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Language Learning Policy through the Lens of Language as a Problem, as a Right, and as a Resource.

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Abstract

Richard Ruíz first developed the framework of language as a problem, as a right, and as a resource as a way of engaging how we examine language learning policies. This lens remains a useful tool in examining our national language learning policies. This article incorporates the academic work of additional scholars to define the United States' practices, policies, and outcomes of language as a problem, as a right, and as a resource. Through the use of this framework, we realize that our nation's bilingual education programs are generating monolingual and limited bilingual students. Equipped with an understanding that our nation is not approaching language as a resource, we must consider looking globally for examples that support generating bilingual and bicultural students.

Keywords: language Policy, bilingual education, multilingual education

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Our current national trend supports a monolingual and forced assimilation society. Even when there are bilingual programs in place, the outcomes are generally transitional by moving students towards assimilating into the dominant society (Ochoa, 1995). We see this trend played out in public schools with mandated No Child Left Behind (NCLB) laws and within the country's debate on immigration reform that includes learning English. Most national conversations surrounding education reform and the achievement gap move us toward a hegemonic or dominant structured society (Olivos, 2006). One approach to the achievement gap is that students who are not meeting the requirements are to blame for not taking advantage of the opportunities they have available to them. Another approach to the achievement gap is that students who are not meeting the requirements are lacking the dominant cultural capital that the hegemonic or dominant structured society possesses (Darder, 2011; Olivos, 2006). In both approaches, language is a key component. United States monolingual and bilingual English policies, meant to provide the students access to the resources available to them and to gain the cultural capital to be successful (see Figure 1), are the norm in our public school systems (Ochoa, 1995).

Scholars spend their lifetimes researching and writing about language policy. The goal of this article is to review this literature through the framework of language as a problem, a right, and a resource (Baker, 2011; Ruiz, 1984). In preparation for defining this framework, an overview of language policy typology is important. Language policy typology, as seen in Figure 1, encourages us to look toward global perspective models of bilingual and multilingual approaches as resources for our own national struggles for a more pluralistic society (Ochoa,

1995). When comparing monolingual and bilingual policy approach from the United States and global perspective we find that the outcomes are much different. The United States' monolingual approach has an outcome of non-supportive and limited integration. However, the global perspectives of monolingual policy have an outcome of the support with dominant cultural group providing access. Therefore, the global perspective of monolingual language policy is more supportive of students being multicultural than the United States perspective of forced assimilation.

Richard Ruíz first developed the framework of language as a problem, as a right, and as a resource as a way of engaging how we examine language learning policies. This lens remains a useful tool in examining our national language learning policies. This article incorporates the academic work of additional scholars to define the United States' practices, policies, and outcomes of language as a problem, as a right, and as a resource. Through the use of this framework, we realize that our nation's bilingual education programs are generating monolingual and limited bilingual students. Equipped with an understanding that our nation is not approaching language as a resource, we must consider looking globally for examples that support generating bilingual and bicultural students. The goal of the writer is for advocates for strong forms of bilingual education to continue fulfilling the responsibility of language learning policy as a resource. In addition, we need to encourage teachers, policy makers, academics, families, and students to join us as well in the struggle for language learning policy as a resource.

Language as a Problem

There are many ways to describe language as a problem. For the purpose of this article, language as a problem surrounds the ideas represented in deficit thinking. This practice is the assumption that students who have a low social-economic status, belong to a minority ethnic or

racial group, or do not have proficiency in the dominate language are deficient in their ability to think and learn (Darder, 2011; Freire, 1970; Knight & Pearl, 1999; Ruíz, 1984). Deficit thinking leads to assumptions that bilingual students are mentally inferior, slower to learn the majority language, confused, and that the new language is a burden on the brain. Additional deficit thinking assumptions include the notions that bilingual students have split-identity, cultural dislocation, low self-esteem, alienation, emotional vulnerability, a poor self-image, and language anxiety. Stereotypes emerge that support a deficit approach of allowing students to acquire multiple languages. The fear from these stereotypes that multiple languages within a societal group of people may cause more conflict, antagonism, less cohesiveness, contribute to poverty, cause student low test scores in school, prevent students from integrating into majority society, and having less social and vocational capital. One example of a stereotype that feeds into the notion of deficit thinking is the accent we have when we speak. We all have an accent to someone else, no matter where we are speaking. However, if we possess an accent perceived as one that does not match the dominant hegemonic culture at that moment, we may experience discrimination or thought of as being inferior (Lippi-Green, 2011). Through colonialization, marginalized Indigenous and minority communities globally experience accusation of slowing national development and being a barrier to the dominant culture (Ruíz, 1984; UN New Centre, 2013). Movements to include Indigenous and minority community languages can be seen as a threat to the unity of a nation state and has been associated with secessionist movements (UN New Centre, 2013). Hence, this fear dominated by deficit thinking, politically drives the United States toward assimilation and away from a pluralistic society (Baker, 2011; Darder, 2011).

Policies of Language as a Problem

Educators who view students with a deficit in their ability to think and learn are generally proponents of monolingual or all-English education programs. Monolingual language policy programs favor learning the dominant language at the expense of losing their home language and promote an assimilationist agenda. This is currently the most common form of bilingual education in the United States (Ochoa, 1995). Policies at the school and school system level generally do not include any discussions surrounding the history and culture of students who participate in monolingual language programs. These education policies discontinue home language instruction when it is assumed that a student has attained sufficient proficiency in the school's language of instruction (Ruíz, 1984). Policies within some United States school systems may invoke "sink or swim" immersion into exclusive dominant language classrooms. In this instance, there is limited, no ESL (English as a Second Language) program, or no bilingual program at all (Baker, 2011; Cummins, 2001).

Federal laws that promote standardized testing in exchange for federal funding encourage assessing students with rigorous, standards-driven, and standardized tests in the dominant language. In 1968 the Elementary and Secondary Education Act (ESEA) adopted the Bilingual Education Act (BEA), also known as Title VII. The 1994 version of Title VII states, "Quality bilingual education programs enable children and youth to learn English and meet high academic standards including proficiency in more than one language" (United States Department of Education, 2014, Section 7102). The philosophy of national bilingual education programs changed dramatically in 2001 from student proficiency in more than one language to monolingual or English-only instruction. Title III of No Child Left Behind (NCLB), *Language Instruction for Limited English Proficient and Immigrant Students* includes standardized assessments and focuses on English-only versus more than one language programs. The purpose

of this portion of the NCLB legislation is “attainment in English” and for all students to “enter all-English instruction settings” (United States Department of Education, 2014, Section 3102).

Practices of Language as a Problem

When a very strong assimilationist goal occurs on the societal-political level, then monolingual education is part of that specific goal. Assimilation as a practice mandates that members of the minority community, in order to be accepted, have to become as much like the majority as possible. This practice forces people to give up special characteristics such as, language, culture, etc. Worldwide we find that the more powerful group, even if it is less in population, is able to force its language on the less powerful. Often the minority member does not have an equal footing with the majority members. For example, the minority member does not have equal rights in the educational, social, and political fields or in the labor market. Practices of monolingual education programs utilize the strongest forms of moving groups to a common culture through language (Baker 2011; Cummins, 2001). Figure 2 outlines examples of monolingual education programs for bilinguals. Within monolingual forms of bilingual education the societal and educational aim is assimilation into the dominant culture. This is the practice of students learning a new language while at the same time having an experience that their first language does not hold the same value of the dominant language. Monolingual forms of bilingual education creates a learning environment where their mother tongue is at risk of being lost. The practice of monolingual standardized tests helps move students toward assimilating to the dominant culture. Currently, the practice of English-only standardized tests identifies students who are not performing at the federally NCLB (No Child Left Behind) level of reading and math. Unfavorable test results lead to tracking in special education, holding

students from advancing to the next grade level, and mandating lower cognitive level courses (Darder, 2011, p. 67).

Outcomes of Language as a Problem

The outcome of having monolingual forms (see Figure 2) and weak forms of bilingual education program (see Figure 3) is monolingualism and limited bilingualism. The goal of these forms of bilingual education language policy is for minority students to succeed in transitioning into accepting the majority language and the values of the majority society which controls the school. The specific outcomes for students is that they are blamed for failing by implying that they are not smart enough, motivated, or appreciate the educational opportunities the school system gives them (Darder, 2011). This is deficit thinking by “blaming the victim” (Ryan, 1971). These programs stemming from deficit thinking, show bad results worldwide, and assimilate children while at the same time prevent them from getting a good education (Cummins, 2001). Currently, the United States generally follows assimilationist policy, as we observe other countries increase their demands for bilingual speakers (Ochoa, 1995). Part of the frustration of educators that support strong bilingual education programs (Baker, 2011), outlined in the section Language as a Resource, is that it is very difficult for educators in monolingual education programs to change their mindset about the legitimacy of standardized testing and their unexamined allegiance to “scientific authority”. This refusal of testing advocates reinforces deficit thinking and their claim for the need of students to assimilate.

Language as a Right

Language as a right can be defined in terms of personal, human, and legal or constitutional rights. Language as a personal right encompasses the freedom of an individual to speak in and to preserve his or her heritage language. Language as a human right refers to an

individual receiving protection from discrimination based on their language choice, just as someone would for the religion they practice. In Chapter I of the United Nations Purpose and Principles states, “To achieve international co-operation in solving international problems of economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion”. Rita Izsák, from the United Nations in her report to the UN Human Rights Council in Geneva stated, “Language is particularly important to linguistic minority communities seeking to maintain their distinct group and cultural identity, sometimes under conditions of marginalization, exclusion, and discrimination.” She further states that, “...linguistic minority rights is a human rights obligation” (UN News Center, 2014). Language as a legal or constitutional right in the United States is generally an individual versus a group right (Baker, 2011). This tradition stems from the 14th amendment to the constitution, enacted in 1868, that includes the *Equal Protection Clause*. This requires that, "no state shall ... deny to any person within its jurisdiction the equal protection of the laws" (National Archives and Records Administration, 2014). Group rights are more difficult to define because questions arise surrounding what constitutes a group and who are and who are not its members. Worldwide, Indigenous group rights to self-determination include educational sovereignty to choose exclusive, dual, or other forms of bilingual education (Baker, 2011).

Policies of Language as a Right

Language as a right within the United States has multiple laws surrounding the rights of students to be educated in their home language. Laws that go beyond 14th Amendment to the United States Constitution are outlined below. One of the oldest legal agreements in United States history is the Treaty of Guadalupe Hidalgo that brought an end to the Mexican American

War in 1848. This treaty annexed over 525,000 square miles of territory to the United States, now the present-day states of Arizona, California, Colorado, Nevada, New Mexico, Texas, and Utah. The treaty not only guaranteed land rights and citizenship, the treaty also guaranteed the residents of the area access to an education in Spanish (San Miguel & Valencia, 1998). Currently, Arizona, California, and Colorado have English-only constitutional amendments adopted by voter initiatives which disregard the Treaty of Guadalupe Hidalgo.

The Supreme Court decision of *Plessy v. Ferguson* in 1896 upheld the “separate but equal” laws of racial segregation in education. The *Plessy v. Ferguson* legislation referred to separate but equal railroad train cars for whites and blacks in Louisiana. Jim Crow policies nationwide stemmed from this ruling and included practices of separate but equal education. Supporters of desegregation argued that *Plessy v. Ferguson* was unconstitutional with respect to the 14th Amendment and used this to win *Brown v. Board of Education* (Plessy & Ferguson Foundation, 2014).

Brown v. Board of Education Supreme Court ruling of 1954 guaranteed all students access to an equal education and overturned the notion of separate but equal as an attempt to eliminate segregation of the nation’s public schools. The Civil Rights Movement virtually begins with the passing of *Brown v. Board of Education* in 1954, and makes the “separate but equal” education for our nation’s children in *Plessy v. Ferguson* (1896) unconstitutional. Two definitions emerged to describe segregation; *de facto* and *de jure*. *De facto* segregation is “the way it is”. *De jure* segregation, on the other hand, is by law, segregation of schools within a system before *Brown v. Board of Education* in 1954, as separate but equal. *Brown v. Board of Education* supersedes school board and districts rules that govern decisions of districting. This legislation during the Civil Rights Movement encouraged the notion of language as a civil right.

The May 25, 1970 memorandum from the Department of Health Education and Welfare, today known as the Department of Education, to school districts with five percent “national origin-minority group children” had a specific message how they were to carry out education in languages other than English. The memorandum states that the school districts, “must take affirmative steps to rectify the language deficiency in order to open its instructional program to these students”. It also states that, “special language skill needs 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”. The US Supreme Court decision of 1974 of *Lau v. Nichols* acknowledged that if schools did not help students acquire the language of instruction they are violating their civil rights.

Since the 1980s there have been multiple failed attempts at the national level to declare English the official language of the United States. Twenty-seven states have been successful in adopting official English-only laws (Crawford, 2014). One widely publicized proposition passed in California has shaped the debates surrounding English-only and bilingual education on the national level. In 1998, Proposition 227 in California, dictated that all children in public schools be taught in English as quickly as possible. “Children who are non-English learners shall be educated through sheltered English immersion during a temporary transition period not normally intended to exceed one year” (State of California, 2014, Section 305). This section of California law is an example of a transitional or weak form of bilingual education program (see Figure 3). In this weak form of bilingual education program a language minority child moves from minority to majority language with the language aim of relative monolingualism (Baker, 2011).

Practices of Language as a Right

Individual schools or districts approach state and local laws in two different ways; tolerance and promotion oriented rights. Tolerance-oriented is a *laissez-faire* approach to non-dominant languages that serves to strengthen the already powerful and prestigious dominant language. A promotion-oriented approach is more positive and constructive; asserting the right to use a non-dominant language freely in all official contexts (Baker, 2011). Research shows that policies that afford students the right to receive instruction in their L1 (first language – home language) for the first several years of their education, learn the dominant language as a second language equally well in strong forms of bilingual education programs (see Figure 4). Two way dual language bilingual education programs have the language aim of bilingualism and bilateralism (Baker, 2011; Cummins, 2001). In fact, educational researchers who are not in favor of bilingual education are deliberately and systematically spreading false information (Cummins, 2001). The human rights practice of strong forms of bilingual education programs (see Figure 4) preserves student’s ability to navigate successfully between two or more cultures without forcing them to give up their family and community value system, and replace it with the dominant culture (Ochoa, 1995). Both tolerance and promotion-oriented approaches are weak forms of bilingual education.

Weak forms of bilingual education include transitional, mainstream, and separatist programs serving language minority students. Weak forms of bilingual education move the minority language speakers to the majority language, provide some lessons in the second language, or maintain the minority language only in the classroom. The societal and educational goals of weak forms of bilingual education are assimilation, limited enrichment, and detachment autonomy in nature (see Figure 3).

Outcomes of Language as a Right

Tolerance-oriented approaches to bilingual education that do not recognize the non-dominant language as a human right lead to oppression, domination, and injustice. One trend is to believe that any changes toward the advancement of bilingual education need to be considered very carefully and implemented gradually; keeping the status quo of assimilation and monoculturalism. On the other hand, another trend is that the capitalist system is fundamentally superior and that it can function effectively with only a few changes to bilingual education programs (Darder, 2011). The promotion-oriented approach of bilingual education programs lead to very good results for both minority and majority children. Outcomes are especially significant when there is a status difference between the minority and majority languages and groups. Bilingual programs that honor language as both a personal and a human right level the language playing field for all students as found in the upcoming Language as a Resource section.

Language as a Resource

Language as a resource chooses a pluralistic society over assimilation. Language as a resource is an asset to a community and is useful in building economic and social bridges across different communities. Language as a resource can be seen as way of eliminating the tensions that arise when discussing language as a problem and a right. Framing the discussions around language as a resource may helpful in engaging majority and minority communities in conversations surrounding the need for bilingual education (Ruíz, 1984). Language as a resource allows individuals and groups to play a greater role in world politics and the world economy (Ruíz, 1984). Language as a resource is preservation of heritage languages and promotes tolerance and cooperation between groups and is the central element and expression of identity (Baker, 2011; Ruíz, 1984; UN News Centre, 2013). Languages as a natural resource cultivate

cultural, spiritual, and educational growth for economic, commercial, and political gain (Baker, 2011; Ruíz, 1984).

Policies of Language as a Resource

With respect to policy, language is a resource when the goal of a bilingual education program is for students to truly be bilingual and bicultural. Various types of bilingual language programs that embody language as a resource are revival or revitalization of languages that have become or will become endangered, ones that include national and international minority languages, and dual language programs. Dual language programs are sometimes called two-way bilingual programs. The program introduces L1 and L2 (first and second language) at the same time or in quick succession (Cummins, 2001). Figure 4 outlines examples of strong bilingual education programs.

Practices of Language as a Resource

Advocates for additive bilingual education programs have consistently rejected monolingual and weak forms of bilingual education programs (see Figures 2 and 3) in favor of strong bilingual education programs (see Figure 4) that promote bilingual and bicultural children. One example of a strong form of bilingual education program is the two-way or dual language programs. Two-way or dual language programs are either 90/10 or 50/50. The 90/10 program instruction is 90% in the minority language with a gradual introduction toward equal use of the two languages later in elementary school. The 50/50 program has equal instruction usually one-half school day each of two languages. Team teaching is sometimes part of this model. A monolingual teacher may, for example, instruct the English part of the program. A bilingual teacher instructs the second half of the day in the minority language. In some circumstances a bilingual teachers instructs all day in both languages (Cummins, 2001). In many instances,

parents intentionally put their children in the 90/10 and 50/50 dual language learning school. They make the choice for their children to learn an “*additive language*”. This type of bilingual education may take place where all the students are learning the new “*additive language*”, with no student native speakers in the classroom. Usually this is a very supportive environment and is the opposite phenomena of forced bilingualism where students are voluntary or elite bilinguals. In this instance, the person becomes bilingual by choice. The warning for these types of dual language programs is the tendency to value the acquisition of languages while at the same time devaluing the communities who own them (Baker, 2011).

Outcomes of Language as a Resource

A pluralistic society has guiding principles of coexistence between multiple and varying languages, cultures, interests, and convictions. The distribution of power within a pluralistic society is cognizant of individual needs amongst its members. Language is an essential component of working toward and reaching a pluralistic society. Language is a resource which enables participants within a society the freedom to communicate with individuals outside of their community. Language functions as a way of affirming and empowering cultural ideologies and beliefs (Darder, 2011).

Evidence suggests that knowing more than one language is a resource. Developing bilingualism and biliteracy leads to higher achievement across all curriculum and is a better use of human resources in a country’s economy (Baker, 2011). Also, bilingualism and biliteracy fosters self-esteem, self-identity, and a more positive attitude to schooling and leads to increased social harmony and contentment. Empirical studies carried out during the past thirty years or so have reported a positive association between additive bilingualism as opposed to subtractive bilingualism. The studies include positive strides in students’ linguistic, cognitive, or academic

growth from being in true bilingual educational programs (Cummins, 2011). The most consistent findings within these research studies are that bilingual students show more developed awareness of the structure and functions of language itself and have advantages in learning additional languages beyond the two they have mastered. Bilingual education programs with the goal of developing students' academic skills in languages do not create cognitive confusion or handicap in learning contrary to language as a problem proponents. Students generally benefit from having access to more than one language in the classroom (Cummins, 2011). Whole communities benefit from language as a resource when their students are bilingual. They are able to train others within the community and raise the level of importance of their community as an important source of expertise (Ruíz, 1984). Therefore, the studies disprove the fears and stereotypes that stem from deficit thinking. The continued development of language as a resource contributes to language as a right policy development in furthering the importance of bilingual education in the United States (Ruíz, 1984). In fact, Richard Ruíz (1984, p. 26) states, "The irony of this situation is that language communities have become valuable to the larger society in precisely that skill which the school has worked so hard to eradicate in them!" He goes on to encourage us that approaching bilingual education with language-resource policy and planning, "...will only contribute to a greater social cohesion and cooperation" (1984, p. 28). Alberto Ochoa (1995) also encourages us towards, "a renaissance of social justice in this country as we press forward to actualize equality, freedom, and democratic principles."

Conclusion

In 1984 Richard Ruíz suggested reviewing language learning policies within the framework of language as a problem, as a right, and as a resource. By using his framework this article examined the practices, policies, and outcomes of each portion of this framework. When

reviewing language as a problem and language as a right we confirm that our United States bilingual education policies, practices, and outcomes are creating monolingual and limited bilingual students. In Figure 1 we are reminded that our United States perspectives of language policies are not supporting multiculturalism, cultural pluralism, or socio-political pluralism (Ochoa, 1995). The global community is practicing strong forms of bilingual education programs (Baker, 2011) (see Figure 4) and achieving support from the dominant culture to generate bilingual and bicultural students.

In Richard Ruiz's article, *Orientations in Language Planning*, he encourages us to approach bilingual education with language-resource policy and planning because it "...will only contribute to a greater social cohesion and cooperation" (1984, p. 28). We need to create more successful national strong forms of bilingual education programs (Baker, 2011) in order to accomplish the goal of bilingualism and biliteracy. Figure 4 outlines strong forms of bilingual education programs called, immersion, maintenance heritage language, two-way or dual language, and mainstream bilingual with language outcomes of bilingualism and biculturalism (Baker, 2011). As educators and activists for the right of our children to bilingual education, where do we go from here? The hope of the author is that at least one of the sections, language as a problem, a right, or a resource has touched the reader in a way that leads them toward action (Bell, 2010; Bruchac, 2003). Whether the action is to fight against discrimination and marginalization of our student's community, to fight for stronger laws in favor of multilingual and multicultural education, or to fight for the *growth mindset* (Dweck, 2006) of learning in and learning additional languages is a benefit for all, we must engage in this work. What motivates you, the reader, to engage in working towards strong forms of bilingual education programs?

Author's Note:

It is with great sadness that I learn of the recent passing of Dr. Richard Ruíz. Having never met him, it is through the voices of his students, colleagues, and friends that I learn more about him as a role model and mentor to those who knew him personally. It is with gratitude that I reflect on how his academic work has influenced my own. His contributions to language learning policy analysis and development in will remain an example for all of us for years and years to come.

Figure 1. Language Policy: Typology. Source: Ochoa, 1995.

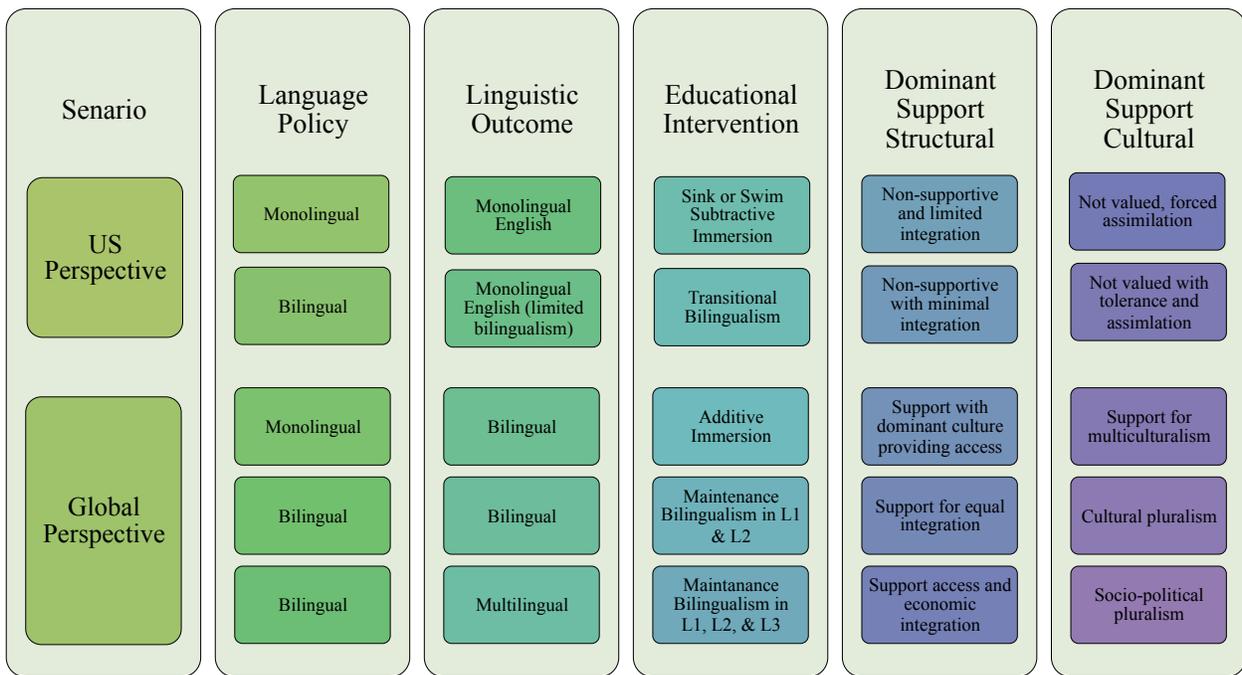


Figure 2. Monolingual Forms of Education for Bilinguals. Source: Baker, 2011, p. 209.

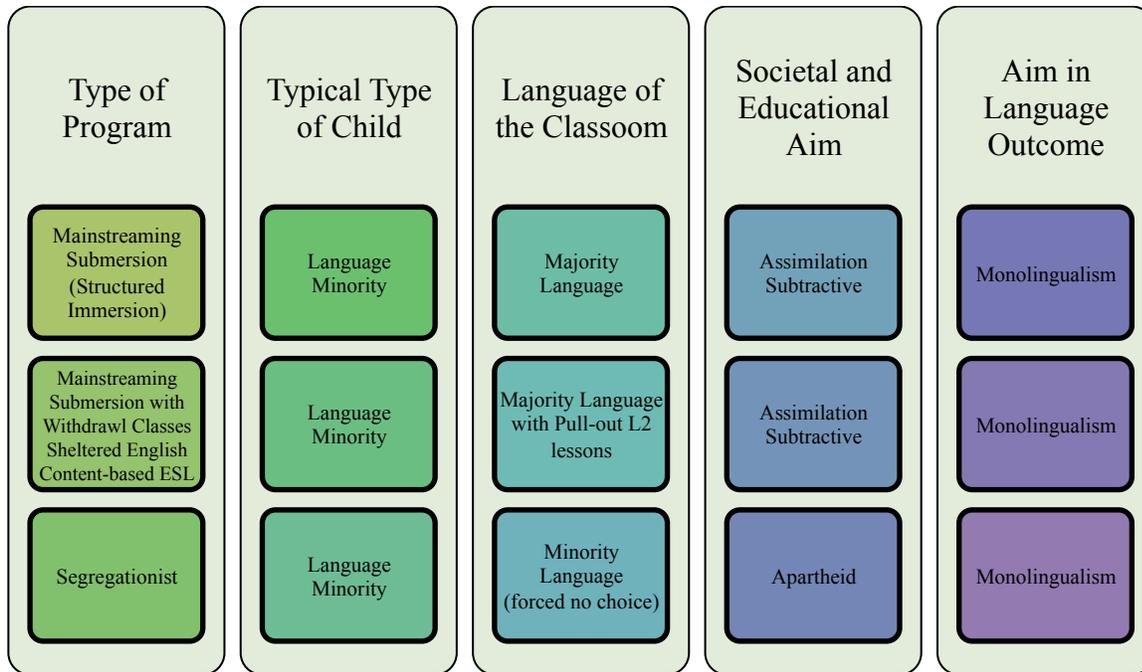


Figure 3. Weak Forms of Bilingual Education for Bilinguals. Source: Baker, 2011, p. 210.

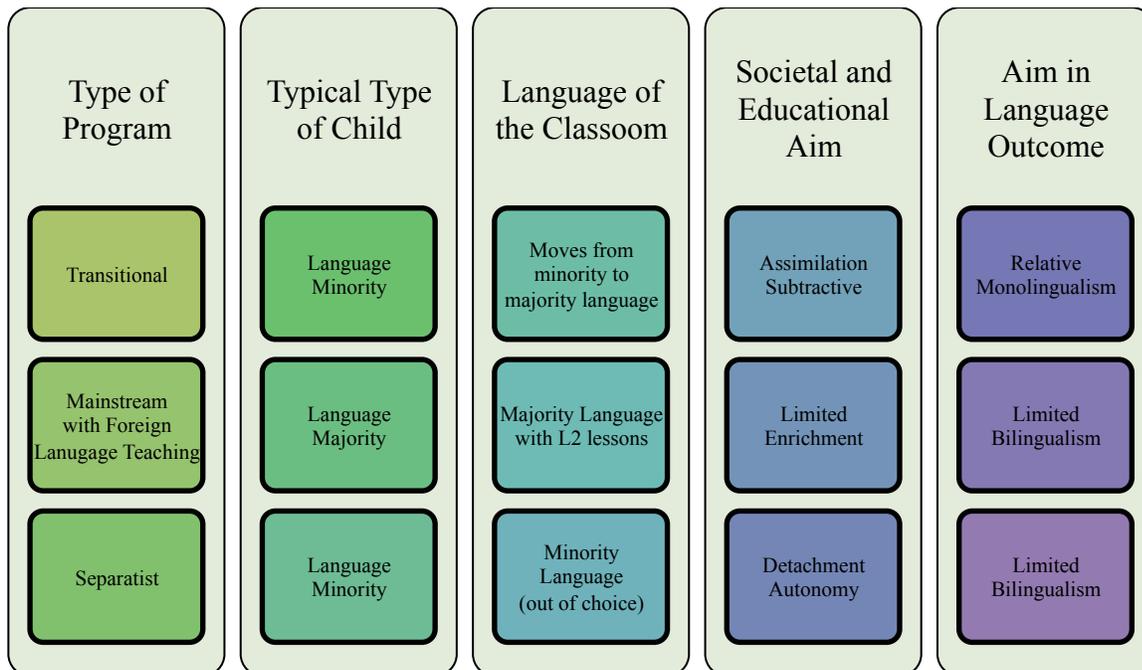
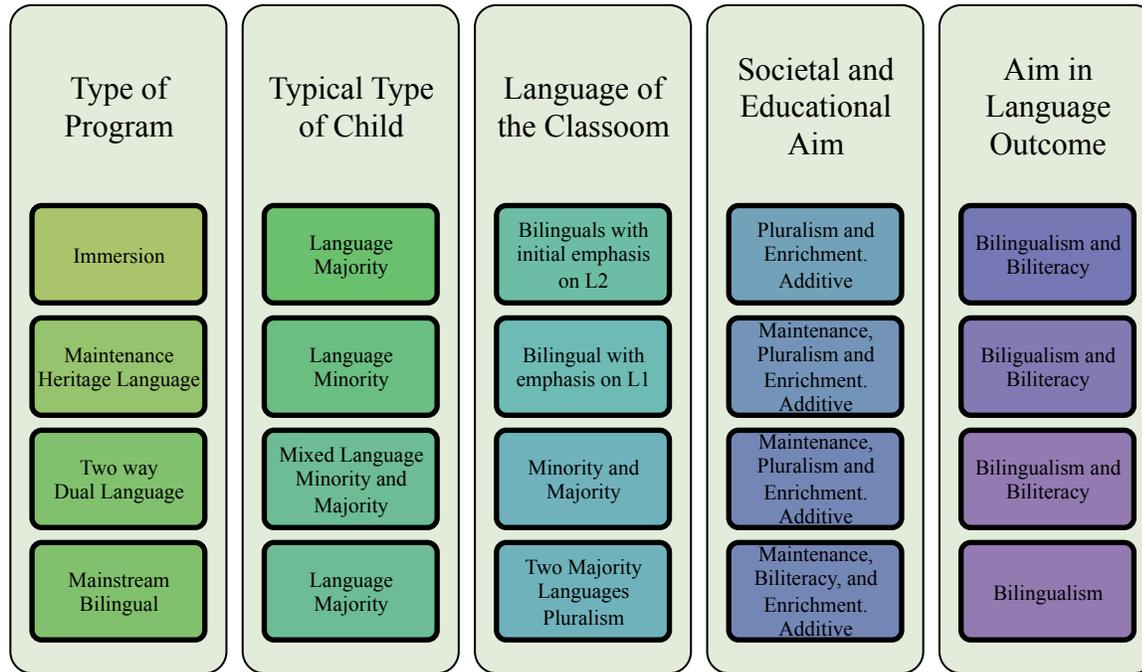


Figure 4. Strong Forms of Bilingual Education for Bilingualism and Biliteracy. Source: Baker 2011, p. 210.



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