the last 10 years and the issue of bilingual education, why do you think we are where we are presently?

7. You were perceived by many as being sympathetic to bilingual education. Is that true? If so, why?

8. If it were possible to recreate the introduction of bilingual education to Colorado, what should have been done differently?

9. Was there a different social and political climate in 1975 as compared to 1981? If so, why?

10. Did the difference in the composition of the legislature in 1975 and 1981 affect the issue of bilingual education?

11. Do you believe that somewhere in this whole process bilingual education ceased being considered as an educational issue and became a political issue? If so, why?

12. Was the repeal of bilingual education motivated by partisan politics?

13. Was The Bilingual Bicultural Education Act too radical an educational reform for school districts in Colorado?

14. Is there anything else you would like to share with me to give me additional insight into the bilingual education policy process?

Rosalie Martinez

Sixth Interview

April 5, 1982

A native of Colorado. She was a classroom teacher in the Fort Lupton, CO School District. Later, she became the director of their Title VII Bilingual Program. In 1977, she was appointed the State Director for Bilingual Education. She is presently the Assistant Director for the BUENO Bilingual Education Service Center at the University of Colorado.

1. In 1973 Ruben Valdez introduced H.B. 1224 to the legislature. You were one of the individuals who testified in support of the bill. Tell me about your involvement at that time.

2. H.B. 1224 in 1973 and H.B. 1114 in 1974 were not successful. Would you recall for me what took place during those two years?

3. In 1975, H.B. 1295 was introduced and finally was passed. What role did you play in the process at that time?

4. Do you believe Dr. Frazier has been supportive of The Bilingual Bicultural Act?

5. What led to the resignation of Dr. Saavedra and subsequently to your appointment as the State Bilingual Director?

6. How did the passage of H.B. 1146 and then the veto by Governor Lamm affect bilingual education in Colorado?

7. What do you believe motivated Fowler and Tancredo to always be in opposition to bilingual education?

8. In 1981, Senator Meiklejohn introduced S.B. 462. What were your perceptions of that process?

9. Were you at all involved in the writing of S.B. 462?

10. Looking back over the last 10 years and the issue of bilingual education, why do you think we are where we are presently?

11. Have you ever regretted your involvement in the formulation of bilingual education policy in Colorado?

12. If it were possible to recreate the introduction of bilingual education into Colorado, what do you believe should have been done differently?

13. Was there a different political and social climate in 1975 as compared to 1981? If so, why?

14. Did the differences in the composition of the legislature in 1975 and 1981 affect bilingual education?

15. Do you think that somewhere along the line bilingual education ceased being considered as an educational issue and became a political issue? If so, when and why?

16. Was the repeal of bilingual education motivated by partisan politics?

17. Was The Bilingual Bicultural Act too radical an educational reform for school districts in Colorado?

18. Is there anything else you would like to share with me to give me additional insight into the bilingual education policymaking process?

Tom Tancredo

Seventh Interview

April 6, 1982

Preparation and experience as an educator. He is a former Social Studies teacher in the Jefferson County schools. He ran for the House of Representatives in 1976 and won election. In 1981, he was appointed, by the Reagan Administration, as the Regional Education Director in The Department of Education. He is presently serving in that capacity.

1. Were you at all involved in the early and mid 1970s when the issue of bilingual education legislation was being considered?

2. Why were H.B. 1224 in 1973 and H.B. 1114 in 1974 not successful?

3. In 1975, H.B. 1295 was passed by the legislature. What was your impression of the bill?

4. Why was H.B. 1295 passed in 1975?

5. What was your motivation for presenting H.B. 1146 in 1977?

6. Share with me some of the details which led to passage of H.B. 1146.

7. What was your reaction to Governor Lamm's veto of H.B. 1146 in 1977?

8. After the Governor's veto, some legislators sat down and worked out compromises to the Act. Were you involved in that process?

9. What was your motivation for introducing S.B. 85 in 1979?

10. Why was S.B. 85 not successful?

11. Did you support S.B. 462 as introduced by Senator Meiklejohn in 1981?

12. Looking back over the last 10 years and the issue of bilingual education, why are we where we are presently?

13. Have you always been opposed to the concept of bilingual education? If so, why?

14. If it were possible to recreate the introduction of bilingual education into Colorado, what should have been done differently?

15. Was there a different social and political climate in 1975 as compared to 1981? If so, how did it affect bilingual education?

16. Did the differences in the composition of the legislature in 1975 and 1981 affect bilingual education?

17. Was the issue of bilingual education policy a political issue rather than an educational issue? If so, why?

18. Was the repeal of bilingual education motivated by partisan politics?

19. Was The Bilingual Bicultural Act too radical an educational reform for school districts in Colorado?

20. Is there anything else you would like to share with me to give me additional insight into the bilingual education policy process?

Hugh Fowler

Eighth Interview

April 15, 1982

Native of Chicago, Illinois. He moved to Colorado in 1946. He comes from a family of people quite involved in Education. In 1968, he ran and won a Senate seat in the General Assembly. He chose not to run for reelection in 1980. He presently is a self-employed Public Relations Specialist.

1. What was your reaction to the efforts, by Ruben Valdez in 1973 and 1974, to establish bilingual education in the State?

2. In 1975, H.B. 1295 was introduced to the legislature. Why did it have difficulties in the Senate?

3. Why was it possible to pass H.B. 1295 in 1975?

4. What was your reaction to the introduction of H.B. 1146 in 1977 by Showalter and Tancredo?

5. Share with me some of the details in making H.B. 1146 a successful bill?

6. What was Governor Lamm's motivation for vetoing H.B. 1146 in 1977?

7. Were you involved in working out the compromise in the Act after the Governor's veto?

8. What was your motivation for introducing S.B. 85 in 1979?

9. Why was S.B. 85 unsuccessful?

10. What was your impression of S.B. 462 as introduced by Senator Meiklejohn in 1981?

11. Why did S.B. 462 have so much support?

12. Looking back over the last 10 years and the issue of bilingual education, why are we where we are presently?

13. Have you always been opposed to the concept of bilingual education? If so, why? If not, why did you change your mind?

14. If it were possible to recreate the introduction of bilingual education into Colorado, what should have been done differently?

15. Was there a different social and political climate in 1975 as compared to 1981? How did it affect bilingual education?

16. Was bilingual education a political issue rather than an educational

issue? If so, why?

17. Was the repeal of The Bilingual Bicultural Act motivated by partisan politics?

18. Was The Bilingual Bicultural Act too radical an educational reform for school districts in Colorado?

19. Is there anything else you would like to share with me to give me additional insight into the bilingual education policy process?

APPENDIX B

HOUSE BILL NO. 1295, 1975

LDO NO. 75 0770/1 First Regular Session Fiftieth General Assembly STATE OF COLORADO HOUSE BILL NO. 1295

EDUCATION
APPROPRIATIONS

BY REPRESENTATIVES Lucero, Valdez, Sears, Neale, Barrnsen, Castro, Bendelow, Boley, Brinten, Brown, Burrows, Cantrell, DeBoulin, Dick, Flanery, Frank, Gaon, Hamlin, Hayes, Hobbs, Hogan, Howe, Kirscht, Kopel, Lloyd, Lyon, McCroskey, Marks, Massari, Ore, Orten, Quinlan, Showalter, Smith, Spano, Sprague, Taylor, Wayland, Webb, and Wells; also SENATORS Cisneros, Sandoval, Minister, Comer, Darby, Gallagher, Groff, Hatcher, Holme, Kadlecek, Kogovsek, MacManus, and Massari.

A BILL FOR AN ACT

CONCERNING BILINGUAL-BICULTURAL EDUCATION, AND ENACTING THE "BILINGUAL AND BICULTURAL EDUCATION ACT", AND MAKING AN APPROPRIATION THEREFOR.

Bill Summary

(NOTE: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Establishes a program of bilingual-bicultural education which provides for the identification and education of students with linguistically different skills or culturally different environments. Makes an appropriation to implement the act.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Title 22, Colorado Revised Statutes 1973, as amended, is amended BY THE ADDITION OF A NEW ARTICLE to read:

ARTICLE 24

Bilingual and Bicultural Education

22-24-101. Short title. This article shall be known and may be cited as the "Bilingual and Bicultural Education Act".

22-24-102. Legislative declaration. (1) The general assembly hereby declares that there are substantial numbers of

Capital letters indicate new material to be added to existing statute.

students in this state with linguistically different skills or culturally different environments due to the influence of another language in their family, community, or peer group or due to their cultural environment and that public school classes in which instruction is given only in English are often inadequate for the education of these students. The general assembly recognizes the need to provide for programs to perfect the English language skills and cultural development of these students and finds that this will best be accomplished through bilingual and bicultural programs which provide cognitive and affective development of these students by: Utilizing the cultural and linguistic backgrounds of these students in the curriculum; providing these students with opportunities to expand their conceptual and linguistic abilities and potentials in a successful and positive manner; and developing cultural and ethnic pride and understanding among these and other students.

(2) The general assembly further declares that bilingual and bicultural education will assist students who have adequate skills in English in developing skills in another language and in understanding another culture. Therefore, pursuant to the policy of this state to insure equal educational opportunity for every student, and in recognition of the educational needs of students with linguistically different skills or culturally different environments and of the importance of acquainting students with adequate English language skills of the value and beauty of other languages and cultures, the general assembly declares that it is the purpose of this article to provide for the establishment of bilingual and bicultural programs in the public schools and to

provide for the distribution of funds to local education agencies for the extra costs resulting from such programs.

22-24-103. Definitions. As used in this article, unless the context otherwise requires:

(1) "Assistant commissioner of education" means the person selected pursuant to this article to be the administrative head of the unit.

(2) "Bilingual and bicultural education teacher's aide" means a person employed to assist the teacher in a program.

(3) "Board of cooperative services" means a board of cooperative services created pursuant to article 5 of this title.

(4) "Department" means department of education.

(5) "District" means a school district organized and existing pursuant to law, but does not include a junior college district.

(6) "Local education agency" includes local school districts and boards of cooperative services.

(7) "Parent committee" means the district level parent-monitoring committee elected for each local education agency providing a bilingual and bicultural program pursuant to this article.

(8) "Program" means the bilingual and bicultural education program established by a local education agency pursuant to this article.

(9) "School board" means the board of education of a local school district.

(10) "State steering committee" means the state bilingual

and bicultural steering committee appointed to fully and effectively implement the provisions of this article.

(11) "Students with culturally different environments" means students who have backgrounds of customs, traditions, languages, and values different from those of the dominant culture.

(12) "Students with linguistically different skills" means students whose English language development has been restricted because of the influence of another language in their family, community, peer group, or because of their cultural environment.

(13) "Teacher" means any person employed to instruct or to administer, direct, or supervise the classroom instructional program in a school in this state.

(14) "Title I or Title VII school" means a school receiving federal aid for bilingual and bicultural programs.

(15) "Unit" means the unit of bilingual and bicultural education within the department created pursuant to this article.

22-24-104. State bilingual and bicultural steering committee - creation. (1) Within fifteen days after July 1, 1975, there shall be created a provisional state steering committee. Said committee shall be composed of nine members, three of whom shall be appointed by the governor, three of whom shall be appointed by the speaker of the house of representatives, and three of whom shall be appointed by the president of the senate. Said steering committee shall serve for a period of one year.

(2) The provisional state steering committee shall appoint,

prior to the expiration of its term, three individuals from each congressional district in this state to the first regular state steering committee. Appointments shall be made from among individuals recommended by the parent committees established pursuant to this article. The first regular state steering committee members shall serve staggered two year terms and shall appoint successive members in accordance with guidelines promulgated by the provisional steering committee.

(3) The state steering committee established pursuant to subsection (1) or (2) of this section shall fully and effectively implement the provisions of this article in cooperation with the appropriate personnel within the department. The state steering committee shall conduct public hearings with adequate notice to the general public prior to the adoption of any regulations or guidelines promulgated pursuant to this article. The committee shall present an annual report to the general assembly concerning the overall progress of the programs.

(4) The state steering committee established pursuant to subsection (1) or (2) of this section shall have the following powers which will be exercised in cooperation with the appropriate personnel within the department:

(a) Select the assistant commissioner of education;

(b) Adopt all rules, regulations, guidelines, and procedures it deems necessary for the full and effective implementation of this article;

(c) Adopt appropriate timetables for the submission of bilingual and bicultural plans by local education agencies and

adopt standards, criteria, or other measures which the unit shall apply in evaluating plans submitted by local districts;

(d) Review any appeals by a local education agency whose bilingual and bicultural plan was not approved by the unit;

(e) Report its evaluations or analyses of all bilingual and bicultural plans funded or rejected.

(5) Members of the state steering committee shall be reimbursed for their per diem and travel expenses incurred in the performance of their duties and powers under this article and shall also be granted fifty dollars per day while engaged in the performance of said duties and powers.

22-24-105. Creation of unit - assistant commissioner - assistants. (1) There is hereby created within the department the unit of bilingual and bicultural education. The general supervisor of the unit shall be an assistant commissioner of education who shall be selected by the state steering committee in cooperation with the state board of education. The assistant commissioner shall appoint a director of the unit who shall in turn appoint such assistants and supportive personnel as he deems necessary to effectively administer this article and shall consult with the commissioner regarding said appointments.

(2) The unit shall have sufficient staff and employees to perform these general tasks:

(a) Study, review, evaluate, publicize, and disseminate all available resources and programs that, in whole or in part, are or could be directed towards meeting the language capability needs of students with linguistically different skills or

culturally different environments; gather, publicize, and disseminate information on other successful programs existing in this state and other states; and encourage experimentation and innovation in bilingual and bicultural programs;

(b) Study, review, evaluate, publicize, and disseminate, to all local educational agencies on an annual basis, information on student dropout, retention, special education placement, achievement performance, and such other information as the unit deems relevant regarding the major ethnic groups of students enrolled in the public schools of this state;

(c) Study, review, evaluate, publicize, and disseminate all successful and innovative preservice and inservice programs for staffs of bilingual and bicultural programs and assist local education agencies in selecting and contracting said services;

(d) Compile a data bank on bilingual and bicultural teachers and potential graduates from colleges or universities in this state and other states which the unit identifies for the purpose of assisting local education agencies in their independent efforts to seek bilingual and bicultural teachers;

(e) Undertake any further activities which may assist in the full implementation of this article and to make an annual report to the general assembly, which report shall include an evaluation of the programs and recommendations for improvement; and

(f) Promulgate rules and regulations and take any other action not prohibited by law it deems appropriate to promote the full implementation of this article. All said rules and

regulations shall be approved by the state steering committee. A copy of the rules and regulations issued by the unit and the state steering committee shall be sent to all local education agencies in this state.

22-24-106. Language identification - mandatory establishment of optional program. (1) Each local education agency in this state shall annually conduct a census on or before October 15 or within 30 days after registration to ascertain and identify the number of school-age children with linguistically different skills or culturally different environments residing within its boundaries in accordance with rules, regulations, guidelines, and procedures promulgated by the state steering committee and in accordance with conforming guidelines established by the respective local parent committees. The state steering committee, with the cooperation of the department, shall approve all tests, criteria, identification instruments, and procedures used by the local education agencies, shall insure that said tests, criteria, or identification instruments are normed for relevant geographical areas, and shall insure that said tests, criteria, identification instruments, and procedures are valid for the purpose of identifying students with linguistically different skills or culturally different environments. The unit shall further cooperate with and assist local education agencies in conducting the census. The results of each census shall immediately be forwarded to the unit.

(2) If there are twenty or more students in a school with linguistically different skills or culturally different

environments or if five percent of the students in a school have linguistically different skills or culturally different environments, the local education agency shall establish a bilingual and bicultural program for such students so that they and other students without linguistically different skills or culturally different environments can exercise the option of enrolling in said program. A local education agency may establish a program if there are less than twenty students in a school with linguistically different skills or culturally different environments or if less than five percent of the students in a school building has linguistically different skills or culturally different environments.

(3) A program shall be developed by those local education agencies which identify the number or percentage of students with linguistically different skills or culturally different environments. Such programs shall be of sufficient duration and scope to meet the educational needs of all pupils with linguistically different skills or culturally different environments attending school within the local education agency and which accomplishes the objectives of section 22-24-102.

(4) A bilingual and bicultural program shall be approved by the school board of each respective district affected by subsection (3) of this section. Districts may cooperate with other districts or boards of cooperative services in establishing programs pursuant to the provisions of this article.

(5) Students with linguistically different skills or culturally different environments attending a school which has an

insufficient number or percentage of students with linguistically different skills or culturally different environments enrolled in said school shall have the right to transfer to a school which is required to provide an optional program.

(6) No local education agency shall take any action which has the effect of decreasing the enrollment of students with linguistically different skills or culturally different environments at a school to avoid the provisions of subsection (1), (2), (3), or (4) of this section unless said agency is desegregating an illegally segregated school system. All plans for the elimination of racial or ethnic isolation or segregation which affect the provisions of subsection (2), (3), or (4) of this section shall be submitted to the unit together with the local education agency's census report.

(7) If the unit determines that any local education agency has not complied with this section, it shall immediately notify said agency in writing of its noncompliance and of the repercussions of continued noncompliance. The unit shall thereafter provide said agency with a reasonable opportunity to comply and with the right to a hearing regarding said noncompliance in accordance with rules, regulations, guidelines, or procedures established by the state steering committee. If the unit determines that said agency continues to be in noncompliance, it shall immediately notify the appropriate state agency or department of said noncompliance, and the state agency or department shall terminate state funds and withdraw accreditation of the noncomplying local education agency. The

unit shall also notify appropriate federal agencies or departments of the local education agency's noncompliance with this article.

(8) Any person aggrieved by noncompliance with this article may take appropriate legal action to secure said compliance.

(9) The first program required by this section shall be completed not more than sixty days after July 1, 1975.

22-24-107. Enrollment of students with linguistically different skills or culturally different environments - enrollment of other students - notification - parental right of withdrawal. (1) Every school-age student with linguistically different skills or culturally different environments residing within a local education agency required to provide a bilingual and bicultural program shall be encouraged to enroll in said program.

(2) A local education agency's program shall give preference to students with linguistically different skills or culturally different environments but said program shall also be open to all other students.

(3) No later than ten days after a student is identified for participation in a bilingual and bicultural program and before the student is placed in said program, the local education agency shall notify by mail the student's parents or legal guardian of the fact that their child has been identified as eligible for the program. The notice shall contain a plain, nontechnical description of the purposes, methodology, and content of the program and shall inform the parents or legal

guardian that they have the right to enroll their child in the program, that they have the right to visit the district's bilingual and bicultural classes as often as they so desire, and that they have the right to subsequently withdraw their child from the program. Said notice shall be written in English and in the language of the student's parents or legal guardian.

(4) In addition to the written notice in subsection (3) of this section, the parents or legal guardian of each student identified for participation in the program shall be contacted in person by a school or community coordinator so that the purposes, methodology, and content of said program are explained to said parents or legal guardian in a manner understood by them.

(5) The parents or legal guardian of a student identified for the program who wishes to enroll his child in the program shall do so in writing upon forms provided by the local education agency.

(6) In addition to the provisions in subsections (3) and (4) of this section, each program shall provide that an orientation session be held with the student's parents or legal guardian at the beginning of classes for the purpose of fully explaining the program in a manner and language understood by said parents or legal guardian.

(7) If any parents or legal guardian of an identified student chooses to subsequently withdraw their child from the program, they shall register their decision in writing with the local education agency; except that no withdrawal shall be permitted unless such parents or legal guardian is fully advised,

during a conference with local education agency officials and in a manner and language understood by said parents or legal guardian, of the nature of the program the student is being withdrawn from and the program into which the student will subsequently be placed.

22-24-108. Enrollment of nonresident students. A local education agency may allow a nonresident student with linguistically different skills or culturally different environments to enroll in or to attend its program, and the tuition, if any, shall be paid according to the provisions of section 22-32-115.

22-24-109. Content of programs - nonverbal courses and extracurricular activities - location of courses - class composition and size. (1) A bilingual and bicultural program shall be a full-time program of instruction in which appropriate subjects, as determined by the unit, shall be given in the language of the students with linguistically different skills or culturally different environments and in English; in which the necessary skills of comprehension, speaking, reading, and writing are taught in both languages; and in which the history, culture, and cultural contributions associated with the language of the students with linguistically different skills or culturally different environments and the history and culture of the United States are presented to the students in both languages.

(2) The program shall be located in the regular public schools and not in separate facilities, and no local education agency shall assign students to schools in such a way that will

promote, encourage, or have the effect of segregating students by national origin or linguistic ability. Every local education agency shall insure that the students enrolled in programs described in subsection (1) of this section shall have an equal and meaningful opportunity to participate fully with other students in all extracurricular activities.

(3) Classes in which a bilingual and bicultural program is taught shall be composed of pupils of approximately the same age and level of educational attainment as determined by the unit. Composition of said classes shall not have the effect of grouping or separating students according to their ability as measured by standardized achievement tests which have not been validated for cultural and linguistic biases.

(4) The maximum student-teacher ratio shall be set by the department and shall accommodate the educational needs of students enrolled in a program.

(5) No local education agency may transfer a student of linguistically different skills or culturally different environments out of a bilingual and bicultural program unless the parents or legal guardian of the student approve the transfer in writing.

22-24-110. Bilingual education teachers - letters of authorization - training - staff associates. (1) In selecting teachers for a program, local education agencies, pursuant to guidelines promulgated by the parent committee and the school board, shall make an affirmative effort to seek, recruit, and employ persons who are bilingual and who share or reflect the

culture of the students with linguistically different skills or culturally different environments who enroll in the program. Local education agencies shall offer contracts to teachers for the program with the consent and participation of the parent committee. Applicants who are bilingual and who share or reflect the culture of the students with linguistically different skills or culturally different environments shall not be rejected for a program solely because they are not certified pursuant to article 60 of this title, but rather, local education agencies shall make affirmative efforts to obtain letters of authorization pursuant to section 22-60-107 for persons who possess a bachelor's degree but are not certified to teach. The state board of education shall make affirmative efforts to issue said letters to accomplish the objectives of this section.

(2) The department shall allocate money to local education agencies employing teachers for programs so as to improve their teaching skills through inservice training sessions. Inservice training shall include: Development of personal skills in reading, writing, and speaking; provision of opportunities to develop general teaching skills; provision of opportunities to develop the ability to identify, create, and apply instructional techniques that will enhance the cognitive and psychomotor development of bilingual-bicultural children; and provision of opportunities to demonstrate practice teaching skills relative to bilingual and bicultural education.

(3) Local education agencies may employ curriculum specialists for the effective development or implementation of

the program. In selecting said specialists, the local education agencies, pursuant to guidelines promulgated by the parent committee and the school board, shall make an affirmative effort to seek, recruit, and employ persons who are bilingual and who share or reflect the culture of the students with linguistically different skills or culturally different environments who enroll in the program.

22-24-111. Teachers' aides - training - community coordinators. (1) In addition to employing bilingual-bicultural teachers, each local education agency providing programs pursuant to this article may employ teachers' aides. An affirmative effort shall be made by the local education agency, pursuant to guidelines promulgated by the parent committee and the school board, to seek, recruit, and employ teachers' aides who are bilingual and who share or reflect the culture of the students with linguistically different skills or culturally different environments eligible for the program. Local education agencies shall offer contracts to teachers' aides with the consent and participation of the parent committee. Teachers' aides shall be hired in addition to, and shall not supplant, bilingual-bicultural teachers.

(2) The department shall allocate money to local education agencies employing teachers' aides for the purpose of the upward mobility of said aides for on-the-job performance. This money shall be utilized for the purpose of inservice training sessions so that said teachers' aides can acquire credit hours from an accredited junior college or four-year institution of higher learning towards the acquisition of a degree. Inservice training

of teachers' aides shall include: Development of personal skills in reading, writing, and speaking; provision of opportunities to develop general teaching skills; provision of opportunities to develop the ability to identify, create, and apply instructional techniques that will enhance the cognitive and psychomotor development of bilingual-bicultural children; and provision of opportunities to demonstrate practice teaching skills relative to bilingual and bicultural education.

(3) Any local education agency which conducts programs pursuant to this article shall employ, on a full-time basis, one or more community coordinators if there are fifty or more students enrolled in the program. Community coordinators shall promote communication, understanding, and cooperation between the public schools and the community and shall visit the homes of children who are eligible to be enrolled in a program in order to convey information about the program. An affirmative effort shall be made, pursuant to guidelines promulgated by the parent committee and the school board, to seek, recruit, and employ a coordinator who is bilingual and who shares or reflects the culture of the students with linguistically different skills or culturally different environments. Local education agencies shall offer contracts to community coordinators with the consent and the participation of the parent committee.

22-24-112. Director of bilingual and bicultural education. (1) A local education agency in which one hundred or more pupils are enrolled in a program shall appoint a director of bilingual and bicultural education. The director shall be qualified as a

bilingual and bicultural teacher and shall coordinate the operation of the local education agency's bilingual and bicultural program in cooperation with the appropriate directors of elementary and secondary education pursuant to the regulations promulgated by the state steering committee. The local education agency shall make an affirmative effort, pursuant to guidelines promulgated by the parent committee and the school board, to seek, recruit, and employ a director who is bilingual and who shares or reflects the culture of the students of linguistically different skills or culturally different environments. Local education agencies shall offer contracts to directors with the consent and participation of the parent committee.

(2) In those local education agencies with less than one hundred students enrolled in the program, the local education agency shall appoint a supervisor of bilingual and bicultural education who shall have general authority and responsibility for the program. The supervisor shall be qualified as a bilingual and bicultural education teacher and shall supervise the operations of the program pursuant to regulations promulgated by the state steering committee. Local education agencies shall make an affirmative effort, pursuant to regulations promulgated by the parent committee and the school board, to seek, recruit, and employ supervisors who are bilingual and who share or reflect the culture of the students with linguistically different skills or culturally different environments. Local education agencies shall offer contracts to supervisors with the consent and participation of the parent committee.

22-24-113. Parent and community participation. (1) Local education agencies shall provide for the maximum involvement of parents of students enrolled in the programs. Accordingly, a regular parent committee shall be established within each local education agency offering a bilingual and bicultural program. The parents of students enrolled in each respective program of each school shall elect seventy-five percent of the regular parent committee according to guidelines established by the initial parent committee. The parents elected shall be parents of students enrolled in the program. Any parent committee shall have the option of establishing parent committees for each school offering a program. In addition to the parent members of each committee, a representative of the bilingual and bicultural teachers, a representative of the bilingual and bicultural teachers' aides, the community coordinator, and the director or supervisor of bilingual-bicultural education shall be members of each respective parent committee as they become employees of the local education agency.

(2) For purposes of establishing the initial parent committee, which shall be established at least forty-five days before a local education agency submits a plan pursuant to this article, the following shall apply:

(a) The parents whose children attend a Title I or Title VII school shall elect the local education agency's initial parent committee provided that seventy-five percent of said committee shall be composed of parents of students with linguistically different skills or culturally different

environments. In the event a local education agency does not have a Title I or Title VII school, parents of children attending schools likely to have a program shall elect the initial parent committee.

(b) The local education agency, at least ten days before the parent committee is established, shall have publicized in English and the language of the students who are likely to be identified as participants in the program reasonable and adequate notices which inform parents of their right to be elected to the parent committee, of the purposes of the committee, and of the program which the committee shall be planning, developing, and evaluating. The local education agencies shall give similar notices to students enrolled in Title I and Title VII schools or in the schools likely to have a program for the purpose of having these notices delivered to the parents at home.

(c) The state steering committee may promulgate additional rules, regulations, guidelines, or procedures for the purpose of establishing the initial parent committees.

(d) Parent committees established after the initial committee shall be formed pursuant to subsection (1) of this section.

(3) The parent committee, in cooperation with the school board or board of cooperative services, shall approve and have full and effective participation in hiring, curriculum, and budgeting of the bilingual and bicultural program. The purpose of this section is to insure meaningful involvement on the part of parents who have not previously had an opportunity to

participate in the development and formulation of school programs. The parent committee may employ a staff member of their choosing for the purpose of obtaining technical assistance in project development, full community participation, effective program implementation, and enforcement. The parent committee shall also utilize sufficient funds to allow its members to visit other successful or model programs throughout this state and to enable them to participate in recruiting trips by the agency in seeking, attracting, and employing prospective personnel for the program.

(4) The local education agency shall furnish each member of the parent committee, free of charge, copies of this article, the rules, regulations, guidelines, or procedures issued by the state steering committee, the local education agency's proposed application pursuant to this article, and such other information necessary for the effective involvement of the parent committee in the planning, development, operation, and evaluation of programs pursuant to this article. The local education agency shall also furnish the parent committee with the agency's and department's plans, if any, for future bilingual and bicultural programs, together with a description of the process of planning and developing said programs and the projected times at which each state of the process will start and be completed. The local education agency shall also furnish, and the parent committee shall also have adequate opportunity to consider, all information available concerning the educational needs of children with linguistically different skills or culturally different

environments residing within each local education agency's attendance boundaries and the various programs available to meet those needs. The local education agency shall identify those needs which should be addressed through the programs instituted pursuant to this article. The parent committee shall also have an opportunity to review evaluations of prior programs, if any, and shall be informed of all performance criteria by which the programs are to be evaluated. In addition, the parent committee shall adopt adequate procedures to insure prompt response to complaints and suggestions from all parents whose children are enrolled in the program.

(5) The unit shall not approve any plan unless it is accompanied by the written comments of the parent committee, properly constituted under this section, and unless said plan has been approved by a majority vote of the parent committee.

(6) Each plan by a local education agency for financial assistance under this article shall contain an assurance that the appropriate agency official will consult at least once a month with the parent committee (in formal meetings of such committee) with respect to the administration and operation of a program and that it will provide such committee with a reasonable opportunity to periodically observe and comment upon all program-related activities.

(7) No local education agency shall amend its program, nor shall the unit approve said amendment, unless the provisions of this section have been followed.

22-24-114. Preschool and summer school programs. A local

education agency may establish a full-time or part-time preschool or summer school bilingual and bicultural program and may join with other agencies in establishing the programs. Summer programs shall not serve as a substitute for programs required to be provided during the school year. Any summer school or preschool program shall be established pursuant to the provisions of this article.

22-24-115. Plans - disbursements by the state. (1) Every local education agency seeking financial assistance under this article shall submit a comprehensive plan for bilingual and bicultural education to the unit on forms provided by the unit at least one hundred twenty days before the beginning of each school year; except that the state steering committee may adopt such other timetables as it deems appropriate for the effective and immediate implementation of this article for the school year 1975-1976. In addition to any other information or assurances the unit may request in said plans, each plan shall: Detail all expenditures projected for programs required or permitted under this article, including, but not limited to, amounts to be expended for preservice or inservice training, pupil evaluation, books, instructional materials, media, and salaries; indicate the average per pupil expenditure of the school district or board of cooperative services for the education of pupils without linguistically different skills or culturally different environments and for pupils with linguistically different skills or culturally different environments (exclusive of federal financial assistance); demonstrate and assure that the use of

financial assistance under this article will not result in a decrease in the use of other state, local, or federal funds for pupils with linguistically different skills or culturally different environments and that said pupils will not otherwise be penalized in the application of other state or local funds; demonstrate and assure that any financial assistance under this article will be used to supplement the level of other state, local, or federal funds available for the education of said pupils; and demonstrate and assure that any financial assistance under this article will not be used to provide instructional or auxiliary services to said pupils that are ordinarily provided with other state or local funds to pupils without linguistically different skills or culturally different environments.

(2) To be eligible for state financial support, each plan for a bilingual and bicultural program shall:

(a) Provide for the educational needs of the students with linguistically different skills or culturally different environments in any public school or between a combination of public schools in a district or board of cooperative services;

(b) Use two languages as mediums of instruction for the curriculum of the grade levels within the program;

(c) Use teachers who are bilingual and have received or will receive training in bilingual and bicultural education conducted through the use of two languages;

(d) Emphasize the history, culture, and contributions associated with the language of the students with linguistically different skills or culturally different environments.

(3) No plan shall be approved by the unit unless the requirements of subsections (1) and (2) of this section and all rules, regulations, guidelines, and procedures of the state steering committee have been met.

(4) In addition to subsections (1) and (2) of this section, the state steering committee may require each bilingual and bicultural plan to set forth such other facts as it deems necessary to determine whether each plan conforms to the provisions and purposes of this article and to the committee's rules, regulations, guidelines, and procedures.

(5) The unit shall not approve nonconforming plans and shall return same to the local education agency within sixty days after receipt, together with written reasons for nonapproval, to allow the agency a reasonable opportunity to resubmit an amended plan; except that the state steering committee may adopt such other timetables as it deems appropriate for the full and effective implementation of this article for the school year of 1975-1976. Approval of a plan by the unit shall be a prerequisite to state disbursement.

(6) No funds shall be disbursed to a local education agency pursuant to this article unless said agency certifies that its program will be implemented in accordance with the provisions of this article and the state steering committee's rules, regulations, guidelines, and procedures.

(7) Each participating local education agency shall maintain an accurate, detailed, and separate account of all expended moneys received under this article and any other records

the unit deems necessary and shall annually report thereon to the unit for the school year ending June 30. All said accounts and records shall be available to the unit and the general public to insure that the programs are implemented in conformity with this article and the rules, regulations, guidelines, or procedures promulgated by the state steering committee.

(8) All disbursements under this article are supplementary to state moneys disbursed under the "Public School Finance Act of 1973", article 50 of this title, and shall not cause a reduction of any other or combination of any other state or federal moneys a local education agency is otherwise eligible to receive.

(9) The unit shall not disburse funds under this article in excess of eight million dollars during the first school year to which this article applies. Any undisbursed funds shall remain in the state treasury for use in subsequent years to accomplish the purposes of this article.

SECTION 2. 24-1-115, Colorado Revised Statutes 1973, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

24-1-115. Department of education - creation. (6) The department of education shall include the unit of bilingual and bicultural education, whose general supervisor shall be the assistant commissioner of education.

SECTION 3. Appropriation. There is hereby appropriated, out of any moneys in the state treasury not otherwise appropriated, to the department of education, for the fiscal year commencing July 1, 1975, the sum of _____ dollars ($), or so much thereof as may be necessary, for the implementation of

this act.

SECTION 4. Effective date. This article shall take effect July 1, 1975.

SECTION 5. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

APPENDIX C

THE BILINGUAL BICULTURAL ACT

ARTICLE 24
Bilingual and Bicultural Education

22-24-101. Short title. This article shall be known and may be cited as the "Bilingual and Bicultural Education Act".

22-24-102. Legislative declaration. (1) The general assembly hereby declares that there are substantial numbers of students in this state with linguistically different skills due to the influence of another language in their family, community, or peer group and due to their cultural environment, and that public school classes in which instruction is given only in English may be inadequate for the education of these students. The general assembly recognizes the need to provide for transitional programs to perfect the English language skills and cultural development of these students and finds that this could best be accomplished through bilingual and bicultural programs in grades kindergarten through third grade which provide cognitive and affective development of these students by: Utilizing the linguistic skills of these students in the curriculum; providing these students with opportunities to expand their conceptual and linguistic abilities and potentials in a successful and positive manner; and developing cultural and ethnic pride and understanding among these and other students. It is also the intent of the general assembly that a linguistically different child may remain in an existing bilingual-bicultural program until the conclusion of the third grade if his parents so choose, but will not be counted in the census after he meets or exceeds his district mean or student expectancy level for English language skill development and the standards of student achievement of program goals as adopted by the state board of education in accordance with section 22-24-106. A child will be considered to have completed his transition when he has achieved such program goals or has completed third grade. The general assembly recognizes the need to provide for programs directed toward the achievement of the following objectives:

(a) Improved performance in comprehension, reading, writing, and speaking the English language;

(b) Improved school attendance and reduced dropout rate;

(c) Development of a positive self-concept and attitude; and

(d) Greater parental involvement in the school programs.

(2) Therefore, the policy of this state is to insure equal educational opportunity for every student and to recognize the educational needs of students with linguistically different skills. The general assembly further declares that it is the purpose of this article to provide for the establishment of bilingual and bicultural programs in the public schools in grades kindergarten through third grade and to provide for the distribution of funds to districts for the costs resulting from such programs.

22-24-103. Definitions. As used in this article, unless the context otherwise requires:

(1) "Bilingual and bicultural education teacher's aide" means a person employed to assist the teacher in a program.

(2) "Board of cooperative services" means a board of cooperative services created pursuant to article 5 of this title.

(3) "Community bilingual and bicultural committee" or "community committee" means the district level committee consisting of parents and other persons elected for each district providing a bilingual and bicultural education program pursuant to the provisions of this article.

(4) "Community coordinator" means a person employed by the district for the purpose of promoting communication, understanding, and cooperation between the public school and the community for the effective implementation of programs initiated pursuant to this article.

(5) "Department" means the department of education.

(6) "Direct attributable additional cost" means those costs which are incurred

due to the provision by a school district or board of cooperative services of approved programs under this article. These costs include both direct support services and direct instructional services and are in addition to the program which all children in the district would be entitled to receive and do not include indirect costs.

(7) "Director" means the person selected pursuant to the provisions of this article to be the administrative head of the unit in the department.

(8) "District" means a school district organized and existing pursuant to law but does not include a junior college district.

(9) "District director of bilingual and bicultural education" means the person appointed to direct the operation of a district's bilingual and bicultural program in which there are more than one hundred students.

(9.5) "Full-time program" means a program developed as a part of the plan requirements of section 22-24-117 that has the following characteristics:

(a) Is a full-year program;

(b) Presents the customs, traditions, and heritage of students with linguistically different skills within the curricula of the school, but such program shall not be required on a daily basis;

(c) Promotes the integration of students during program activities; and

(d) Utilizes the language of the students with linguistically different skills on a daily basis and to the extent necessary to achieve the objectives of this article and reinforces the English language skill development of such students.

(10) "Program" means the bilingual and bicultural education program established by a district for the purpose of perfecting the English language skills and cultural development of its students which provides for effective development of its students and which provides for the cognitive and affective development of its students by: Utilizing the cultural and linguistic backgrounds of these students in the curriculum; providing these students with opportunities to expand their conceptual and linguistic abilities and potentials in a successful and positive manner; and developing cultural and ethnic pride and understanding among these and other students.

(11) "School board" means the board of education of a local school district.

(12) "State steering committee" means the state bilingual and bicultural steering committee appointed to assist the state board of education in fully and effectively implementing the provisions of this article.

(13) "Students with linguistically different skills" means students whose English language skill development is below the district mean or student expectancy level and who come from an environment of different customs and traditions which does include the influence of another language upon the students in their families, communities, or peer groups. A child with a surname usually associated with a minority group shall not be automatically presumed to be linguistically and culturally different.

(14) "Supervisor" means a person appointed to supervise a district's bilingual and bicultural program in which there are less than one hundred students enrolled.

(15) "Teacher" means any person certificated pursuant to article 60 of this title who is employed to administer, direct, or supervise the classroom instructional program in a school in this state.

(16) "Title I or Title VII school" means a school operating a program under Title I or Title VII of the "Federal Elementary and Secondary Education Act".

(17) "Unit" means the unit of bilingual and bicultural education within the department created pursuant to this article.

22-24-104. Cooperation as boards of cooperative services. Districts may

cooperate in the carrying out of the provisions of this article, pursuant to the "Boards of Cooperative Services Act of 1965", article 5 of this title. Accordingly, as used in this article, unless the context otherwise specifically requires, "district" and "school board" include "board of cooperative services".

22-24-105. State bilingual and bicultural steering committee - creation. (1) Within fifteen days after the approval of this article by the governor, there shall be created a provisional state steering committee. Said committee shall be composed of nine members, three of whom shall be appointed by the governor and shall be legal residents of this state, three of whom shall be appointed by the speaker of the house of representatives and shall be members of the house of representatives, and three of whom shall be appointed by the president of the senate and shall be members of the senate. Said steering committee shall serve for a period of two years.

(2) A regular state steering committee shall be appointed to succeed the provisional state steering committee pursuant to the provisions of this subsection (2) and subsections (3) to (7) of this section. The regular state steering committee shall be composed of the following nineteen members, all of whom shall be legal residents of this state:

(a) Fifteen members, three from each congressional district in the state, appointed by the state board of education from among nominations submitted by the provisional or regular state steering committee pursuant to subsection (3) of this section. One of the three members from each congressional district shall be a teacher or teacher's aide involved in a bilingual and bicultural education program. In appointing the three members from each congressional district, the state board of education shall consider geographic dispersal of members' residences.

(b) Two members to represent higher education in the state, appointed by the state board of education from among nominations submitted by the provisional or regular state steering committee pursuant to subsection (4) of this section;

(c) One member, appointed by the speaker of the house of representatives from among the membership of the house of representatives;

(d) One member, appointed by the president of the senate from among the membership of the senate.

(3) (a) Prior to the expiration of the term of the provisional state steering committee, and annually thereafter prior to the expiration of the terms of any members of the regular state steering committee appointed pursuant to the provisions of paragraph (a) of subsection (2) of this section, recommendations for nominations to the regular state steering committee for such terms shall be submitted to the provisional or regular state steering committee. Recommendations for nominations submitted pursuant to this subsection (3) shall be submitted within each congressional district in the state.

(b) Within each congressional district, the following groups may make recommendations for nominations and may recommend as many individuals as are deemed necessary:

(I) Community bilingual and bicultural committees;

(II) Teachers, administrators, teachers' aides, and teacher organizations;

(III) School boards;

(IV) Parent-teacher organizations or other citizens.

(c) From among the recommendations for nominations received annually from each congressional district pursuant to paragraph (b) of this subsection (3), the provisional or regular state steering committee shall submit a total of six nominations to the state board of education, for a statewide total of thirty nominations. In submitting nominations from each congressional district, the provisional or regular state steering committee shall consider geographic dispersal of nominees' residences.

(d) From among the nominations submitted for each congressional district pursuant to paragraph (c) of this subsection (3), the state board of education shall

make appointments for terms on the regular state steering committee as required by paragraph (a) of subsection (2) of this section and by subsection (5) of this section.

(4) Prior to the expiration of the term of the provisional state steering committee, and annually thereafter prior to the expiration of the terms of any members of the regular state steering committee appointed pursuant to the provisions of paragraph (b) of subsection (2) of this section, nominations for such terms shall be submitted to the state board of education by the provisional or regular state steering committee. At least twice the number of nominations shall be submitted as there are terms to be filled. From among the nominations submitted pursuant to this subsection (4), the state board of education shall make appointments for terms on the regular state steering committee as required by paragraph (b) of subsection (2) of this section and by subsection (5) of this section.

(5) The members of the regular state steering committee shall serve for basic terms of three years; except that initial one-year and two-year appointments shall be made by the state board of education so that approximately one-third of the terms on the committee will expire in any one calendar year, taking into consideration the appointments made by the speaker of the house of representatives and the president of the senate.

(6) Members of the regular state steering committee shall hold their offices for the terms for which they have been appointed and until their successors are appointed and qualified.

(7) Appointments to fill vacancies on the regular state steering committee, other than vacancies caused by the expiration of terms of office, shall be made by the state board of education; except that appointments for full terms and to fill vacancies in offices on the committee appointed by the speaker of the house of representatives and the president of the senate shall be made in the manner provided for original appointments.

(8) The state steering committee established pursuant to subsection (1) of this section or pursuant to subsections (2) to (7) of this section shall assist the state board of education in implementing the provisions of this article. The state steering committee shall adopt guidelines for the submission of plans for bilingual and bicultural education programs by districts. Members of the state steering committee shall be reimbursed pursuant to rules and regulations of the department for their actual and necessary expenses incurred in the performance of their powers and duties under this article.

22-24-106. Powers and duties of state board of education. (1) The state board of education, in cooperation with the appropriate personnel within the department and in cooperation with the state steering committee, has the power to:

(a) Select the director of the unit of bilingual and bicultural education;

(b) Adopt all rules, regulations, and procedures which it deems necessary for the implementation of this article. Such rules and regulations shall include standards for the determination of student achievement of program goals in accordance with the transitional nature of the program but shall not include a statewide testing program of students. The state board of education shall conduct public hearings with adequate notice to the general public prior to the adoption of any rules, regulations, or procedures pursuant to this article and shall present an annual report to the general assembly concerning the overall progress of the programs.

(c) Adopt appropriate timetables for the submission of bilingual and bicultural plans by districts for the effective implementation of this article, beginning with the school year 1975-76, and adopt standards, criteria, or other measures which the unit shall apply in evaluating plans submitted by such districts;

(d) Review any appeals by districts and review the bilingual and bicultural plans which are not approved by the unit;

(e) Report its evaluations or analyses of all bilingual and bicultural plans funded or rejected.

(2) The state board of education shall:

(a) Approve all tests, criteria, identification instruments, and procedures used by districts;

(b) Insure that said tests, criteria, identification instruments, and procedures are normed for relevant geographical areas; and

(c) Insure that said tests, criteria, identification instruments, and procedures are valid for the purpose of identifying students with linguistically different skills.

22-24-107. Duties of department - creation of unit. (1) The department has the duty to:

(a) Establish a unit of bilingual and bicultural education, a unit director, and necessary unit employees;

(b) Study, review, evaluate, and disseminate all available resources and programs that, in whole or in part, are or could be directed towards meeting the language capability needs of students with linguistically different skills; gather and disseminate information on other successful programs existing in this state and other states; and encourage experimentation and innovation in bilingual and bicultural programs;

(c) Study, review, evaluate, and disseminate, to all districts on an annual basis, information on student dropout, retention, special education placement, achievement performance, and such other information as the unit deems relevant;

(d) Study, review, evaluate, and disseminate all successful and innovative preservice and in-service programs for staffs of bilingual and bicultural programs and assist districts in selecting and contracting said services;

(e) Compile a data bank on bilingual and multilingual teachers and potential graduates who have an interest in working in bilingual and bicultural programs from colleges or universities in this state and other states whom the unit identifies for the purpose of assisting districts in their independent efforts to seek bilingual teachers;

(f) Disseminate all rules, regulations, and procedures adopted by the state board of education.

22-24-108. Language identification - development of preliminary plan. (1) Each district in this state shall annually conduct a census, on or before October 15 or within thirty days after registration, to ascertain and identify the number of school-age children in grades kindergarten through third grade with linguistically different skills residing within its boundaries in accordance with rules, regulations, and procedures adopted by the state board of education pursuant to section 22-24-106.

(2) The district shall enlist the cooperation of and assistance from the unit in conducting the census.

(3) (a) No later than thirty days after the district has conducted its census, the school district shall notify by mail the unit and the parents or legal guardian of students identified as having linguistically different skills in grades kindergarten through third grade.

(b) The notice shall contain a plain, nontechnical description of the purposes, methodology, and content of the program and shall inform the parents or legal guardian that he has the right to enroll such student in the program, that the parents or legal guardian may visit the district's bilingual and bicultural classes as often as desired, and that the parents or legal guardian has the right to withdraw such student from the program. Said notice shall be written in English and in the language of the student's parents or legal guardian.

(c) In addition, the district shall notify by direct contact each student and his parents or legal guardian to explain more fully the purpose, methodology, and content of the program.

(4) The parents or legal guardian of a student (identified for the program or desirous of enrolling in the program) who wishes to enroll said student in the program shall do so in writing upon forms provided by the district.

(5) (a) A district shall develop a plan for a bilingual and bicultural education program in a school if there are fifty or more students in grades kindergarten through third grade with linguistically different skills or if ten percent of the students in a school in grades kindergarten through third grade have linguistically different skills.

(b) A district may develop a plan for a bilingual and bicultural program if there are less than fifty students in a school in grades kindergarten through third grade with linguistically different skills or if less than ten percent of the students in a school in grades kindergarten through third grade have linguistically different skills.

(6) In addition to the provisions of section 22-24-117, plans developed pursuant to the provisions of subsection (5) of this section:

(a) Shall deal specifically with each school within the attendance boundaries of the district within which a number or percentage of students with linguistically different skills has been identified which exceeds the number or percentage specified in subsection (5) of this section;

(b) May deal with other schools within the attendance boundaries of the district;

(c) Shall allow students in schools which are not eligible under this article to have the opportunity, within district policies and regulations, to enroll in those schools providing programs approved pursuant to this article. Transportation need not be provided by the district.

(d) Shall provide for bilingual and bicultural education programs of sufficient duration and scope in grades kindergarten through third grade to meet the educational needs of students with linguistically different skills attending schools within the attendance boundaries of the district.

(7) A plan for a bilingual and bicultural education program developed pursuant to the provisions of subsection (5) of this section shall be approved by the school board of each respective district affected by the provisions of subsection (5) of this section. Districts may cooperate with other districts or boards of cooperative services in developing plans pursuant to the provisions of subsection (5) of this section.

(8) All plans developed pursuant to subsection (5) of this section shall be submitted to the department according to the provisions of section 22-24-117.

(9) Within the limitations of state appropriations for the implementation of this article and after review of all plans submitted pursuant to subsection (8) of this section, the state board of education shall determine those plans which shall be funded from such appropriations. If the plan submitted by a district is funded pursuant to this subsection (9), said district shall implement the bilingual and bicultural education program for which the plan was developed. Nothing in this article shall be construed as prohibiting a district from implementing a bilingual and bicultural education program, the plan for which is not funded pursuant to this subsection (9).

(10) No district shall take any action which has the effect of decreasing the enrollment of students with linguistically different skills at a school to avoid the provisions of subsections (1) to (7) of this section unless said agency is desegregating an illegally segregated school system. All plans for the elimination of racial or ethnic isolation or segregation which affect the provisions of subsections (5) to (9) of this section shall be submitted to the department, together with the district's census report.

(11) If the unit determines that any district has not complied with this section, it shall immediately notify the department and said district in writing of its noncompliance. The department shall thereafter provide said district with a reasonable opportunity to comply and with the right to a hearing regarding said

noncompliance in accordance with rules, regulations, or procedures established by the state board of education, in cooperation with the state steering committee.

22-24-109. Enforcement of article. A district is required to develop an acceptable plan for a bilingual and bicultural education program in order to meet the needs of children as determined in the school census, according to the provisions of section 22-24-108 (1) and (3), and to amend such plan if it is unacceptable to the department. It is the duty of the members of the school board to carry out the provisions of such plan or a portion of such plan, according to the provisions of this article, if sufficient funds are available for the implementation of this article.

22-24-110. Enrollment of students with linguistically different skills - enrollment of other students - notification - parental right of withdrawal. (1) No later than thirty days after the district is notified of the approval of the district's plan and the availability of funding for such program, the district shall notify the parents or legal guardian of each student to be included in the program.

(2) A district's program shall give preference to students with linguistically different skills, but said program shall also be open to all other students.

(3) Each school shall provide that an orientation session be held with the student's parents or legal guardian at the beginning of classes for the purpose of fully explaining the program in a manner and language understood by said parents or legal guardian.

(4) If the parents or legal guardian of an identified student chooses to subsequently withdraw the child from the program, he shall register such decision in writing with the district. Prior to the withdrawal of any student, the parents or legal guardian of such student shall be fully advised, during a conference with district officials and in a manner and language understood by said parents or legal guardian, of the nature of the program from which the student is being withdrawn and the program into which the student will subsequently be placed.

22-24-111. Enrollment of nonresident students. A district may allow a nonresident student to enroll in or to attend its program, and the tuition, if any, shall be paid according to the provisions of section 22-32-115.

22-24-112. Content of programs - extracurricular activities - location of courses - class composition and size. (1) A bilingual and bicultural program shall be a full-time program of instruction in which appropriate subjects shall be given in the language of the students with linguistically different skills and in English; in which the necessary skills of comprehension, speaking, reading, and writing are taught in both languages; and in which the history, culture, and cultural contributions associated with the language of the students with linguistically different skills and the history and culture of the United States are presented to the students in the languages which reflect the cultures of the students in the classroom. A bilingual and bicultural program shall provide for a full-time program of the necessary scope and duration to meet the educational needs of the student as they relate to the four objectives stated in section 22-24-102 (1).

(2) The program shall be located in the regular program of the public schools and not in a separate program, and districts shall assign students to schools in such a way that will promote, encourage, or have the effect of integrating students regardless of national origin or linguistic ability. Every district shall insure that the students enrolled in programs described in subsection (1) of this section shall have an equal and meaningful opportunity to participate fully with other students in all extracurricular activities.

(3) Classes in which a bilingual and bicultural program is taught shall be composed of pupils of approximately the same age or grade level, as determined by the district's plan.

(4) The maximum student-teacher ratio shall be set by the department and shall accommodate the educational needs of students enrolled in a program.

(5) No district may transfer a student of linguistically different skills out of a bilingual and bicultural program unless the parents or legal guardian of the student approves the transfer in writing.

(6) The parents or legal guardians of students in grades kindergarten through third grade who do not have linguistically different skills shall be notified of such bilingual and bicultural programs, and such students shall be encouraged to enroll in the program.

22-24-113. Bilingual teachers - training - staff associates. (1) In selecting teachers for a bilingual and bicultural program, a school board, pursuant to guidelines promulgated by it, in cooperation with the community committee, shall make an affirmative effort to seek, recruit, and employ persons who are bilingual.

(2) (a) The department shall allocate money for in-service training to districts employing teachers for bilingual and bicultural programs. In-service training shall include, but is not limited to:

(I) Development of instructional skills in reading, writing, and speaking;

(II) Development of bilingual and bicultural teaching skills;

(III) Development of abilities to identify, create, and apply instructional techniques that will enhance the cognitive and psychomotor development of children in bilingual and bicultural education programs; and

(IV) Demonstration of teaching skills relative to bilingual and bicultural education.

(b) Administrators shall be encouraged to participate in in-service training programs.

(3) Districts may employ curriculum specialists for the effective development and implementation of the program. School boards shall make an affirmative effort to seek, recruit, and employ persons who are bilingual.

22-24-114. Teachers' aides - training - community coordinators. (1) In addition to employing bilingual teachers, each district providing bilingual and bicultural programs pursuant to this article may employ teachers' aides. The school board shall make an affirmative effort to seek, recruit, and employ teachers' aides who are bilingual. The school board shall provide procedures for the involvement of the community committee in the screening of applicants. Teachers' aides shall not be employed for the purpose of supplanting bilingual teachers.

(2) The department shall allocate money to districts employing teachers' aides for the purpose of the upward mobility of said aides for on-the-job performance. This money shall be utilized for the purpose of in-service training sessions so that said teachers' aides can acquire credit hours from an accredited community or junior college or four-year institution of higher education toward the acquisition of a degree. In-service training of teachers' aides shall include, but is not limited to:

(a) Development of personal skills in reading, writing, and speaking;

(b) Opportunities to develop general teaching skills;

(c) Opportunities to develop the ability to identify, create, and apply instructional techniques that will enhance the cognitive and psychomotor development of children in bilingual and bicultural education programs; and

(d) Opportunities to demonstrate practice teaching skills relative to bilingual and bicultural education.

(3) Any district which conducts bilingual and bicultural programs pursuant to this article shall provide in the plan for the employment of one or more full-time or part-time community coordinators if there are fifty or more students enrolled in the program. Community coordinators shall promote communication, understanding, and cooperation between the public schools and the community and shall visit the homes of children who are to be enrolled in a bilingual and bicultural program in order to convey information about the program. An affirmative effort shall be made by the school board to seek, recruit, and employ a coordinator who is bilingual.

22-24-115. District director of bilingual and bicultural education. (1) A

district in which one hundred or more pupils are enrolled in a bilingual and bicultural program shall appoint a full-time or part-time district director of bilingual and bicultural education. The district director of bilingual and bicultural education shall be qualified pursuant to the rules and regulations of the state board of education as a bilingual teacher and shall direct the operation of the district's bilingual and bicultural program. An affirmative effort shall be made by the school board to seek, recruit, and employ a district director who is bilingual.

(2) In those districts with less than one hundred students enrolled in the program, the district shall appoint a full-time or part-time supervisor of bilingual and bicultural education who shall have general authority and responsibility for the program. The supervisor shall be qualified pursuant to rules and regulations of the state board of education as a bilingual teacher and shall supervise the operations of the program pursuant to regulations promulgated by the state board of education, in cooperation with the state steering committee. An affirmative effort shall be made by the school board to seek, recruit, and employ supervisors who are bilingual.

22-24-116. Parent and community participation. (1) Districts should provide for the maximum involvement of parents of students enrolled in the programs. Accordingly, a regular community bilingual and bicultural committee shall be established within each district offering a bilingual and bicultural program. The parents of students enrolled in each respective program of each school shall elect at least seventy-five percent of the regular community committee according to guidelines established by the initial community committee. The parents elected shall be parents of students enrolled in the program. Any community committee shall have the option of establishing community committees for each school offering a program. In addition to the parent members of each community committee, a representative of the bilingual teachers, a representative of the bilingual teachers' aides, the community coordinator, and the district director or supervisor of bilingual and bicultural education shall be members of each respective community committee as they become employees of the district. School principals and other administrators within the district shall be encouraged to participate and cooperate with the community committee.

(2) For purposes of establishing the initial community committee, which shall be established at least forty-five days before a district submits a plan pursuant to this article, the following shall apply:

(a) Consistent with guidelines developed by the state steering committee, the local school board shall establish procedures whereby parents whose children may be enrolled in bilingual and bicultural programs shall elect the initial community committee.

(b) The district, at least ten days before the community committee is established, shall have publicized in English and the language of the students who are likely to be identified as participants in the program reasonable and adequate notices which inform parents of their right to be candidates for election to the community committee, of the purposes of the committee, and of the program which the committee will be planning, developing, and evaluating. Districts shall give similar notices to students enrolled in Title I and Title VII schools or in the schools likely to have a program for the purpose of having these notices delivered to the parents at home.

(c) Community committees established after the initial committee shall be formed pursuant to subsection (1) of this section.

(3) The school board shall administer the provisions of this article in accordance with the rules, regulations, and procedures adopted by the state board of education.

(4) The school board shall provide technical assistance to the community committee or committees for:

(a) Assistance in program development;

(b) Full unit participation; and

(c) Effective program implementation from funds appropriated for the implementation of this article.

(5) The district shall furnish each member of the community committee, free of charge, a copy of this article, the rules, regulations, or procedures adopted by the state board of education, the guidelines adopted by the state steering committee, the district's proposed application pursuant to this article, and such other information as is reasonably necessary for the effective involvement of the community committee. The district shall also furnish the community committee with the district's and department's plans, if any, for future bilingual and bicultural programs, together with a description of the process of planning and developing said programs and the projected times at which each stage of the process will start and be completed. The district shall also furnish, and the community committee shall also have adequate opportunity to consider, information concerning the educational needs of children with linguistically different skills residing within the district's attendance boundaries and the various programs available to meet those needs. The district shall identify those needs which should be addressed through the programs instituted pursuant to this article. The community committee shall also have an opportunity to review evaluations of prior programs, if any, and shall be informed of all performance criteria by which the programs are to be evaluated. The school board shall adopt adequate procedures to insure prompt response to complaints and suggestions from all parents whose children are enrolled in the program.

(6) The department shall not approve any plan unless it is accompanied by the written comments of the community committee, if any, properly constituted under this section and unless said plan has been voted upon by the community committee. The vote, if any, of the community committee shall be given serious consideration by the department before said plan is approved.

(7) Each plan by a district for financial assistance under this article shall contain an assurance that the appropriate district official will consult at least once a month during the regular school year with the community committee, in formal meetings of such committee, with respect to the administration and operation of a program and that it will provide such committee with a reasonable opportunity to periodically observe and comment upon all program-related activities.

(8) No district shall amend its program until it has notified the state board of education and received approval.

22-24-117. Plan requirements. (1) Every district seeking financial assistance under this article shall submit a comprehensive plan for bilingual and bicultural education to the department on forms provided by the unit at least one hundred twenty days before the beginning of each school year; except that the state board of education may adopt such other timetables as it deems appropriate for the effective and immediate implementation of this article for the school year 1975-76. In addition to materials and data which the department may determine to be needed in evaluating the adequacy of plans submitted and information and assurances required elsewhere in this article, each plan submitted shall have the following components at a minimum:

(a) The findings of the census study as conducted pursuant to the provisions of section 22-24-108 (1), a listing of the eligible schools, grades, and classes to be included, and the total number of students to be enrolled;

(b) District goals and objectives for the program as they relate to the students to be enrolled;

(c) A program description of how district program goals and objectives, as well as those objectives identified in section 22-24-102 (1), are to be achieved;

(d) A management plan as to how each school program will be organized, staffed, coordinated, and monitored;

(e) Program evaluation procedures;

(f) Methods of communicating program needs and progress to district patrons, district staff members, the district accountability committee, and the school board;

(g) In-service provisions to be made for district staff members; and

(h) Projected expenditures for programs required or permitted under this

article.

(2) Except for the school year 1975-76, each plan shall provide for the use of teachers who have competence in the areas of comprehension, speaking, reading, and writing in the two languages used and training or experience in teaching methods specifically related to these four basic skill areas in each language. Teacher selection shall be based upon a personal interview that identifies the candidate's relative level of competence in each of these basic skill areas. A candidate may be selected who shows strong competence in most of the basic skill areas but needs further development in the remaining skill areas; but the district is required to develop or arrange for a specific course of in-service training for that teacher in the identified basic skill areas, beginning in the first term of the teacher's employment. Teacher participation in this in-service program shall be a condition of the teacher's employment.

(3) No plan shall be approved by the state board of education unless the requirements adopted by the state board of education, in cooperation with the state steering committee, have been met.

(4) The department shall not approve nonconforming plans and shall return the same to the district within sixty days after receipt, together with written reasons for nonapproval, to allow the district a reasonable opportunity to resubmit an amended plan; except that the state board of education, in cooperation with the state steering committee, may adopt such other timetables as it deems appropriate for the full and effective implementation of this article for the school year 1975-76. Approval of a plan by the department shall be a prerequisite to state disbursement.

(5) No funds shall be disbursed to a district pursuant to this article unless said district certifies that its program will be implemented in accordance with the provisions of this article and the rules, regulations, and procedures adopted by the state board of education.

(6) Each participating district shall maintain an accurate, detailed, and separate account of all expended moneys received under this article and any other records the unit deems necessary and shall annually report thereon to the unit for the school year ending June 30. All said accounts and records shall be available to the unit and the general public to insure that the programs are implemented in conformity with this article and the rules, regulations, and procedures adopted by the state board of education.

(7) All disbursements under this article are supplementary to state moneys disbursed under the "Public School Finance Act of 1973", article 50 of this title, and shall not cause a reduction of any other or a combination of any other state or federal moneys which a district is otherwise eligible to receive.

(8) Districts or boards of cooperative services requesting financial assistance under this article shall provide assurance that funds available under this article will be used to supplement the level of other funds available for the education of children in these programs and that funds received under this article will not be used to provide instructional or support services to pupils which are ordinarily provided with other state or local funds to all pupils. In no instance shall reimbursement under this article exceed one hundred percent of the direct attributable additional cost of programs when combined with federal funds available for these programs.

(9) Districts or boards of cooperative services that operate a program approved by the department shall be entitled to reimbursement up to an amount not to exceed one hundred percent of the direct attributable additional cost incurred by the district or board of cooperative services for:

(a) The actual position cost of:

(I) Teachers;

(II) Teachers' aides;

(III) District directors;

(IV) Supervisory personnel;

(V) Coordinators;

(VI) Curriculum specialists.

(b) The cost of approved in-service programs for teachers and teachers' aides;

(c) The cost of approved upward mobility programs for teachers' aides;

(d) The cost of additional bilingual and bicultural materials.

22-24-118. Implementation.

Repealed, L. 77, p. 1046, Section 6.

22-24-119. Tutorial grant program for the instruction of pupils with limited English language skills. (1) (a) In addition to the other provisions of this article, beginning July 1, 1975, districts are eligible to apply for grants, on an annual basis, from the state board of education to provide tutorial programs for children enrolled in the schools of the district who are identified under Title VI of the "United States Civil Rights Act of 1964" as those who speak only a language other than English.

(b) The state board of education shall promulgate rules and guidelines for the implementation of this section. The department shall review all applications for grants under paragraph (a) of this subsection (1). The department shall approve an application for such a grant only if it determines that:

(I) The school district has a comprehensive plan for a tutorial program designed to effectively remedy the English language deficiencies of children identified pursuant to paragraph (a) of this subsection (1);

(II) The tutorial program plan includes an accountability component which identifies the needs of the children with English language deficiencies, defines measurable objectives for such children, and evaluates the progress of such children toward the defined objectives;

(III) The tutorial program conforms with the rules and regulations of the state board of education.

(2) The state board of education shall report annually to the general assembly on all approved grants. Such report shall include the number of children served, the number of teachers or teachers' aides employed exclusively to remedy English language deficiencies (or that portion of the activities of teachers or teachers' aides which is exclusively attributable to the remedying of English language deficiencies), and the extent to which the special language needs of children identified pursuant to paragraph (a) of subsection (1) of this section are being met.

(3) Funds received pursuant to this section may be expended by districts for the employment of teachers or teachers' aides for that portion of their activities which is exclusively attributable to the purposes of this section. Districts may also expend such funds for the reasonable costs of teacher's aide training and instructional materials which are directly related to the tutorial programs established by this section. No funds appropriated to implement the provisions of this section shall be used to teach children any language other than English.

(4) (a) Beginning July 1, 1975, each district for which a tutorial program is approved by the department shall be entitled to receive a special tutorial grant for each child identified pursuant to paragraph (a) of subsection (1) of this section enrolled in the tutorial program.

(b) In the event that funds appropriated for the implementation of this section for any fiscal year are not sufficient to meet the requirements of paragraph (a) of this subsection (4), the state board of education shall prorate the total of the funds appropriated among all eligible districts in the proportion which each district's entitlement bears to the total entitlement.

APPENDIX D

SENATE BILL NO. 462, 1981

First Regular Session

LDO NO. 81 0407/1 Fifty-third General Assembly SENATE BILL NO. 462

STATE OF COLORADO

EDUCATION
APPROPRIATIONS

BY SENATORS Meiklejohn, Allshouse, Anderson, Cole, Dodge, Durham, R. Powers, Strickland, Barnhill, Beatty, Fowler, and Stockton; also REPRESENTATIVES Erickson, DeNier, Hamlin, Hume, Lillpop, Traylor, Strahle, Artist, Heim, Shoemaker, Reeves, Rogers, Robb, Neale, Tancredo, Prendergast, Randall, Schauer, Paulson, Spano, Stephenson, Winkler, Kirscht, and Herzog.

A BILL FOR AN ACT

CONCERNING THE ESTABLISHMENT OF AN ENGLISH LANGUAGE PROFICIENCY PROGRAM IN THE PUBLIC SCHOOLS FOR CHILDREN WHOSE DOMINANT LANGUAGE IS NOT ENGLISH, AND MAKING AN APPROPRIATION THEREFOR.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Establishes an English language proficiency program to provide intensive language training to students whose dominant language in not English. Provides for testing to determine inclusion in the program. Provides funding mechanisms for the program. Directs the school districts to implement the program. Deletes existing provisions for bilingual education. Makes an appropriation for the implementation of the program.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Article 24 of title 22, Colorado Revised Statutes 1973, as amended, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

ARTICLE 24

English Language Proficiency Act

22-24-101. Short title. This article shall be known and may be cited as the "English Language Proficiency Act".

22-24-102. Legislative declaration. The general assembly hereby finds, determines, and declares that there are substantial numbers of students in this state whose educational potential is severely restricted because a language other than English is their primary means of communication. The general assembly recognizes the need to provide for transitional programs to improve the English language skills of these students. The general assembly declares that, in order to improve educational and career opportunities for every student in this state, it is the purpose of this article to provide for the establishment of an English language proficiency program in the public schools and to provide for the distribution of moneys to the several school districts to help defray the costs of such program.

22-24-103. Definitions. As used in this article, unless the context otherwise requires:

(1) "Department" means the department of education.

(2) "District" means one or more school districts or a board of cooperative services organized and existing pursuant to law but does not include a junior college district.

(3) "Program" means the English language proficiency program created by this article. Design and implementation of programs shall be the function of the districts.

(4) "Student whose dominant language is not English" means a public school student whose primary means of communication is a language other than English, resulting in an impairment of the student's academic achievement because of his inability to comprehend or speak English adequately.

(5) "Teacher" means any person certified pursuant to article 60 of this title who is employed to administer, direct, or supervise classroom instruction in a school in this state.

22-24-104. English language proficiency program established - funding. (1) There is hereby established an English language proficiency program for students in kindergarten and grades one through twelve whose dominant language is not English.

(2) The purpose of the program is to provide assistance to districts having students whose dominant language in not English.

(3) No district shall be eligible for more than two calendar years of state entitlement moneys on behalf of a student identified for inclusion in this state-assisted program.

(4) The general assembly shall make an annual appropriation to the department for the implementation of this article. Funding for the program shall be from the department to the districts on a per-student basis. That portion of the annual appropriation scheduled for distribution to the districts shall be paid to the districts upon the determination, pursuant to section 22-24-106 (1) (d), of the number of students in each district to be included in the program. Supplemental payments shall be made to districts upon the inclusion of any additional

students until February 1 of each school year.

(5) Each district shall provide the programs for district students whose dominant language is not English; except that districts may cooperate in carrying out the provisions of this article.

22-24-105. District - powers and duties. (1) It is the duty of each district to:

(a) Identify, through the observations and recommendations of parents, teachers, or other persons, students whose dominant language may not be English;

(b) Assess such students, using instruments and techniques approved by the department, to determine if their dominant language is not English;

(c) Certify to the department those students in the district whose dominant language is not English;

(d) Administer and provide programs for students whose dominant language is not English.

22-24-106. Department - powers and duties. (1) It is the duty of the department to:

(a) Develop and approve instruments and techniques to be used by districts in identifying eligible students;

(b) Provide assistance, on request, to districts in the identification and assessment of students;

(c) Audit the identification and testing procedures used by the districts and evaluate the effectiveness of the programs conducted by districts;

(d) Determine which students are to be counted as eligible for purposes of calculating the district's entitlement;

(e) Allocate such moneys, out of annual appropriations to the department, on a per-student basis.

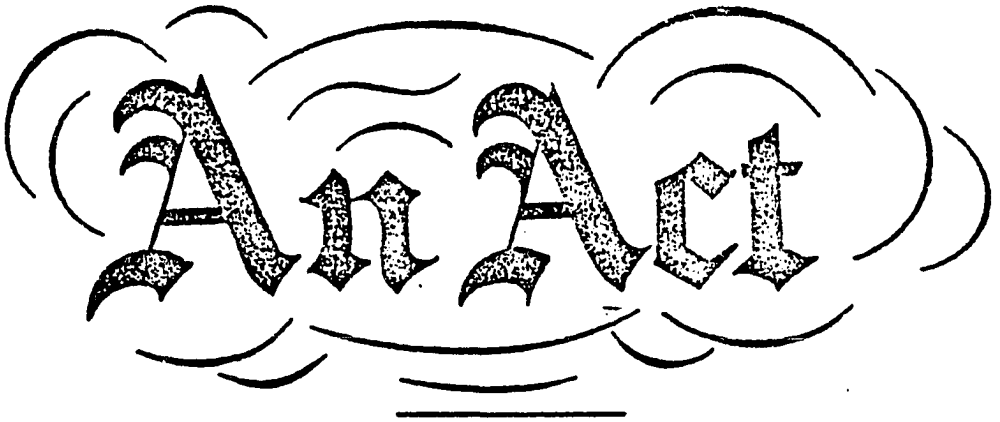
SECTION 2. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the state treasury not otherwise appropriated, to the department of education, for the fiscal year beginning July 1, 1981, the sum of _____ dollars ($), or so much thereof as may be necessary, for the implementation of this act. Of said total sum, _____ dollars ($) shall be for the administrative costs of the English language proficiency program, and _____ dollars ($) shall be for distribution to the school districts for use in conducting such program.

SECTION 3. Effective date. This act shall take effect July 1, 1981.

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

APPENDIX E

THE ENGLISH LANGUAGE PROFICIENCY ACT



SENATE BILL NO. 462.

BY SENATORS Meiklejohn, Allshouse, Anderson, Cole, Dodge, Durham, R. Powers, Strickland, Barnhill, Beatty, Fowler, Stockton, Phelps, and P. Powers;
also REPRESENTATIVES Erickson, DeNier, Hamlin, Hume, Lillpop, Traylor, Strahle, Artist, Heim, Shoemaker, Reeves, Rogers, Robb, Neale, Tancredo, Prendergast, Randall, Schauer, Paulson, Spano, Stephenson, Winkler, Kirscht, Herzog, Bledsoe, Boley, DeFilippo, Hinman, Larson, Mielke, Minihan, Spelts, and Younglund.

CONCERNING THE ESTABLISHMENT OF AN ENGLISH LANGUAGE PROFICIENCY PROGRAM IN THE PUBLIC SCHOOLS FOR CHILDREN WHOSE DOMINANT LANGUAGE IS NOT ENGLISH, AND MAKING AN APPROPRIATION THEREFOR.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Article 24 of title 22, Colorado Revised Statutes 1973, as amended, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

ARTICLE 24

English Language Proficiency Act

22-24-101. Short title. This article shall be known and may be cited as the "English Language Proficiency Act".

22-24-102. Legislative declaration. The general assembly hereby finds, determines, and declares that there are substantial numbers of students in this state whose educational potential is severely restricted because a language other than English is their primary means of communication. The general assembly recognizes the need to provide for transitional programs to improve the English language skills of these students. The general assembly declares that, in order to improve educational

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

and career opportunities for every student in this state, it is the purpose of this article to provide for the establishment of an English language proficiency program in the public schools and to provide for the distribution of moneys to the several school districts to help defray the costs of such program.

22-24-103. Definitions. As used in this article, unless the context otherwise requires:

(1) "Department" means the department of education.

(2) "District" means one or more school districts or a board of cooperative services organized and existing pursuant to law but does not include a junior college district.

(3) "Program" means the English language proficiency program created by this article. Design and implementation of programs shall be the function of the districts.

(4) "Student whose dominant language is not English" means a public school student whose academic achievement and English language proficiency are determined by his local school district, using instruments and tests approved by the department, to be impaired because of his inability to comprehend or speak English adequately due to the influence of a language other than English and who is one or more of the following:

(a) A student who speaks a language other than English and does not comprehend or speak English; or

(b) A student who comprehends or speaks some English, but whose predominant comprehension or speech is in a language other than English; or

(c) A student who comprehends and speaks English and one or more other languages and whose dominant language is difficult to determine, if the student's English language development and comprehension is:

(I) At or below the district mean or below the mean or equivalent on a nationally standardized test; or

(II) Below the acceptable proficiency level on an English language proficiency test developed by the department.

(5) "Teacher" means any person certified pursuant to article 60 of this title who is employed to administer, direct, or supervise classroom instruction in a school in this state.

22-24-104. English language proficiency program established - funding. (1) There is hereby established an English language proficiency program for students in kindergarten and grades one through twelve whose dominant language is not English.

(2) The purpose of the program is to provide assistance to districts having students whose dominant language is not English.

(3) No district shall be eligible for more than two calendar years of state entitlement moneys on behalf of a student identified for inclusion in this state-assisted program.

(4) (a) The general assembly shall make an annual appropriation to the department for the implementation of this article. Funding for the program shall be from the department to the districts on a per-student basis. That portion of the annual appropriation scheduled for distribution to the districts shall be paid to the districts upon the determination, pursuant to section 22-24-106 (1) (d), of the number of students in each district to be included in the program.

(b) The general assembly shall annually make a separate appropriation to the department of education to cover the state's share of the estimated cost pursuant to the provisions of this section. If the amount of the appropriation made is less than the total amount determined to be the state's actual share of support to be provided all eligible students pursuant to the provisions of this section, then the amount to be distributed to any district shall be in the same proportion as the amount of the appropriation made bears to such total amount determined to be the state's actual share.

(c) (I) Seventy-five percent of the annual appropriation or the amount needed to fully fund pursuant to this subparagraph (I), whichever is less, shall be used by the districts for students certified to be within section 22-24-103 (4) (a) or (4) (b). No such student shall be funded for more than an amount equal to four hundred dollars per year or an amount equal to twenty percent of the state's average authorized revenue base for the preceding year as annually determined by the department, whichever is greater.

(II) The remainder of the annual appropriation shall be used by the districts for students certified to be within section 22-24-103 (4) (c). No such student shall be funded for an amount greater than two hundred dollars per year or an amount equal to ten percent of the state's average authorized revenue base for the preceding year as annually determined by the department, whichever is greater.

(III) Any appropriated moneys not distributed by the department pursuant to subparagraph (I) of this paragraph (c) may be distributed by the department pursuant to subparagraph (II) of this paragraph (c). Any appropriated moneys not distributed by the department pursuant to subparagraph (II) of this paragraph (c) may be distributed pursuant to subparagraph (I) of this paragraph (c).

(5) Each district shall provide the programs for district students whose dominant language is not English; except that districts may cooperate in carrying out the provisions of this article.

(6) Nothing in this article shall be construed to prohibit use of moneys made available under this article by a district for bilingual programs, English-as-a-second-language programs, or any other method of achieving the purposes of this article. Districts conducting such programs shall receive moneys made available under this article only on the basis of the number of students whose dominant language is not English enrolled in such programs.

22-24-105. District - powers and duties. (1) It is the duty of each district to:

(a) Identify, through the observations and recommendations of parents, teachers, or other persons, students whose dominant language may not be English;

(b) Assess such students, using instruments and techniques approved by the department, to determine if their dominant language is not English;

(c) Certify to the department those students in the district whose dominant language is not English;

(d) Administer and provide programs for students whose dominant language is not English.

22-24-106. Department - powers and duties. (1) It is the duty of the department to:

(a) Develop and approve instruments and techniques to be used by districts in identifying eligible students;

(b) Provide assistance, on request, to districts in the identification and assessment of students;

(c) Audit the identification and testing procedures used by the districts and evaluate the effectiveness of the programs conducted by districts;

(d) Determine which students are to be counted as eligible for purposes of calculating the district's entitlement;

(e) Allocate such moneys, out of annual appropriations to the department, on a per-student basis.

(2) The department shall report to the general assembly in January of 1982 and each January thereafter through 1986 on the effectiveness of the English language proficiency program and the

functioning of this article. Such reports shall indicate the numbers of students identified and served under each of the categories described in section 22-24-103 (4). Beginning in January of 1983, the report shall include: The English language proficiency test results and achievement test results of students certified by the districts; identification techniques and problems, with special attention to students certified to be within the category described in section 22-24-103 (4) (c); any recommendations for fulfilling the intent of this article; and such other data and observations as the department deems to be significant in judging the effect of this article.

SECTION 2. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the state treasury not otherwise appropriated, to the department of education, for the fiscal year beginning July 1, 1981, the sum of two million eight hundred seventy-eight thousand dollars ($2,878,000), or so much thereof as may be necessary, for the implementation of this act. Of said total sum, seventy-eight thousand dollars ($78,000) shall be for the administrative costs of the English language proficiency program, and two million eight hundred thousand dollars ($2,800,000) shall be for distribution to the school districts for use in conducting such program.

SECTION 3. Effective date. This act shall take effect July 1, 1981.

SECTION 4. Safety clause. The general assembly hereby

finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Fred E. Anderson
PRESIDENT OF
THE SENATE

Carl B. Bledsoe
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Marjorie L. Rutenbeck
SECRETARY OF
THE SENATE

Lorraine F. Lombardi
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

Richard D. Lamm
GOVERNOR OF THE STATE OF COLORADO

APPENDIX F

ABSTRACT

A PUBLIC POLICY ANALYSIS OF BILINGUAL EDUCATION IN COLORADO

Abstract

The study examined in detail the history of The Bilingual Bicultural Act in the State of Colorado. The various forces: (a) environmental conditions; (b) perceived needs; (c) political system and; (d) feedback which affected the development, adoption, application and repeal of The Act were investigated. Employing the case study method, the researcher attempted to ascertain the antecedents of the decisionmaking process which resulted in the establishment of bilingual education public policy in Colorado. Specifically, the study explored answers to the following questions:

1. What factors influenced the Colorado legislature to enact a mandated bilingual education public policy?
2. What, if any, evidence was available to determine the impact of bilingual education public policy in the State of Colorado?
3. What factors influenced the Colorado legislature to repeal the mandated bilingual education public policy?

The researcher grounded the assumption that educational policymaking in the United States reflects the historical fact that the states ordered and devised the development of public schools in America. Given such an assumption, the intent of the study was twofold: to trace the path of a particular policy initiative from its initial formulation through adoption, application and to its repeal and; to check something of the relevance and coherence of a specific conceptual framework concerning the public policymaking process.

The researcher employed Rakoff and Schaefer's "A Model of the Policymaking Process." This model focuses in on the interacting, fluid, dynamic elements that comprise the black box of policy development. Thus, it is unlike most system approaches utilized in policy analysis studies which focus on inputs and outputs and which result in numerical measures of government efforts in various areas of public policy. The researcher discerned the model's fit with the development, enactment, application and repeal of The Bilingual Bicultural Act. The results of the case study provided substantial evidence for accepting the model as a salient conceptual guide to the policymaking process. The framework offers a sufficiently wide scope to enable researchers to account for the variety and complex interplay of conditions necessary for policy development, impact and context. Furthermore, the methodological construct provides enabling or linking systems which illustrate the networks of interrelationships between and among the conditions necessary for policymaking. The model assumes the following: (a) that policies are made; (b) that there are formal and informal processes and systems; (c) that the process is open; (d) that boundaries are permeable and (e) that the process is constantly evolving and recycling. The model does not establish a series of cause and effect or specific correlation linked by hypotheses. It does not establish any correlation among the variables.

The study was an exercise in theory building, useful for heuristic purposes. It was an accumulation of inductive facts and at the same time was designed to determine the efficacy of a proposed framework in providing a basis

for hypotheses testing. The findings are inferential and in a preliminary and tentative fashion, led to the following basic conclusions:

1. The case study approach is an effective research methodology for gathering data regarding the educational policymaking process.
2. Educational policymaking is the result of a confluence of forces streaming from an almost endless number of tributaries.
3. The Rakoff and Schaefer Model: "A Model of the Policymaking Process" is useful as a conceptual framework for the analysis and reporting of the public policymaking process.
4. The provision of equal educational opportunity for Mexican American children is oftentimes tied to the financial resources derived from taxing property within local school districts.
5. Legislative policymaking is fought out at the level of personal and group strategems as well as compromises based upon power coalitions of political, administrative, partisan and personal interests.
6. Party affiliation is an important determination of voting behavior and educational policymaking.
7. Educational research relative to the school achievement of minority students is a powerful force in motivating school reformers to press for equal educational opportunity.
8. Judicial decisions and rulings are significant forces in prodding state legislative bodies to establish certain educational policies.
9. Supportive State legislators in powerful positions within the legislative body are crucial agents in promoting educational policies.
10. Support, or lack thereof, of educational policy by the State's Education Commissioner, is critical to policy adoption and adaptation in local school districts.
11. Advocacy agencies, such as the Chicano Education Project, are significant forces for garnering and orchestrating educational reform demands of diverse interest groups.
12. Changes in the composition of legislative bodies can drastically affect support or opposition to established educational policies.
13. Adoption of an educational policy does not insure complete understanding among all members of the legislative body.
14. Adaptation of an educational policy results in new perceptions and interpretations of the policy.
15. Educational policy which changes the existing, traditional, educational establishment will be challenged by its members.
16. Favorable evaluation results of a particular educational policy do not necessarily result in continued legislative support for it.
17. Proactive and intentional planning for new educational policies by responsible groups and/or individuals is an essential stage for policy adoption.
18. Adoption of educational policies without the concomitant allocation of adequate financial resources for adaptation serves only to vividly illustrate the legislature's lack of commitment to the statute's intent and purposes.