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Nichols to NCLB: Local and Global Perspectives on U.S. Language Education Policy

Nichols to NCLB: Local and Global Perspectives on U.S. Language Education Policy¹

Nancy H. Hornberger

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In the 2004 anniversary year of landmark U.S. Supreme Court decisions affirming the right to equal educational opportunity for all children irrespective of race or language origin, it behooves us to take a look at how well we are fulfilling those mandates. The year 2004 marked 50 years since the *Brown v. Board of Education* ruling against racial segregation of students in public schools and 30 years since the *Lau v. Nichols* decision rejected the notion that equal provision necessarily equates to equal educational opportunity for English speaking and non-English speaking students alike. This paper takes a historical and comparative look at U.S. language education policy at the federal level, from that 1974 *Lau v. Nichols* decision up to the 2001 No Child Left Behind Act, with particular attention to the degree to which federal policy leaves ideological and implementational space for imagining multilingual schools. Drawing on ethnographic work locally in one urban school district and globally in multilingual contexts, I attempt to understand both what is happening and what could happen to promote and build on the multilingual resources present in U.S. schools.

Introduction

Americans aren't used to receiving foreign aid, especially from a third world country such as Bolivia. But in the case of bilingual education, we may have a few things to learn from this poverty-stricken Andean country" (Dolson 2004: 18). So begins California Department of Education Program Consultant, David Dolson, in a recent piece reflecting on his return visit to a school in a Quechua-speaking Andean community he had first visited 25 years ago. He goes on to highlight some of the educational innovations he observed there: new school

¹ My thanks go to Ofelia García and María Torres-Guzmán for envisioning and organizing the conference, "Imagining Multilingual Schools: An International Symposium on Language and Education," held at Teachers College in New York City, 30 September - 2 October 2004, at which the first version of this paper was presented. I am also deeply grateful to have had the opportunity to present an expanded version at the 14th Annual Nessa Wolfson Colloquium in my own Language and Literacy in

buildings and modular furniture, world class Quechua language arts readers and Quechua math textbooks for every child, abundant written material in Quechua and Spanish posted on the walls and in the classroom library and learning centers, fluently bilingual and well-trained teachers, and active involvement of parents in the school governing body. All of these are fruit of Bolivia's 1994 Educational Reform, with its key planks of bilingual intercultural education for all and popular participation in school governance (Hornberger & López 1998).

I, too, have mused on the hope and example offered by multilingual language education policies, such as Bolivia's 1994 Education Reform and post-apartheid South Africa's 1993 Constitution, in creating ideological and implementational spaces for imagining multilingual schools—and on the possibility of putting such examples into practice in the United States and elsewhere (Hornberger 2002). I have considered community and classroom challenges inherent in implementing the new ideologies underlying multilingual language policies in educational settings and proposed the continua of biliteracy framework as an ecological heuristic for situating and addressing those challenges (Hornberger 2003).

At this ten-year anniversary of the bold Bolivian and South African experiments in multilingual education, those directly involved are well aware of the many shortcomings thus far and the enormous challenges remaining ahead, but they are also perhaps more convinced than ever of the necessity and opportunity represented by what has been achieved so far. In both countries, national and international conferences convened in June and July of 2004 took a critical look back at the past ten years, evaluating what has been accomplished and what remains to be done. In Bolivia, the Ministry of Education convened an international Latin American seminar to consolidate experiences and formulate recommendations on teacher professional development in bilingual intercultural education, and the World Bank sponsored a five-country Latin American seminar on achievements and challenges in bilingual intercultural education (López & Küper 2004). Both of these events were organized and coordinated by the consortial Andean regional post-graduate Program for Professional Development in Bilingual Intercultural Education (PROEIB Andes), housed at the University of San Simón in Cochabamba. Part of the impetus for these meetings was the need to take stock of the past ten years of Bolivia's Education Reform, as the decennial educational policy-making National Congress of Education approaches (Anaya 2004).

Similarly, "Ten years of multilingualism in South Africa: Fact or fanta-

Education Division at the University of Pennsylvania Graduate School of Education. I also thank Esther Ramani and Michael Joseph, who hosted my visit to SAALA 2004 in Limpopo, South Africa in July 2004, and Luis Enrique López, who hosted my visit to PROEIB Andes in Cochabamba, Bolivia in August-September 2004.

sy?" was the theme taken up in July 2004 at the conference of the Southern African Applied Linguistics Association (SAALA) held at the University of Limpopo in South Africa. Poet Mpho Ramaano, reciting his "Have you seen my Africa lately?" on the second morning of the conference, captured the intensity of the debate and dialogue there. The poem ends

Our schools, technikons and varsities
have turned abattoirs of language and identity.
I summon you ground floor masters,
give me power and strength
that I may spit ravaging fire
in those bi/monolingual multiracial model C schools
that speak only English and/or Afrikaans
at the expense of indigenous African tongues.

But in the mean time
politicians and academics in the global world
spit nonsense in public seminars and conferences,
English still remains the superpower,
French continues to charm the world
even leaders in African soils
while indigenous African languages rot
and remain discarded in conference and parliament toilets.
And so I dare ask
Have you seen my Africa lately?

Classroom and community challenges faced at all institutional levels of implementation of the multilingual policy were candidly presented and discussed, among them the ongoing constraints on making the South African universities truly multilingual in ideology and practice; the shortcomings of assessment standards and criteria of the Revised National (K-12) Curriculum in relation to research understandings on second language acquisition and biliteracy (Heugh 2004); the relative inaccessibility of and lack of specific focus on language statistics in education (Plüddemann et al. 2004); and the ongoing threat to multilingual education posed by the common perception of English as language of access (Finlayson & Slabbert 2004), to name only a few. Yet, optimism and creativity were also readily in evidence, as for example in the newly launched bilingual degree program at University of Limpopo (Joseph & Ramani 2004); the Home Language Project, a parent-based initiative which has successfully introduced one lesson per week of Nguni and Suthu mother-tongue/heritage language teaching in six formerly white Model C, now multicultural, English-medium schools in the Johannesburg area (Owen-Smith et al. 2004; Rodseth & Rodseth 2004); and one teacher researcher's balanced reading approach designed for her

multicultural classroom of grade one and two English first language (Indian) and English additional language (Zulu) learners, incorporating interactive reading and the valuing of the mother tongue (Gounden & Cromarty 2004).

In both national cases, the two broad areas of challenges I had foregrounded in my 2002 paper—the popular demand for the language of power and the logistical complexities of working with multiple languages, literacies, and identities at the classroom level—are ever-present and by no means resolved. Yet, it is also true that there is accumulating evidence that they can be addressed. As one direct response to the need for concrete answers to the logistical complexities of implementing bilingual intercultural education in the classroom, for example, the recently concluded two-year Tantanakuy Project in Bolivia (co-sponsored by PROEIB Andes and the Government of Finland) has produced several sets of self-learning modules for in-service professional development of classroom teachers, including one set on strategies for doing intercultural education in the classroom and another on working in multi-grade classrooms (which constitute 83% of Bolivian classrooms, Proyecto Tantanakuy 2004: 2).

On the other hand, in regard to the ideological challenges posed by the popular demand for the language of power, as exemplified in the recurring refrain heard at the Limpopo conference that South African parents choose English-medium schools, language policy expert and advocate Neville Alexander affirmed emphatically that his experience, and that of his colleagues at the Project for the Study of Alternative Education in South Africa (PRAESA) at University of Cape Town, is that what parents are choosing is NOT in fact the English medium of instruction, but rather the superior resourcing and academic preparation offered by the English-medium schools. In those cases where we can offer a well-resourced multilingual program taught by adequately prepared teachers, he said, parents are just as ready to choose that school.

In both Bolivia and South Africa, too, there is a palpable sense of urgency among those involved, to take maximum advantage of the space afforded by the existing multilingual policies, before they foreclose. Similarly, my own sense of urgency about the closing of ideological and implementational space for multilingual education in the U.S., as evidenced by the passage of Proposition 227 in California and Proposition 203 in Arizona, has only intensified in recent years, with passage of the Massachusetts version of the Unz initiative and the imposition of the most recent reauthorization of the Elementary and Secondary Education Act, euphemistically and misleadingly titled No Child Left Behind (2001). As Eugene Garcia tellingly and alarmingly put it in a recent AERA panel reviewing *Lau v. Nichols*, under the current English-only and anti-bilingual education conditions in the United States, “We are quickly reaching pre-*Lau* and pre-*Brown* situations in schools” (Garcia 2004).

So, what about *Lau*? In this anniversary year of landmark U.S. Supreme Court decisions affirming the right to equal educational opportunity for all children irrespective of race or language origin, it behooves us to take a look at how well we are fulfilling those mandates. The year 2004 marked 50 years since the *Brown v. Board of Education* ruling against racial segregation of students in public schools and 30 years since the *Lau v. Nichols* decision rejected the notion that equal provision necessarily equates to equal educational opportunity for English speaking and non-English speaking students alike. What kind of space did *Lau v. Nichols* create for multilingual schools in U.S. language education policy? And what kind of spaces are left in the wake of anti-bilingual education initiatives and NCLB? In what follows, I would like to take a brief look back at *Lau* and then take up consideration of NCLB, with particular attention to the kind of ideological and implementational spaces created for multilingual schools in the U.S. I conclude with some international perspectives on where all this leaves us as we continue to imagine and construct multilingual schools for our learners.

Looking Back at *Lau v. Nichols*

Students of language policy and language rights in the United States have long recognized the deep-seated ambivalence which plays itself out in the waxing and waning of language tolerance across the history of our relatively young nation (Sapiens 1978; Estrada 1979; Grosjean 1982; Ruiz 1984a, 1984b; Perlman 1990; del Valle 2003: 9-87). Many remark on the striking resemblance between the earlier period of intolerance associated with the push for Americanization, beginning in 1880 and intensifying around the period of World War I (Ricento 2003), and the current period of English-only and anti-immigrant sentiment beginning approximately one century later and intensifying around the turn of the millennium (Beykont 2002; Cazden & Snow 1990; Crawford 1992; Wiley & Lukes 1996).

Furthermore, both of these assimilationist and language-restrictionist periods arose in the wake of increased numbers of immigrants that were perceived by the mainstream as “different”—poorer and more uncultured, compared to previous immigrant groups. At the end of the 19th century, these were, for example, southern rather than northern Europeans, Asians recruited as indentured labor, and Puerto Ricans and Mexicans whose territories had just been annexed to the U.S.; at the end of the 20th century, they were refugees from the wars in southeast Asia and Central America as well as Asian and other immigrants benefiting from the 1965 Immigration and Naturalization Amendments which abolished the national origins quota system and permitted up to 20,000 entries per country per year (Wong 1988: 196). In the earlier period, as in the more recent one, recurring anxieties fueling anti-immigrant sentiment

include concerns that new immigrants a) are just too many; b) slip through as undocumented immigrants or asylum seekers; c) take jobs away from citizens; d) contribute disproportionately to crime; e) transform the demographic landscape; and, f) do not easily assimilate (Suárez-Orozco 1996).

Yet, there have also been periods of relative language tolerance in U.S. history, including nearly the whole first century of the republic (Kloss 1977), as well as the intervening period from the early 1950s to the 1980s, when new discourses of language tolerance and language rights emerged. This new tolerance for and interest in languages other than English originated to some degree from a strategic need for translators and multilingual intelligence during World War II and intensified in the Cold War era, after the newsbreaking 1957 Sputnik launch and ensuing media accounts of the foreign language (and other) achievements of the Russian educational system.

Even more significantly, however, it was the Civil Rights movement and Civil Rights law—emerging in 1954 with the U.S. Supreme Court's school desegregation decision, *Brown v. Board of Education*, and punctuated at ten-year intervals thereafter by the 1964 Civil Rights Act (Title VI) and the 1974 Equal Educational Opportunity Act (EEOA)—that gave impetus to language rights. In the United States, it is on the terrain of civil rights that legal, political, and educational policy decisions supporting language rights rest, and, reciprocally, language rights are "another pillar in the civil rights world, along with... education, housing, and voting rights" (del Valle 2003: 4).

Brown v. Board of Education (1954) established, on the Constitutional basis of the 14th Amendment's Equal Protection Clause,² that segregation of students in public schools "solely on the basis of race deprives children of the minority group of equal educational opportunities" (U.S. Supreme Court 1954: Syllabus [e]). Title VI of the Civil Rights Act of 1964 and the Equal Educational Opportunity Act of 1974, respectively, established on a statutory basis that

(1) no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance (Section 601)[and]

(2) no state shall deny equal educational opportunity to an individual on account of his or her race, color, sex, or national origin, by...the failure of an educational agency to take appropriate action to overcome language barriers that impede equal participation by its students in its instructional programs. (Section 1703(f)) (cited by Wong 1988: 372)

It was on the foundation of these precedents that the U.S. Supreme Court rendered *Lau v. Nichols*, also in 1974, a decision which went beyond *Brown* in identifying and addressing disparate impact (Affeldt 2004). *Brown* was about the need to avoid intentionally harming students, but *Lau* was about the need to avoid unintentionally doing so (Morán 2004). While *Brown* had found that "separate but equal" was not good enough to ensure equal educational opportunity, *Lau* found that "equal" was in fact not necessarily "equal"—in fact, that "there is no equality of treatment merely by providing students with the same facilities, textbooks, teachers, and curriculum; for students who do not understand English are effectively foreclosed from any meaningful education."

The case was a suit brought against the San Francisco Unified School District by Kinney Kinmon Lau and 12 Chinese American students (over half of them American born) on behalf of approximately 1,800 Chinese-speaking students in the district, charging that they were being denied an education because of a lack of special English classes with bilingual teachers (Wong 1988: 378). Both the district court and the Ninth Circuit appeals court turned down the plaintiffs' claim, finding that the special needs of students did not create an additional obligation on the school district and characterizing such a claim as an "extreme" extension of *Brown* (del Valle 2003: 237). Significantly, in its landmark decision reversing the lower courts and affirming the Chinese students' claim, the Supreme Court side-stepped the Constitutional issues and instead relied on Title VI of the Civil Rights Act. The courts have consistently stopped short of granting language rights in and of themselves. It is in this sense that U.S. policy toward minority languages can be characterized as "swinging from tolerant to hostile with a pragmatic rather than an idealistic core" (del Valle 2003: 1).

Recently, even the pragmatism of civil rights claims is at risk, in light of the Supreme Court's decision in *Alexander v. Sandoval* (2001) that private individuals may not sue to enforce the disparate impact regulations of Title VI³ (del Valle 2003: 71-76, 354; Rice 2004: 34; Schiffman 2002). In response, educational language rights advocates are turning to the Equal Educational Opportunity Act as a more viable alternative for claiming the right to bilingual educational programs that respond to language minority students' needs (Morán 2004; Rice 2004).

Establishment of language rights on a civil rights basis, or even on the claim to equal educational opportunity, is both a strong and a weak position. On the one hand, the appeal to civil rights is unassailable, but on the other, basing language rights on non-language categories like national origin, race, or equal educational opportunity leaves language itself vulnerable. Ruiz (2004) suggests that, with regard to orientations to lan-

² "[N]or [shall any state] deny to any person within its jurisdiction the equal protection of the laws."

³ A suit brought by Martha Sandoval, a driver's license applicant not proficient in English, against the state of Alabama, for relief in connection with the English-only policy of the Department of Public Safety.

guage, *Lau* represented more continuity than change—it was about extending civil rights, not language rights, and left intact the language-as-problem orientation that favored implementation of quick, transitional bilingual education or indeed no bilingual education at all.

The *Lau v. Nichols* decision stopped short, not only with regard to side-stepping the issue of Constitutional language rights, but also by failing to specify any particular programmatic remedy (Wong 1988: 379-380; del Valle 2003: 236-242; Rice 2004: 5). Instead, the Court offered options: “Teaching English to the students of Chinese ancestry who do not speak the language is one choice. Giving instructions to this group in Chinese is another. There may be others.”

On the other hand, with these very words, *Lau* created ideological space for bilingual education, a space that was further reinforced by the *Lau Remedies*, authored in 1975 by a task force convened by the Office of Civil Rights and implemented for several years until the change in presidential administrations in 1980 (election of Reagan). Furthermore, the *Lau Remedies*, in conjunction with the Bilingual Education Act—Title VII of the Elementary and Secondary Education Act, originally passed by Congress in 1968 and reauthorized at multi-year intervals thereafter, created implementational space for bilingual education for more than 30 years—implementational space that ultimately even allowed space for ideological shift toward a language-as-resource view, as became evident in the 1994 reauthorization (Ruiz 2004).

The backdrop for Texas Senator Ralph Yarborough’s original introduction of what eventually became the Bilingual Education Act (BEA) was a growing awareness of the great disparity in educational achievement between Whites and Mexican Americans, with 1960 census figures showing average years of schooling at 14 and 4.7, respectively, for the two groups (Wiley & Wright 2004: 153). But while the legislative discourse surrounding the enactment of the BEA included an interest in fostering bilingualism (Johnson 2004: 82), the law as it was eventually passed had a compensatory thrust and an emphasis on transitional bilingual programs. Even so, it allowed space for the funding of programs using the native language in addition to English. For example,

In 1970, 134 projects using 16 languages were funded (Liebowitz 1980) [and] [f]our years later, 220 bilingual programs servicing 340,000 students were receiving Title VII funds, with more than 85% of the funds going toward Spanish programs. (Kloss 1977 cited by Wiley & Wright, 2004: 153)

In subsequent reauthorizations, while transitional bilingual programs remained a constant feature of Title VII, space and support for maintenance and two-way bilingual programs using and developing non-English languages alongside English waxed and waned in accor-

dance with the political climate of the corresponding presidential administration (Wiley & Wright 2004: 154). The 1974 reauthorization effectively curtailed the possibility of two-way programs by discouraging participation of English speaking children and disallowing their learning of non-English languages in Title VII programs. While the 1978 reauthorization lifted the ban on dual-immersion programs and on participation of English-speaking students, it retained a deficit view of English language learners, only slightly modifying the original notion of limited English speaking to limited English proficient (LEP) to denote inclusion of all 4 domains of language skills (listening, speaking, reading, and writing).

The 1984 reauthorization, under the Reagan administration, somewhat paradoxically and as the result of political bargaining and compromise, allowed for the first time some support of developmental bilingual (maintenance and dual language) programs while also reserving 4% of Title VII funds for Special Alternative Instructional Programs (SAIPs) which by definition make no use of a non-English language. The 1988 reauthorization, also under Reagan, increased this reserved SAIP funding to 25% of the total.

At the time of the 1994 reauthorization under Clinton, developmental bilingual programs received an increased share of support, up to 25%, and dual language education programs thrived in the ensuing years, having grown in number from about 30 in 1987 to 176 in 1994 and expanding to 261 in 1999, most of them receiving Title VII funding (Lindholm-Leary 2001: 34-35). It was during this period, too, that the more positively connotative term English language learners (ELLs) began to replace LEP in official usage (August & Hakuta 1997), reflecting an ideological shift toward a language as resource view. *Lau v. Nichols* and the Bilingual Education Act did then create space for imagining and implementing multilingual schools—space however that appeared to be taken away overnight with passage of NCLB in December 2001.

Nichols in a NCLB Era

With enactment of No Child Left Behind in 2002, bilingualism and bilingual education vanished (Wiley & Wright 2004: 155), indeed were banished, from U.S. educational policy vocabulary, closing up with one fell swoop both ideological and implementational spaces that had been created by the BEA. Symbolically important name changes abruptly removing all reference to bilingual education reflected a shift in ideological orientation, from the emerging language-as-resource orientation evident in the 1994 reauthorization back to the earlier language as problem orientation. English language learners (ELLs) again became LEPs, and

- 1) Bilingual Education Act (Title VII) was renamed Language Instruction for Limited English Proficient and Immigrant Students (Title III);
- 2) Office for Bilingual Education and Minority Language Affairs (OBEM-LA) was renamed Office of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient Students (OELA);
- 3) National Clearinghouse for Bilingual Education (NCBE) was renamed National Clearinghouse for English Language Acquisition and Language Instruction Educational Programs (NCELA).

In terms of the closing up of implementational space, NCLB does not allow for maintenance bilingual programs and is in fact likely to discourage bilingual education and promote English-only approaches, due to the combined effect of the large discretionary power accorded to states in allocation of funding and the nature of the newly-defined accountability provisions (Wiley & Wright 2004: 156). Competitive grant programs under the old Title VII have been replaced with formula grants to state education agencies, who define their own criteria and accountability systems for allocating funds, within the constraints of NCLB. The accountability provisions specified in NCLB are in turn entirely English-oriented, with emphasis on development and attainment of English language proficiency, academic achievement measured through English-language tests in which LEP students must participate, and adequate yearly progress (AYP) mandated for LEP students.⁴ These requirements put immense pressure on school districts to teach LEP students English as quickly as possible and to redesignate as many as possible each year.⁵

On the other hand, despite the strong English-only orientation in the accountability requirements, it is also true that NCLB Title III does not explicitly outlaw bilingual education. In fact, it advocates neither for nor against bilingual education (Freeman 2004: 26). It allows funding for transitional bilingual education programs (without referring to them by name) and, to some degree, for dual-immersion bilingual programs. Furthermore, there is more money available than before to be applied to this purpose; federal funding for LEP students has nearly doubled (Wiley & Wright 2004: 156).

This ambiguous implementational space leaves room to exploit NCLB to maintain and build developmental bilingual education programs.

⁴ "Each state is required to develop English-language proficiency standards and assessments and define and develop 'annual measurable achievement objectives' (AMAOs) for 'increasing and measuring the level of LEP children's development and attainment of English proficiency' (U.S. Department of Education 2003, Part II, p. 5)" (Wiley & Wright 2004:157). Additionally, all LEP students must be included in state assessment programs of academic achievement regardless of how long they have been in the United States.

⁵ There are also serious concerns about the validity and reliability of the assessments themselves in relation to their use with LEP students, summarized as follows: Inconsistent LEP classification, as well as the sparse population of LEP students in many states, threatens the validity of adequate yearly progress reporting. The LEP subgroup's lack of stability also threatens accountability, since students

There is nothing in the law to stop us from developing the non-English language alongside the English language, as long as we do so in a way that meets all the English language and academic achievement accountability measures (R. Freeman, personal communication).

Such, for example, is the approach adopted in language policy development and bilingual program building in the School District of Philadelphia (SDP). In a recent article analyzing the ongoing flow of discourse across federal policy, Pennsylvania commonwealth, and SDP discursive contexts, Johnson (2004) describes how one SDP grant writer who has worked on both Title VII and Title III grants sees NCLB's emphasis on English language education for ELLs as not precluding one-way and two-way developmental programs in Philadelphia schools. Furthermore, the grant writer believes that the accountability requirements for ELLs are "a positive move toward forcing school districts to focus their attention and resources on education for English language learners" (88). If anything, he reports, NCLB has enlivened this grant writer's passion, since more money per student is available and the requirement for scientifically based research affirms and complements the SDP's reliance on research favoring dual language education.

From my perspective as researcher and observer of bilingual education in Philadelphia over the past 20 years, it is no accident that SDP language education personnel position themselves as wedges in the ambiguous implementational space left by NCLB. I would argue that this stance is built on a long tradition of research, practice and policy oriented toward imagining multilingual schools, from the early efforts of Eleanor Sandstrom and others in founding the Potter Thomas bilingual program in 1968 under one of the first Title VII grants (Cahnmann 1998) to the last Philadelphia School District Title VII five-year grant, awarded in 2000 to support the development of ten dual language programs in target schools in the major multilingual communities in the city (Freeman 2004: 236). In her recent book, *Building on Community Bilingualism*, Freeman recounts how as lead consultant for this grant, she worked with school-based language planning teams in each school, encouraging them "to take ownership of the planning and implementation of their programs and to hold themselves accountable for their students' performance" (237). She also describes how, in fall 2002, she undertook facilitation of a language policy formulation process in the SDP, at the

attaining English proficiency move out of the subgroup. The linguistic complexity of assessment tools may lower LEP student performance in areas with greater language demand. Finally, schools with larger numbers of LEP students with lower baselines may require greater gains. Thus, NCLB's mandates may unintentionally place undue pressure on schools with high numbers of LEP students (Abedi 2004: 4).

The pressures toward using large-scale assessment measures with LEP students have led to increased use of accommodations, but these too raise "a number of thorny issues that are not easily resolved," issues such as who should receive accommodations and what type and how we can ensure fairness "so that accommodations enable English learners to demonstrate what they know without giving them an unintended advantage over other students" (Abedi et al. 2004: 7).

request of the Philadelphia Association of Hispanic School Administrators (PAHSA), who in turn had been challenged to come up with a language policy by the district's new chief executive officer appointed in the wake of the state takeover of the district in spring 2002 (251). In this book, as in her earlier work, Freeman argues that "states, school districts, and schools in the United States have choices about the ways they organize their programs and practices to address their goals... This book explains why [and] how school districts and schools can formulate policies and develop programs that enable English language learners AND English speakers to acquire English, achieve academically at school, AND maintain and develop expertise in languages other than English" (viii): in other words, how we can imagine and create multilingual schools, even in ambiguous spaces.

In his foreword to Freeman's book, Cummins points out that "our collective reluctance to implement programs that are pedagogically and linguistically enriching for all students is an ideological choice" (Freeman 2004: iii). The implementational and ideological choices that educators make are, ultimately, what enable or disable the imagining of multilingual schools.

Furthermore, I believe those implementational and ideological choices can be used strategically as mutual reinforcements for each other. In my 2002 essay, I cited evidence from South Africa (Chick 2001; Chick & McKay 2001) that ideological space opened up by top-down policies could contribute to the emergence of new discourses in implementational spaces at the grassroots level (Hornberger 2002: 41). In like vein, Alexander (2003) affirms that "the fact that [the constitutional and legislative] instruments exist is of the greatest significance [in that they] represent democratic space for the legal and peaceful promotion of multilingualism and for mother tongue based bilingual education in South Africa" (15). Ideological spaces carve out implementational ones. I think that perhaps it is also possible that implementational spaces carved out from the bottom-up may reciprocally be a means for wedging open ideological spaces as they are being closed by top-down policies. This is exactly what is happening, not only in Philadelphia, but also in California, Massachusetts, New York, and elsewhere in the United States, and certainly in many places around the globe.

To keep alive the promise of *Nichols* in a NCLB era, then, requires our concerted attention on continuing to implement our imagined multilingual schools from the classroom level up, even while English-only ideologies swirl around us. "The litmus test for educational language planning in the United States in the age of accountability should not be one of defending the position of English, but one of acknowledging language diversity and developing it as a national resource" (Wiley & Wright 2004: 163). I want to close with three recommendations to assist us in that endeavor.

Implementing *Nichols*-Based Ideologies in Ambiguous NCLB Spaces: Three Recommendations

First, we need to recognize and celebrate that what may feel to us like stop-gap implementational measures to imagine and create multilingual schools in today's ideologically unfriendly national or global contexts are much more than that. They are in fact imaginative and creative moves that have a strategic role to play in shifting and expanding into more favorable ideological spaces.

Valdés has recently written in her foreword to Roca and Colombi's (2003) anthology on Spanish as a heritage language in the United States

We are living in a moment when antibilingual education efforts have spread from California to Arizona to Colorado and more recently to Massachusetts. Teaching the mother tongue to young immigrant children, especially in Spanish, continues to be viewed by many as un-American and divisive. At the same time, the events of September 11 have once again made evident the importance of non-English language for national security. (vii)

With Valdés and other colleagues, including those from the farthest reaches of our globe such as PRAESA colleagues at the southernmost tip of Africa and Sami colleagues in the Arctic Circle, Quechua and Aymara colleagues in the high Andes and Aotearoa colleagues by the shores of the Pacific, I am more convinced than ever that we who imagine multilingual schools have the long-term advantage—that threat and fear and restriction can never prevail in the grand scheme of things, and rather that a profuse and rich diversity of ways of speaking, meaning, thinking, valuing and being will.

Second, we need to grab hold of scientifically based research that supports multilingual schooling, using it as systematic tool and guide for our multilingual classroom policy and practice. The continua of biliteracy model offers one research-based framework for that purpose (Hornberger 2003). In the same vein, Hawkins (2004) has recently provided a synthesis of seven core notions that help us understand how classrooms work as complex social systems and as ecological spaces for English language learners' language and literacy development. The seven core notions, which parallel and complement components of the continua framework, are: communities of learners/communities of practice (in relation to biliteracy contexts), Zone of Proximal Development / apprenticeship (in relation to biliteracy development), multiple social languages and multiple literacies (in relation to biliteracy media), identities/positioning (in relation to biliteracy content), power/status (in relation to traditional power weightings in the continua), and classroom as ecology (in relation to the continua of biliteracy as ecological framework). These are just two examples of syntheses that attempt to bring

together the vast research-based understandings on multilingual language and literacy learning, into a usable form for policy, practice, and continuing research.

We know that however robust in method and balanced in interpretation, research on bilingualism and bilingual education "will almost inevitably meet ideological and political arguments. The passionate politics surrounding immigration, social and political cohesion, and imagined threats to peace and prosperity, will pitch such research into the cauldron of political competition and controversy. However such political debates unequivocally need to be informed by research" (Baker 2003: 105). We cannot abandon what we know from research and experience to be right and true just because it is unpopular. We do have choices and can exercise them.

Finally, it is high time for us in the U.S. and in other parts of the developed world to accept foreign aid from the developing world. I've alluded to the cases of South Africa and Bolivia, but there are many, many more. We can no longer afford to ignore the accumulating inspiration and insight available to us from the concrete experiences and experiments in multilingual education and multiliteracies pedagogy that are increasingly in evidence around the world.

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