

A Quest for Equity in Language:
Educating Maya-American Children

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ABSTRACT

This research is a study of the relationship between language acquisition and the status of equity. The history of the Maya people in Guatemala gives strong evidence that their failure to acquire competence in Spanish, which is the national language of their nation, has resulted in their failure to compete in the social, economic, and political components of their society. It also shows that they have failed to maintain their competence in Mayan, their own language, as a result of mistreatment from their conquerors who have shown a determination to eliminate their use of Mayan. Many Maya have left Guatemala and entered the United States in hope of finding the status of equity which has evaded them for hundreds of years.

The key to overcoming their poverty and loss of civil rights can be found in the US through compensatory programs offering them the opportunity of competency in English along with the opportunity to maintain their Mayan language. The US legal system guarantees equal rights for a quality education for students who are learning English.

This study offers some suggestions for integrating the Guatemalan Maya into mainstream activities of the economy and social life of this country. It offers the idea of sustaining and increasing their competency in Mayan as a long-range possibility. The status of equity is available for the children of the Guatemalan refugees who enter the United States as they exercise their rights to a quality education.

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**A QUEST FOR EQUITY AND LANGUAGE:
EDUCATING MAYA-AMERICAN CHILDREN**

“Without education, neither freedom nor justice can be maintained.”

President James Garfield, 1881

INTRODUCTION

This study explores the relationship of language with the acquisition or loss of equity. Loss of equity is caused by failed policy. Group behaviors change only when policy changes. The search for equity involves the change of the policy which has created it. Informal policy is developed to govern behaviors when two individuals find themselves together or to govern the largest nations and alliances of nations throughout the world. Many nations were developed and policies initiated for mutual benefit. One of these policies was often the promotion of a national language. This promotion often led to the destruction of other languages. Policy changes often begin through the efforts of small groups along with their increasing numbers and growth in numbers until they achieve the desired result. A universal policy exists and is well understood. This policy is: “He who has the gold makes the rules.” It is a policy very efficient in promoting or destroying language throughout history. Where inequities exist, it is necessary to find the root of the inequity and change the policy which governs it. Policy and law are not always correlated. United States immigration problems are examples of law which is clearly stated, but the policies used by the last ten presidents have born little relationship to the original legislation. In the US policy is to be developed by the Executive Branch in order to follow legislation enacted by Congress. In other parts of the world, policy may follow the desires

of a dictator or a small group which have enabled themselves to be placed in high positions. These groups have often developed policies of terrorism and murder to maintain power. Few of these policies have resulted in a better life for the indigenous people residing in these nations.

Change of conditions involves a change of policy. Policy is developed in the favor of the policymaker. The best way to change policy is to become a part of the policy making group. Those who hold places in these groups are more likely to achieve a status of equity. The purpose of this doctoral study is to explore ways in which a group of much maligned people can increase their chances of becoming policymakers through receiving high quality education.

The rise and fall of the Mayan language and the human suffering that has accompanied this cycle is used as an example which shows how the Maya have been reduced to a group of people who have lived in a world where equity is and has been unknown. The history of the Maya people provides a series of great examples of failed policy and how it has affected the Maya people for centuries. It is necessary to look at history to understand how the Mayan language has progressed during periods of greatness and almost diminished during a long period of decline. It offers an opportunity to inspect how environment and physical conditions within a region dictate the development and growth of a language or its decline.

Maya history will show how people's ability to use language is a determining factor in defining their status in the world in which they reside. Not only did it provide a means of communicating verbally, it gave them a way to make permanent records and share ideas

with persons not in their presence. The ability to communicate in verbal, written, and pictorial forms allowed them to create great articles of art and construction. Their religion was defined and codified.

The first chapter of this study lays the basis for the hypothesis that the Maya civilization created great works and a great language, but prosperity and equity were not universally enjoyed. It is used to show the effect the environment and resulting conditions have on the life of a Maya.

The Mayan language has suffered as large portions of the Maya people were not able to make adjustments as conditions surrounding them changed. The language was begun about 20,000 BC and rose in prominence until about 800 AD.

The Maya produced great architectural, art and literary achievements as they developed their language into a written form. The great edifices and monuments were used to record their history, but such recording shows the accomplishments of rulers. Not too much was recorded about the laborers who actually performed the construction. It is not known if they could read or understand the work they were recording. What was recorded was in images showing groups of persons being depicted as subservient to a higher class. These glyphs indicate that a small group of people had complete control over a larger group and did not show kindness as a motivation to perform hard labor.

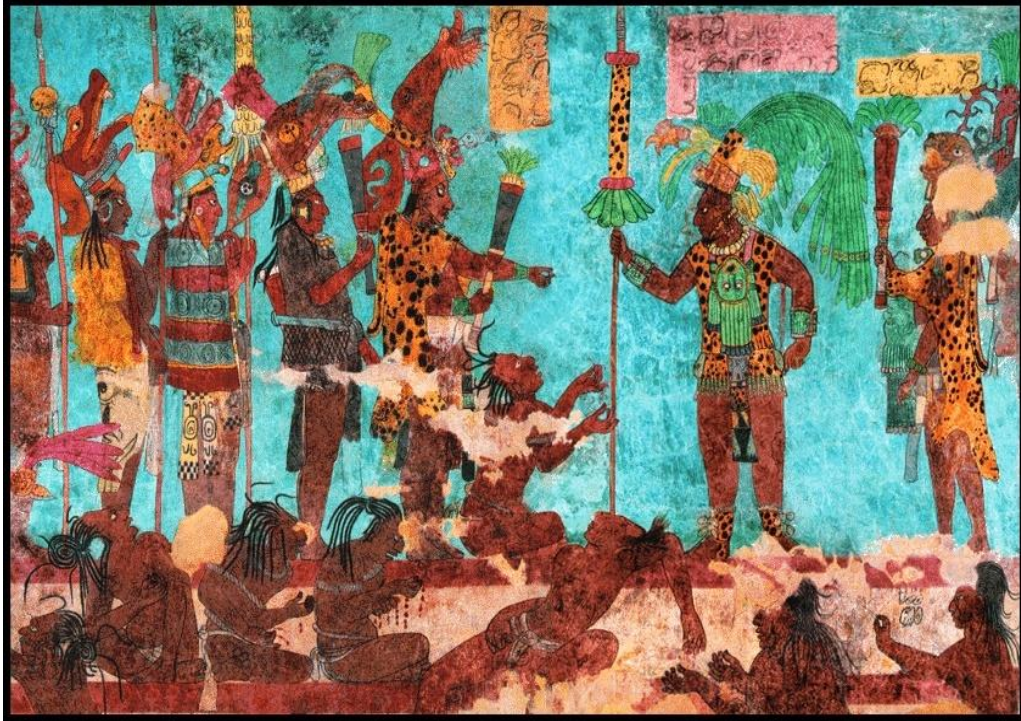


Figure I Mayan Hieroglyphs Kings and Peasants

Figure I shows the inequities suffered by many Maya during their early civilization. This research follows Maya history during the early development of the civilization through their conquest by Spaniards and the resulting decline to a status of poverty and isolation. The Maya have witnessed the suppression of their language and have been subjected to unending violence. During this decline, they have been able to retain the basic elements of their language even though its quality has diminished to the point where only a few may actually read and write it.

In this study Guatemala is chosen as the example of the Maya quest for equity. It is an area where almost half of the population speaks some form of the Mayan language. Mayan is the first and often the only language they use. In Guatemala, the Maya have

been subjected to harsh mistreatment and violence by a government which has generally been unfriendly to them and their language.

History shows that the Maya developed a form of worship which was used to control the masses. It was enforced by harsh punishment for those who disobeyed its commands. Its priests held high rankings among the ruling class. Human sacrifices were made to their Gods.

History has not been kind to the Maya people. Economic conditions forced the Maya to expand their territories to be able to have the necessities of food, clothing, and shelter. As Maya lives changed from nomadic hunting and gathering to urbanization, the division of labor demanded varying skills and abilities. This resulted in the further decentralizing of the Mayan language as the language was adapted to the new locales and demands for new types of labor were imposed.

There was a great need for agricultural and construction laborers to perform the hard work. This led to the formation of a strict caste system with few at the top and large numbers at the bottom. There is no evidence that mobility from the bottom to the top was probable. By examining the glyphs which were created during the pre-classic and classic periods, it can be determined there were great inequities in civil rights and wealth distribution during these eras.

By the beginning of the sixteenth century the Spanish landed in the areas controlled by the Maya. Histories show that the religious practices of the Maya were in direct conflict with the religion of the Spaniards. The invaders felt the punishments invoked on non-believers and such practices as human sacrifice should be eliminated. It was decided that

these practices could be stopped if the language and its religious augments could be destroyed. This effort proved to be successful in that the written form of the language was severely damaged, and the remnants and symbols were mostly destroyed. A few Maya and many *mestizos* adapted and found some equity and prosperity as a result. Most of them could not or did not drop their native language and refused to accept the Spanish edicts. Their lack of Spanish fluency kept them out of the mainstream culture and denied them access to the benefits of the economic, political, and social aspects of Colonial society. Extreme conditions of poverty resulted as an indicator of inequality.

A new movement was started in the early nineteenth century when leaders in México and South America looked at the success of the 1776 United States Revolution and decided to fight for their independence from Spain. México won its independence and shortly after Spain pulled out its rule from the areas now occupied by independent Central American nations. As each of these governments were formed, the Spanish leaders and mestizos allied to form governments with Spanish as their national language. The Maya were left out of the mainstream where they could not become participants due to the lack of fluency in the Spanish Language. They were not supported by any efforts to correct this deficiency from the existing governments. The condition was further exacerbated by the fact the new nation's economy was based largely on agriculture with some mineral production. Both of these industries depended on hard labor which the Maya were capable of producing. There was more incentive for the governments to keep the Maya in poverty than to create conditions to provide more equity. Chapter I is dedicated to validating the historical facts that led to the continuation of the maltreatment of the Maya people.

Chapter II focuses on the history of Guatemala. This country was selected in that it contains the highest percentage of Maya population of all the newly created nations. This chapter documents over a century of history in which the Maya were left in poverty and without hope. It studies some of the efforts that have been made to allow the Maya into the mainstream through policy and education.

After World War II, some Guatemalan leaders began to realize that they needed industrialization as a part of their economy if they were to be a nation empowered to participate in a world economy. The leaders at that time felt that the education of the Maya was important in that it would create a supply of qualified industrial workers at low wages. This program was short lived in that the most severe forms of violence erupted. Guatemala became the front line of a war against Communism. Weapons were supplied for this war by the United States and Russia. The weapons supplied by the US found their way into the hands of dictators and were used not necessarily to fight communism; instead, they fell in the hands of dictators who engaged in an effort to preserve their own power against the Guatemalan people. It was the Maya who were the big losers in this conflict in that thousands of them lost their lives.

Thousands of Maya have discovered that the only way they can be safe and have economic security is to leave the country. In the past eighty years many Maya from Central America and southern Mexico have immigrated into the United States. This migration is accelerating rapidly as no long-term policies have been developed in Guatemala for slowing or ending it.

These migrants have entered the US with their dreams of a bright future. Large portions of them have migrated with their families. The money they are mailing to Guatemala constitutes about one fifth of the Gross National Product of the nation. This is used to emphasize two theories about these immigrants. The first is that family values are being exhibited in the sharing of their new funds with their families. The second is found in that since a significant amount of these funds are used to purchase land and housing, there is some intent to return to their homelands.

No research was located to support the idea that a majority of these migrants had high expectations about the education their children were receiving in the US. The families were satisfied with the fact that they had escaped the violence and had food, clothing, and shelter available.

Chapter III is used to mark the legal struggles that have occurred in the US in attempts to develop policy which could actually bring the opportunity of equity into the lives of its residents. The original Constitution signified an introduction of equity but contained provisions for slavery. This struggle is still in progress. The major legislation and court decisions are noted.

It took over seventy years to begin the process of bringing equity to this nation with the adoption of the fourteenth constitutional amendment. This amendment guarantees equal protection of the laws for all. It was intended to prevent states and their political subdivisions from enacting laws or policy which might remove the acquisition of equity from any person. This amendment could have resolved years of tension, but policies have been enacted for its enforcement. Both written and unwritten policies prevented the

freedmen from achieving full status as citizens and created long-lasting chains of inequities.

For the next eighty years this protection interpreted equity as having the same opportunity to enjoy laws but permitted these opportunities to segregate races for this acquisition. The worst example of this interpretation was that all had a right to an education, but the races could be separated for its acquisition.

The next phase of interpretation was that the opportunity had to actually be equal. This meant that the education offered to one race had to be equivalent to that offered to others. This was applied to facilities and programs but continued to permit legal separation.

The fourth phase took only four years to develop but included a Supreme Court ruling that races could not be segregated in public programs. This prevented schools from denying children from minority races entry strictly based on their ethnicity. This court action was not universally enforced and only applied in a few cases. This meant separate schools were allowed to continue in more instances than where they were ordered to cease.

In the mid-sixties Congress finally realized their responsibility for enacting laws which would support the court decisions and bringing equity to all through enforceable policy. The Civil Rights Laws of the 1960s sought equity for all into all phases of American lives. This included education, employment, housing, etc. They gave the Federal Government power to enforce the court regulations within the states and their political subdivisions.

Although these early efforts were mainly intended to bring equal rights to former slaves and their descendants, other minority groups began to take notice of public policy which failed to meet their needs. Their demands brought court actions which looked at the same

inequities that resulted in the suffering of the blacks. They began to demand equal treatment in those same categories including education, employment, and housing.

The focus of the study shifts to Texas and education in that it was a good example of where bad policy had fostered bad result. Federal enforcers began to work with Texas in an effort to create better opportunities for Hispanic students. These efforts included the concept that the value of their native language should be understood and used as a basis for the advancement of their academic achievement. Civil rights cases in Texas resulted in the ending of “Mexican schools” in the state.

The next court action brings about the right of the minority child for an education in a language s/he understands. This brought a new wave of court actions demanding that this decision be enforced in Texas.

The Elementary and Secondary Education Acts brought new opportunities to poor and language minority students. This provided funding and training for educators. Federal efforts to increase equity have continued to be used to enhance educational opportunities for all and most importantly for language minority students. The No Child Left Behind and Common Core actions are examples of these efforts.

The Maya children who enter the US are offered the full protection of these court decisions and legislative acts. The school districts visited were cognizant of these regulations, but more importantly, they felt moral responsibilities toward these newcomers to the US. Efforts are being made through policy and practice to help them achieve the status of equity and the realization of their dreams.

The final chapter will offer some suggestions of ways to see that the Maya children who have been relocated to the US might be able to find that equity through developing their English language skills using bilingual education. Dr. Ofelia García wrote, “Before we take a look at the situation of bilingual education in the United States today and the consequences of a restrictive language policy in education, it would be instructive to describe the language diversity of US school children, as well as some of the educational inequities that are the result of English only policy in schools” (García, 2009, pp 174-5). This approach is followed in that it studies Maya history through centuries during which attempts were made to destroy the language with restrictive use of policies up to the present. It documents centuries of failed policy where the average Maya was concerned. The linguistic policies which have been enforced in the United States parallel those enforced on the Maya. The history of the Maya people represents the development of a great and unique language, and the part it played as they developed one of the great civilizations. The arrival of the Spaniards and the banning of the use of the indigenous language initiated and reduced the current Maya to a fourth world status.

Successful programs which have been offered in the United States for the past half century offer ideas for assisting the Maya students in their quest for quality education and the achievement of equity. These models offer some ideas to schools who are seeking ways of bringing the entering of Maya students into the mainstream. It emphasizes that the successful ones worked when they were established through sound policy. Those that failed met failure through bad policy and, often, through no policy at all.

Specific ideas are offered for schools who receive Maya students of varying ages and abilities, suggesting how they can immediately receive services and enjoy acceptance into their new surroundings. It also shows how schools can integrate these students into their existing programs. Suggestions are offered for the development of permanent programs based on sound educational logic and research. The inclusion of parents is one of the keys to long term success of the Maya student.

The doctoral study recognizes the probable inability of schools to use dual language models, which are the most effective means. The reasons why this is difficult is because: (1) there are many Mayan languages, and individual students may only speak one of them. (2) There is no talent pool available to serve as teachers or instructional assistants. And (3) there are no instructional materials available which use Mayan language(s).

The final summation creates doubts that the language will be sustained in the United States past the third generation. This is a common occurrence among language groups such as German and Italian. This phenomena could be slowed by the fact that almost all Guatemalan Maya maintain close contact with family members who remain in the homeland using cell phones and the internet.

The primary reason for this demise is the fact that there is no place to practically use the language and few written examples exist. Those who have some knowledge of Spanish will be able to continue development in that language as the materials and opportunity to practice are readily available. A bright possibility exists for the students in that many of them will be in situations where they will have the opportunity to develop their English, Spanish, and possibly Mayan.

Some of the Maya immigrants will reach heights of equity and become successful professionally and economically. They will become policy makers instead of policy victims. Most will take a step toward this status with their children having excellent chances of upward movement.

The Maya's strongest asset unfortunately serves as a barrier to upward movement. This is their strong work ethic. It will be difficult to convince the current adult Maya that education gives their children hope for a great future. They have become complacent and accepted work as their main reason for life. This should change with the next generation.

Two questions are presented for answers in this dissertation. They are:

(1) What part has language played in the maintenance of a low status of conditions of life for the Maya?

(2) Can the effects of centuries of inequality imposed on the Maya be corrected through compensatory services available in the United States?

CHAPTER I

THE HISTORY OF THE MAYAN LANGUAGE

Language is a society's way of communicating what it needs to know. It is spoken, and then it is heard. Language begins as a verbal form transmitting an idea or thought. It allows one person to transfer what is on his/her mind to the mind of another. As a language develops, sounds and gestures are developed in three phases over time to convey a common idea to others. First of all, over time a systematic way of conveniently and efficiently transmitting information evolves and becomes the accepted standard of the language. Secondly, the language grows and/or changes according to new needs as they may arise. The third characteristic of language development is its visual form of symbols and writing. This meets the needs of the society for permanent and visual records of its achievements and gives a method of indirectly passing information to other members of its society.

Language is automatic and acquired effortlessly when provided correct input from its surroundings. Language can be defined through origins and history (Van Gelderen, 2006). This research uses history as a basis for the development of the Mayan language and follows it through its years of prosperity to its present-day status of "near extinction." It documents the changes in the environment the Maya faced as they moved into new locations and the linguistic changes which were necessitated by their new surroundings. It then shows how social aspects of the new environments affected the language and put many Maya into a state of "near slavery." The arrival of the Spanish is covered, and the effects this had on the decline of the language. The study emphasizes how unfavorable

policies directed toward the Maya have led them to the low position in the economic, political, and social strata to which they have been relegated.

1.1 Early Mayan Language Development

The history of the Americas did not begin with the arrival of Columbus to the New World. In fact, it started with the arrival of groups of people who migrated from Asia, possibly as many as 11,000 years BCE. It is believed that all of the inhabitants of the Western Hemisphere prior to the arrival of the Spanish are descendants of groups of people from Northeastern Asia who crossed the Bering Strait during the Pleistocene. The exact date of their arrival is not known, but there is evidence of their existence dating to the Paleo-Indian period from 11,000 to 8,000 BCE. These inhabitants were characterized as nomads who lived by hunting and gathering. They exploited mega fauna and only stayed in a single site for short periods. The Ladyville site which is located in Belize shows evidence of human occupation before 9,000 BCE (Johnson, 1983).

More accurate projections substantiated by archeological evidence reduces this period of recorded history to about 3,000 years. The first efforts of recording history were started by Maya scribes in the jungles of Central America. They wrote of the accomplishments of rulers about 2,000 years ago. Of all the early occupants of the Western Hemisphere at that time, only the Maya had complete scripts. They had the ability to create reports on almost any subject in their own language (Coe, 1998).

During the past 100 years, lost cities have been discovered containing a wealth of archeological information. As they were discovered, very few persons were able to decipher their meanings. Few Western scholars had the ability to read meaning into their

content. Epigraphers during the past half century have made advances that now allow us to read what those ancient scribes scripted on their stelae (Coe, 1992). The Mayan languages are considered among the best documented and most studied in the Western Hemisphere (Kaufman, 1976).

The Mayan languages currently in use have descended from the original Proto-Mayan language. There is no evidence to substantiate exactly where the language had its beginning. One researcher believed that the language had its beginning in the Cuchumatanes highlands which are located in Central Guatemala. Q'anjobalan is the language that is spoken in that area today (Sapper, 1912). There are other researchers who differ with him and claim the beginning happened in various locations as far South as Northern South America to the tip of the Yucatan Peninsula (Law, 2013). Their claims are based on logic rather than fact as a general rule. A. R. Diebold (1960) supports his hypothesis with the logic that the language had its beginning in the Maya Highlands due to the current diversity of the language present in the area and the lack of migration. Terrence Kaufman (1976) supports this location because it is the beginning of several rivers. The rivers would have provided an avenue for migration and there would be more movement downstream as opposed to movement upstream (Kaufman, 1976).

It is believed that Proto-Mayan was spoken at least 5,000 years ago. It was developed and improved as the population was small and lived in compact areas. As the population grew and the area became crowded, the borders began to expand. A larger area was needed to provide the resources for the basic needs of food clothing and shelter. To continue to meet these needs, the borders continued to push outward.

1.2 Dissection of the Mayan Language

During thousands of years of history, the Maya have been through periods of prosperity and decline. They have made many geographical expansions and adjustments to the new conditions they were facing. As the Maya people began to disperse, many were isolated from the mainstream. The isolation caused by this dispersal led to the formation of four major language families. These are the Huastecan Branch, the Yucatecan Branch, the Western Branch, and the Eastern Branch (Coe, 1992).

The first major division from the Proto-Mayan occurred about 2200 BCE as the Huastecan moved away from the highlands along the Gulf of Mexico to the northwest. The Proto-Yucatecan and Proto-Ch'olan group moved away from the main group to the north onto the Yucatán Peninsula. A third group now known as the Western group moved South into the areas which are now inhabited by the Quichean and Mamean people. The Tzetaam speakers then broke away from the Ch'olan speakers on the Yucatán Peninsula, moved to the south into the Chiapas highlands, and formed what is now known as the Eastern Branch. In this area, they came into contact with the speakers of Mixe-Zoque language which would influence the future growth of their language (Kaufman, 1976).

As these groups left the original central group, they migrated into territories which contained many mountains, rivers, and jungles. These created barriers for traveling and resulted in isolations, and over periods of years led to the separation of the original languages, and then separated into more languages. Although many of these languages

are closely related, many are far apart. The following map shows the paths of the Mayan migrations as they moved from the Central Highlands.



Figure 1.1: Mayan Migration

The Mayan which was spoken 4,000 years ago and currently referred to as proto-Mayan or classic Mayan has been dissected many times. By the year 2,000 the language had been split into several new distinctive forms. New families were developed as Figure 1.1 shows. Several of the new dialects of the language have prospered, yet they have now become extinct with time.

It is almost impossible to determine how many Mayan languages are spoken today. Suárez (1983) suggests that the most logical answer to this question would be “many” (p. 13). The difficulty of stating that there is a definite answer to the number of Mayan languages now being spoken is the “difficulty in drawing the line between dialects of a single language and different languages” (Suárez, 1983 p. 14). There is no criteria to make the decision between dialect and another language. If two people understand in a conversation what the other is saying, they speak the same language. This definition is not conclusive for determining separate languages in that each conversant may have learned to speak the other’s language, and each uses his own language, and the other understands due to repeated exposure to the second language. There is also the possibility that gestures and other non-linguistic situations might increase the degree of understanding (Suárez, 1983).

1.3 Mayan Language Families

A language family is a group of languages which are genetically related. Languages are considered to be genetically related when “they show systemic correspondence in form and meaning that cannot be attributed to chance or borrowing” (Suárez, 1983, p. 26). Linguists create their hypotheses on how languages are related by taking into consideration the languages’ grammar and phonetic systems. The speakers’ culture and migration are also given consideration. The following illustration traces each of the languages from the original Proto-Mayan root.

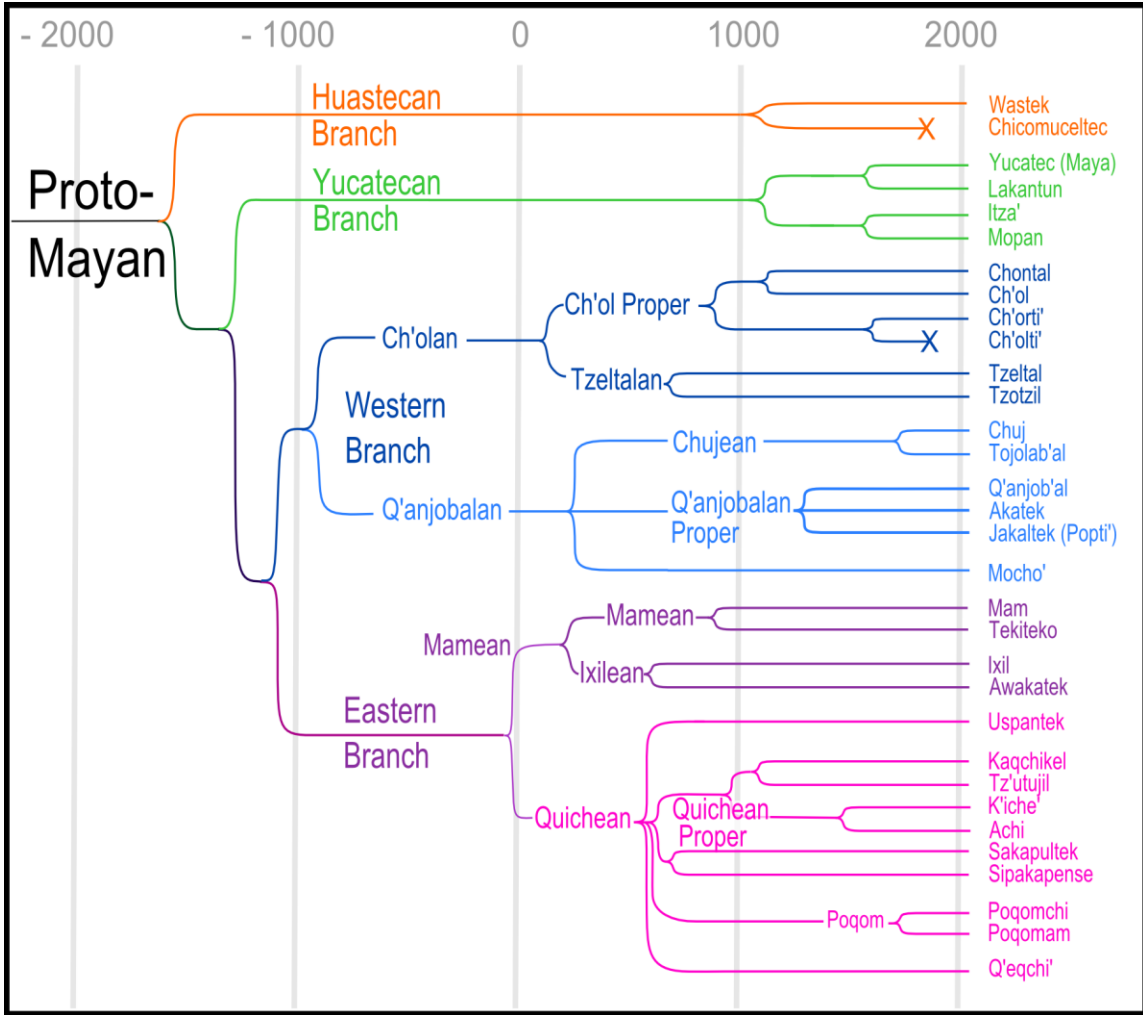


Figure 1.2: Mayan Language Families

In figure 1.2 the Ch'orti' which is spoken today is the direct descendant of the original Ch'olan language which was a direct descendant of the Proto-Mayan language. This supports the idea that it is the remaining Mayan which has the characteristics and similarities to the Proto-Mayan (Thompson, 1972).

1.4 Characteristics of the Language

The Mayan language writing system is made up of 350 main signs, 379 affixes and 100 portrait glyphs. Most of these glyphs represent deity. The elements of these glyphs can be combined with others creating numerous compounds. One thing that helps in the decipherment of the glyphs is that there are still many people who speak a language similar to the one depicted on these glyphs (Thompson, 1972).

The Mayan languages have spoken sounds that are something you have never heard before (Coe, 1992). An important difference is detected between the *glottalized* and *unglottalized* consonants. *Unglottalized* sounds are pronounced like English, but as a stop *is glottalized*, the throat is constricted with the resulting sound that is like a small explosion. *Glottalization* is phonemic, and it creates differences in the meaning of words. As Coe (1992) found, the following examples demonstrate the sounds:

Unglottalized

Pop (mat)

Cutz (turkey)

Glottalized

p'op' (to shell squash seeds)

kl'utz (tobacco) (p. 50)

Tenses are not used in some Mayan languages. There is no past, present or future as they are used in English. Tenses are designated with aspect words or particles with inflections. This indicates that something has been done or not, whether it is the beginning or ending, or if it has been happening in the past (Coe, 1992).

Coe (1992) writes that time cannot be noted with the use of an imperfect verb unless a date or a temporal aspect adverb is put in front of it. Time is a critical element in the structure of Mayan adverbs. There are intransitives which describe the position of a

person or object with their shape in space. Maya use specific terms of denoting lying with the face up or lying with the face down. These are called positionals and come with unique inflectional suffixes.

The Mayan language family is not genetically related to any other language family. Any similarities with other Mesoamerican languages are due to the diffusion of the language of neighbors and not a product of common ancestry (Campbell, Kaufman and Smith-Stark, 1986). Thompson (1972) pointed to similarities in the names of the days of the week on the Aztec and Maya calendars as a prime example of this ephemeron. Attempts to identify genetic relationships of Maya to other languages of Mesoamerica have not been accepted. Greenberg's unsuccessful and much criticized "Amerind" is cited as the extreme effort in this type of research (Greenberg, 1987).

As the Maya people dispersed into new regions of Mexico and Central America, they carried their language with them. Over centuries of use, the language transitioned into new languages that would meet the needs of localized communication. This can be seen as one compares how English is spoken today in the United States as to how it was spoken in the 1930s. Many new words and have been entered into the vocabulary. Words that have been added too quickly explain changes in life style in the past eighty-five years are *apartheid*, *gobbledygook*, *brainstorming*, *digitize*, *disco*, *biohazard*, *airhead*, *sexism*, *diskette*, and *gentrify*.

1.5 Evolution of the Mayan Language

In the following section, a Mayan pronoun was selected from its origination through its development as the language families were split. The evolution begins with the glyph for the pronoun and evolves into new generations. The development of new languages occurred as the migration carried the Mayas into new areas where they were isolated from their original language group. Over periods of many years each generation pronounced the word differently than their forbearers. They were also coming into contact with non-Maya people and created adoptions from their language. Dienhart (1989) compiled the following: Use Figure 1.2 to tie into the information below to understand how the Mayan languages have separated.

FIRST PERSON SINGULAR **I or my**
Ni(w)-
Ni(w)



BRANCH	LANGUAGE	I or MY
HUASTECHAN BRANCH	Wastek/Huastec	nanaa'
		Naná
		na(ná)
		na(na)
YUCATECAN BRANCH	Yucatec (Maya)	Ten
	Itza'/Itza	Ten
	Mopan	innen
		'inen
WESTERN BRANCH	Chontal	náçum
		Noon

BRANCH	LANGUAGE	WORD
WESTERN	Chontal	naço
		noon
	Ch'ol/Chol	jonyon
		jonión
		naçen
	Ch'orti'/Chorti	ne'n
		en
		in
		nen
	Tzeltal	ho'on
		hoon
		joon
	Tzotzil	jo'on
		joon
	Chuj	ha'in
		in
		a'in
	Tojlab'al/Tojolobal	ceená
		cená
		cena
	Q'anjob'al/Kanjobal	'ayinti
Akatek/Acatec	hain	
Jakaltek (Popti')/Jacaltec	jayin	
	haninan	
	ha-in-an	
	hai-in-an	
	Hainan	

BRANCH	LANGUAGE	WORD
WESTERN	Jakaltek (Popti')/Jacaltec	aindian
	Mocho'/Motozintlec	hi'in
		ja'in
EASTERN BRANCH	Mam	jain
		aayine'
		qiina
		'áin
		-in
		čin-
		in-
		aayine
		aí
		aíne
		in
		ten
	ain	
	Tekiteko/Teco	aa'iin
		'aa'in
		-in
		cin-
	Ixil	in-
		in
-in		
Awakatek/Aguatepec	in	
	-čin	
	-in	
	čin-	

BRANCH	LANGUAGE	WORD
EASTERN BRANCH	Awakatek/Aguatepec	n-
	Uspantek/Uspantec	i>in
		yin
		yin-in
	Kaqchikel/Cakchiquel	yin
		riyin
		anen
	Tz'utujil/Tzutuhil	inin
		'anin
		an-in
		in-in
		(ri')in
	K'iche'/Quiche	in
		ri'in
		yin
		rΛ'in
	Achi	iin
	Sakapultek/Sacapultec	hin
	Sipakapense/Sipacapa	jin
	Poqomchi/Pocomchi	re jin
		hin
hen		
Poqomam/Pocomam	jen	
	ha'in	
	laa'in	
Q'eqchi'/Kekchi	in	
	lain	

These illustrations show how the evolution of the languages over 2,000 years has led to the creation of totally different words with the same meaning, which makes them unrecognizable from one group to the other.

1.6 Maya Historical Periods

For historical purposes, the history of the Maya people has been divided into the following six segments. Most historians agree with the names given to the eras, but exact dates vary. Significant events and accomplishments will be credited to each era. The changes in the language were dictated by the accompanying historical events. It is impossible to explain language development without discussing some of the causes which would have led to the linguistic changes. The following is a brief description of events occurring in each era.

1.6.1 Proto Mayan Period

During this age, the inhabitants of the area were nomadic hunters and gatherers. As these groups moved away from the central group, new dialects were spoken using Mayan as a base. New words were borrowed from and loaned to other population groups. This gives credibility to the idea that languages change to meet the challenges of new situations. Living in the swamps and lowlands would create the need for new vocabularies as it brought about a change in lifestyles. Likewise, living along the coast would require the development of new vocabularies to be suitable for exchanging information about food, weather, etc. This supports the thought that the only language that does not change is a dead one.

The population grew and began to migrate into other adjacent areas. According to Campbell and Kaufman (1976) the population began to disperse into a larger area about 2,200 BCE. The Huastecan left the mainstream Maya population and began to move northwest along the Gulf of Mexico.

Since records are scant, it must be remembered that time has to be considered in centuries rather than shorter periods. The language developments and migrations that occurred during this time span would have taken generations to accomplish. The new languages and dialects did not happen overnight. Proto Cho'olan and Proto-Yucatecan speakers split from the main group and relocated to the Yucatán Peninsula. Members of the Western language group moved into the areas where the Mamean and Quichean people now live. When the proto-Tzeltalan people separated from the Ch'olan, they moved to the South into the Chiapas highlands. There they mingled with people who were from the Mixe-Soque language which created new additions to their existing vocabularies. Campbell and Kaufman (1986) theorize that the Maya were dominated by the speakers of this language, possibly the Olmec.

1.6.2 Pre-classic Period

A cultural unit now known as the Maya was begun during the Pre-Classic Period (2000 BCE-250 CE). During this time, societies became more stratified and less mobile as the groups changed from nomadic to sedentary. Sedentism with its agricultural practices led to higher population densities, and the groups became more socially complex. Major features of the Maya during this period were large towns with massive construction, complex pottery, and ritual deposits. More complex cultures began to form

across Mesoamerica containing linguistic similarities, common calendars, divine rulers, and great architectural accomplishments (Johnson, 1983). During this period, there was an intensification of warfare with evidence of advanced weapons; rulers were portrayed as warriors, and there were mass graves containing decapitated skeletons (Schele, L., Friedel, D., 1990).

Having formulated a very complex system of verbal communication and with their newly restructured concept of a society, the Maya turned toward the beginning of new ways to transmit ideas from one to another. Writing represents only that which has been said and cannot represent anything which has not been spoken (Hill, 1952).

Divisions of labor created opportunity to turn toward aesthetics and improvements to general living conditions. It was during this late Pre-classic period that the earliest Maya writings began to be developed. Though not readable, many glyphs have been recovered from the San Bartolo, Guatemala sites dated between 300 and 150 BCE (Johnson, 1983).



Figure 1.3 San Bartolo Mural

Figure 1.3 projects one of the murals recovered at San Bartolo. One can only imagine what the thought might have been that the creator was trying to convey. Like the other murals from that time span, there is no evidence of any phonetic representations being attempted.

Toward the end of the pre-classic period the Maya culture went into a sharp decline. Many of the major cities collapsed about 100 ACE. Populations declined at this time. Sites were abandoned, and no major construction was noted (Johnson, 1983).

1.6.3 The Classic Period

The classic Maya period is generally defined as the era between 250 ACE and 900 ACE. The last century of this time span is often referred to as the Terminal Classic Period (McKillop, 2004).

Maya culture was at its peak from the third century until the beginning of the ninth century. A major accomplishment for the Maya during this area was the development of their writing system. A logo-syllabic Mayan script was used to write in some of the Mayan languages. This form was widely used during the Classic Period (250-900 ACE) (Kaufman, 1976).

Mayan is one of five systems that have been independently developed in the history of the world (Coe, 1992). The others are the Harappan, Chinese, Egyptian, and Sumerian. From the last one our writing system was developed. With today's mass communication systems and close societies, there is no likelihood that another will be developed.

Through the support of powerful leaders, scientific learning, the arts, and most importantly, the writing of the language flourished. Written languages serve as means of social and religious controls. They are also used to convey ideas and ideology from one level of complexity to another (Jones, 1984). The accomplishments of the Maya were achieved during the time of the period known as the "Dark Ages" (400-1400) was occurring in Europe. Their royal scribes described their astronomical discoveries and their great architectural phenomena on their bark paper books. The deeds of their kings and queens were recorded on the walls of the great stelae, temples, and palaces (Coe, 1992).

Among their accomplishments was the building of great cities featuring some of the world's finest architecture. Figure 1.4 is representative of the beauty and genius of the designers and builders who created these sensations. It is one of many such edifices located in the lands of the Maya. It is located in the City of Chichén Itzá.



Figure 1.4 Pyramid of Kukulcan

The knowledge these scribes possessed in order to read and write the messages they left was truly outstanding. They had many choices to make when writing. The same phrase could be written in several different ways. Some symbols representing whole words (logographs) could also represent phonetic signs interpreting spoken sounds. As an example, the word *balam* means “jaguar”. The scribe could use the logograph of the head of the jaguar or the phonetic signs for *ba la ma* to represent the animal. Sometimes

phonetic signs were used beside the logograph to provide clarity (Phillips, 2007).



Figure 1.5 Maya Stela

Figure 1.5 is an example of the scribes combining their documentation of their history and the mastery of masonry as exhibited in this stela. A stela is a slab of wood or stone erected as a monument for funeral or commemorative purposes. It is generally taller than its width. The stela is divided into time segments generally denoting twenty years. This would likely chronicle the realm of one or more rulers (Coe and Justin, 1998).

While these records glorified the deeds of the kings and queens, little is recorded about the lives of Maya in the lower classes. One cannot decide if the laborers understood what they were creating. No mention is found indicating the existence of an educational program (Coe and Justin, 1998).



Figure 1.6 the Dresden Codex

Figure 1.6 represents the Dresden Codex, which was the best of the four codices that were later discovered in Europe and had escaped the Landa destruction. It was likely smuggled out of Mexico as war booty by one of the high-ranking Spaniards. As many as five different languages were used by the scribes to read their hieroglyphic offerings (Coe, 1992).

These variations were made on a regional basis with most of them being recorded in a single language which became known as the “Classic Mayan Language.” The reasons for the single language were that it was a prestigious thing and written in the dialect of the elite (England, 1994). These professional scribes worked under the guidance of deities such as nib jet-Tonsured Maize Gods and the Howler Monkey Gods (Coe, 1992).

By the year 900, the Maya dynasty was in full collapse. At this time in Quigigua, just north of Copan, the last king, Jade Sky, began his rule. By the end of his reign all of the Maya kingdoms had fallen (Freire, 2013). Major urban centers went into decline and many were abandoned. From an archeological standpoint, this decline meant the cessation of the monumental inscriptions and a slowdown of construction. Several scholars have listed some reasons for the decline such as severe drought, disease, foreign

invasion, and famine. Most researchers generally agree that climate change was the major cause (Weiss and Raymond, 2001).

1.6.4 Post Classic Period

This collapse did not lead to the end of the Maya civilization. The time span between the collapse and the arrival of the Spaniards is known as the Post Classic or Pre-Columbian era. The population continued to decline during the first part, and the arts, writing, and architecture showed little progress (Freire, 2013). A notable accomplishment during this period was the formation of the concept of zero by Maya mathematicians. The Maya traditions and their way of life was not destroyed (Phillips, 2007).

1.6.5 The Colonial Period

Upon the arrival of the Spaniards into their world, the linguistics of the Mesoamerican populations turned completely upside down. From that time, the policies forced upon the native populations completely disrupted the continued development and sustaining of the indigenous languages. The policies utilized to attempt the conversion of the Indians to Catholicism were the most disruptive and destructive. The Spaniards felt that the easiest way to convert the native people to Catholicism would be to eliminate the belief system which had been in place on their arrival (Johnson, 1983).

During the first two centuries of Spanish rule there was a huge population decline in Mesoamerica. Several of the small language groups became completely extinct (Suárez, 1983). Native writing systems were banned and many of the existing texts were destroyed. Pictorial scripts were viewed as idolatry and demolished. New World

languages received their most damage in 1696 when King Charles II issued his decree which banned the use of any other language other than Spanish (Suárez, 1983).

The missionary who delivered the most severe blow to the Mayan Language was Fray Diego de Landa (1524-79). Landa, who later became the bishop of Yucatán, rounded up all of the indigenous codices and manuscripts and had them destroyed. He later wrote, “We found a large number of books in their letters and because they had nothing in which there was not superstition and lies of the devil, we burned them all, which they regretted to amazing degree which caused them sorrow” (Johnson, 1983, p. 9 quoting Sharer and Traxler, 2006 p. 126 quoting Landa).



Figure 1.7 Diego de Landa

Even though Landa destroyed the irreplaceable records of the Maya culture, he did write what is probably the best description of Maya’s life including ritual and religious practices. He also created his understandings of Mayan decipherment. He obtained this information by gaining the confidence of a high-ranking Maya named Juan Nachi Cocom. Unfortunately, this documentation was not recognized for what it was until almost 300 years had passed (Johnson, 1983).

1.6.6 Modern Age

Even with all these severe setbacks, many of the Mayan languages are still being spoken today. There are estimates of at least six million persons in the Americas who speak in Mayan dialects. They are centered in Guatemala, Belize, and Southeastern Mexico. About forty-five percent of the population of Guatemala have some fluency in at least one of the Mayan dialects. Coe (1992) has identified thirty Mayan languages which are spoken today. The language which was spoken 4,000 years ago is currently referred to as proto-Mayan or classic Mayan. By the year 2000, the language had been split into several new distinctive forms. New families were developed though linguistic



Figure 1.8: The Modern Maya Family

imperialism has been imposed on the Mayan people as the Hispanics have dominated all aspects of Mayan life since the conquest. During this time, a linguistic evolution has

occurred, and its results are the modern Mayan languages. The end result has resulted in the complete destruction of important elements of language which made huge contributions to the greatness of the people and their outstanding accomplishments. As an example, very few Mayans in Yucatán count pass the number of five. This is what is left of a numbering system that could count in the millions before the arrival of the Spaniards (Coe, 1992).

Today, the people who created one of the greatest civilizations have been reduced to what Anthropologists now refer to as a “folk culture.” They have little control over their destiny. Even though their native dialects were the language of the people who built the great pyramids, Mexican law does not permit it to be taught in their schools. “They are simply millions of indigenous members of a Fourth World society living in Latin America. No conquest has ever been so devastating to so great of a population in history” (Coe, 1992, p. 47).

1.6.7 The Future

What is the future of the Mayan language? The Maya have many examples of their past which give evidence of their place in world history as one of the most advanced civilizations of all time. Most of the people who speak the language live in a state of almost hopeless poverty. In order to become somewhat useful, their vocabulary has become infiltrated with Spanish and English. They and their descendants face limited opportunities if they remain limited in their abilities to converse in a language of commerce.

There is an active movement among the Maya to preserve their language. They believe that there is a need to support a “unified Maya identity.” There is a conflict between their ideas of identity and the reality that Spanish has become a matter of economic and political reality.

1.7 Maya Social Class Pyramid

History has not been kind to a majority of the Maya people. They have been through periods of greatness and prosperity. Throughout history many Maya have not shared in the wealth and glory that is exhibited in their accomplishments. The following illustration gives an idea of a social structure that has existed within the Maya culture in the good times and bad:



Figure 1.9 Maya Social Class Pyramid

Figure 1.9 shows a caste system that has been deeply rooted in the Maya culture. The people at the top of the pyramid have lived lives of luxury while the people at the base have lived in slavery and misery. There have been few efforts within this system to allow passage from lower levels of status to a higher one. When viewing the great architectural accomplishments of the Maya, one is left to wonder who lifted the stones. Who cleared the forests and prepared the land for providing food?

This class period pyramid clearly defines the policies practiced and enforced by a chain of leaders up to the present. This policy was sometimes codified and sometimes merely dictated and practiced. This statement of policy can be interpreted to say there is a supreme leader who has complete control of the people. The second layer of this policy is a group of people very loyal to the leader and are rewarded by enjoying the fruits of the labor of those under them. They might carry some influence in the development of the organizational policy. The third group carries out the contents of the policy and is responsible for its enforcement. These individuals possess special skills which include architecture, art, writing, etc. The fourth group is people who are responsible for the delivery of the services required by those in the groups above them. They may be in charge of the production of food and providing the skilled labor required for construction. The fifth group is responsible for performing the hard labor required to produce the food, clothing, and shelter needed to support the civilization. Very little skill is required to carry out their responsibilities. They have few choices to make as their destinies are determined.

Unfortunately a majority of the Maya have fallen into the last class of this pyramid. There is little opportunity for escape to a higher level. Policy must be developed which can create opportunities for the Maya to escape from the bottom of the pyramid and achieve a more acceptable standard of living and their inclusion in the development of future policy.

It can be argued that the arrival of the Spanish has actually improved the lives of the Maya at the bottom of the pyramid. They are no longer subjected to some of the harsh punishments and human sacrifices forced upon them in pre-Columbian times. The conquerors have urged them to learn to read and write even if it was only in Spanish. Many of them, particularly *mestizos*, by attaining higher levels of literacy have been able to move into the cities and participate in the mainstream economy and governmental affairs. This illustrates that through literacy the chances for a better lifestyle become attainable to those at the lower strata of the pyramid.

CHAPTER II

GUATEMALAN BILINGUAL EDUCATION AND MIGRATION

Historian Greg Grandin (2000) suggests that to examine historical cause and effect, it is necessary to first study the causes. The history of Guatemala will show that government policies have led to the further decline of the Maya culture. These policies have dictated the continuation of the denial of civil rights and the caste system outlined in the Maya Social Class Pyramid in chapter I. These policies have also led to the continuation of violence and lack of educational resources for the Maya people. In the last thirty years, some concessions have been made to the Maya in that their language was recognized as official and small efforts have been made to enhance educational opportunities for their children.

In this chapter the focus of the study will concentrate on the Maya who have resided in Guatemala, the suffering they have endured, and their ultimate mass exodus from the nation to the United States. This country was chosen because almost half of its population speaks one of several versions of Mayan as their first language. These people have been able to retain their language because they have been excluded from the mainstream of their country's economic and political activities. This exclusion has caused them to mostly remain in the countryside living in poverty. The only employment available to them has been hard labor and agricultural work. This type of work did not provide the salaries needed to live beyond the very basic needs to sustain themselves and their children. Their children have been poorly served by the nation's educational system and allowed them to enter the work force at young ages. Little encouragement or

opportunity has been given to them to achieve at a higher pace which would lead to an improved life style.

2.1 Guatemala becomes a nation

After Mexico declared its independence from Spain in 1821, Guatemala joined Honduras, El Salvador, Nicaragua, and Costa Rica in becoming an independent coalition of nations free from Spanish rule. The Guatemalan nation has been in constant warfare since receiving its independence from Spain in 1821. The coalition ruled for two years before it was dissolved (Foster, 2000). After much internal fighting from both coalition forces associated with Honduras and anti-secessionists from within its borders, Guatemala declared itself an independent nation.

As the new nation progressed, very little was accomplished to improve the living conditions for most Guatemalans. This was especially true of the Maya who had been the principal victims of harsh governmental policies. The Maya have been tortured and murdered in large numbers. They have won some victories and received some concessions such as small educational improvements and the inclusion of their languages in governmental affairs. Overall, these concessions have done little to improve the status of life for the average Maya. They are still in search for opportunity and equity to realize higher levels of achievement. One of the ways they are discovering to improve their positions is to leave the country.

The first two centuries of Guatemalan history reveals the continuation of policies leading to a failure to provide security, education, and opportunity for advancement for

the Maya. These policies have only led to the further decline of the quality of equity and denial of civil rights to the Maya people.

Thousands of Maya have chosen to leave Guatemala as a means of escape from these conditions. They have traveled a path through Mexico filled with danger to find new lives and opportunities in the United States where hope is offered. The US represents a place where the Maya can have the safety and security to pursue their dreams. It offers them the opportunity to achieve a status of equity.

2.2 Guatemalan Leadership and Policy

For the next 195 years the Guatemalan government moved from one coup to another. Some of the rebellions were won by the conservatives and some by the liberals. There was one common denominator between all of them in that they each reverted to autocratic controls in attempts to maintain their power. Another commonality of these groups was the fact that none of them paid much attention to the desperation of the Maya people. They continued to live in poverty without much hope. Maya isolation from mainstream society did allow them to continue their language and customs and preserve their past.

2.2.1 Guatemalan Leadership (1823-1892)

In its first sixty-nine years of existence, the new nation of Guatemala saw few changes. The government was controlled by the Criollos with some participation from *mestizos*. They retained their agrarian economy and even with their new Constitution, continued to practice the policies of the previous Spanish rulers. The Maya were left out of the mainstream due to their inability to communicate in Spanish, which had been

adopted as the national language. They were relegated to the positions of common laborers receiving low pay. Harsh punishments continued to serve as enforcement of the policies of the new government.

An example of the leadership during this period is that of Justo Rufino Barrios who was in charge of the liberal government that was installed in 1871. Coffee became the number one agricultural export from Guatemala. This required land and workers. He confiscated land from the conservative owners and distributed it among his liberal friends. A rule book was published which required native workers to work for low wages as they performed the labor needed by the new landowners (Martínez Peláez, 2009).

2.2.2 Guatemalan Leadership (1892-1950)

In the late 1800s the leading nations of the world began to turn toward the industrialization of their economies. Many of the Guatemalan leaders realized that in order for their nation to move forward, the nation needed to utilize their assets to better advantages. Each of the leaders came into power with strong support as they promised changes which would benefit all Guatemalan citizens. After failing to produce what they had promised, each quickly lost control. In order to maintain their positions, they began to punish those who opposed them. In the end, the leader was deposed and replaced by a new one who made the same lofty promises (Castel, 1979).

José María Reina Barrios became the president in 1892 (De los Ríos, 1948). He was unpopular with peasants as he increased the power of landowners over them but was popular with others with some of his presidential goals. These goals included improving roads, installing national and international telegraphic systems, bringing electricity to

Guatemala City, and building a transoceanic railway from the Atlantic to the Pacific. The railway which would have been a major accomplishment since this was before the Panama Canal was built. Reina Barrios became unpopular as he printed bonds which brought massive inflation problems, and many of his goals were unmet (De los Ríos, 1948).

Reina Barrios was assassinated in 1898 and succeeded by a liberal Manuel Estrada Cabrera. Estrada Cabrera was a liberal and also was dedicated to the restoration of the economy through further development of the nation's highways, railroads, and seaports. He started the railroad but ran short of funding. This brought about the introduction of the United Fruit Company (UFCO) to Guatemala. The exportation of coffee from the nation was the major economic stimulus, and they were losing this business. Estrada Cabrera saw UFCO as the substitute to restore the economy through its business of selling tropical fruits (mostly bananas) on the international markets (Dosal, 1993). In exchange for a promise to help with the railroad, he signed a contract with UFCO granting them major tax exemptions, land grants, and control of the railroads on the Atlantic side (Chapman, 2007). This promise has not been fulfilled. Even though the Maya contributed their labor to this growth and expansion, they remained isolated and poor, but yet the Maya were thus enabled to continue the use of their language and live according to their customs.

Estrada Cabrera also became despotic and unpopular. Quite often he used brutal methods in order to assert his authority. Much of his negative acceptance grew out of his always present support of UFCO. He once sent an armed unit into a workers' compound

killing several people in order to halt a strike. He was also supported by the United States government which had strong connections to UFCO. Even though the US government threatened intervention if he was removed from office, a bipartisan coalition removed him from office in 1920 (Dosal, 1993).

There was a period of relative tranquility during the 1920s. This came to an end in 1929 when the effects of the Great Depression reached Guatemala. A rise in unemployment led to unrest among workers and laborers. Jorge Ubico Castañeda was elected as an unopposed candidate to the presidency in 1931 (Glejeses, 1991).

After he was elected, Ubico Castañeda immediately turned into a highly authoritarian leader. He strengthened his police forces turning them into one of the most ruthless and efficient organizations in the Mesoamerican world. The legislature gave him a law replacing the long-standing debt peonage law with one where all working age men who were not property owners had to work at least 100 days per year at hard labor (Forster, 2001). Legislation also gave landowners power to take any action needed for defending their property, which critics said amounted to legalizing murder (Glejeses, 1991). Authorities were granted permission to shoot or imprison persons who did not comply with labor laws (Forster, 2001). These laws were clearly aimed at the nation's poor, a group that included most Maya (Glejeses, 1991).

To add insult to injury Ubico Castañeda continued the governmental policies granting many concessions to the United Fruit Company. Based on an agreement to build a port, he also gave UFCO 490,000 acres of the country's public lands (Glejeses, 1991). After UFCO entered Guatemala, much of the land they acquired had belonged to native

farmers, many of whom were Maya. As a result of these acts, Ubico Castañeda was forced to resign in July of 1944 (Immerman, 1982).

During Ubico Castañeda's administration, the United States became close friends with his administration. The US used him as a hedge against the Communist threat they felt coming from México. This support gave Ubico Castañeda some confidence to carry out his discrimination and brutality. His handpicked successor lasted only two months (Immerman, 1982).

Ubico Castañeda's choice was replaced by liberal capitalist Juan José Arévalo Bermejo who envisioned a government based on the ideals of his hero, Franklin D. Roosevelt in the United States. In their first free election in many years he received 86% of the vote (Forster, 2001). Arévalo Bermejo secured more funding for education, particularly in rural areas where the Maya resided, and built new health centers (Streeter, 2000). He drafted a more favorable labor law but criminalized unions in work places with more than 500 workers (Forster, 2001). He was popular among nationalists, but made many enemies with church and military connections. He left office as the Constitution prohibited him from contesting the elections in 1950 (Streeter, 2000). He was one of the few leaders who left office voluntarily in order to respect the law.

2.2.3 Guatemalan Leadership (1950-1995)

The 1950s marked the beginning of a new era in the politics of Guatemala. More foreign influence was entering the scene. There was more at stake than bananas and foreign corporations. The Soviet Union saw the poverty and corruption of leadership as an opening for bringing communism to the Western Hemisphere. The US countered by

giving strong financial and militaristic support to the Guatemalan leaders (Cullather, 2006). The victory of the communists in Cuba gave even higher hopes of success to the Soviets.

During this war constant fighting was conducted between a rightist controlled military government against a left wing insurgency. This war was generally fought in the rural areas where most Maya lived. The government assumed that the Maya were lending support to the left-wingers and providing them with information, shelter, and supplies. In retaliation, Maya villages were attacked and destroyed with their inhabitants being murdered (*New York Times*, February 26, 1999).

A report created by Historical Clarification Commission in February, 1999, stated that the US had provided financial support and training to the Guatemalan military which committed genocide against the Maya people during this conflict. These forces used tactics of kidnapping, torture, and execution on thousands of civilians and the deaths of more than 200,000 civilians. It contended that the US government knew of these atrocities yet continued the support (Navarro, 1999).

This section of the research focuses on the misery of the Guatemalan people as this struggle continues. Heavy anti-communist resistance and US involvement actually started in the early 1950s. Arévalo Bermejo's defense minister, Jacobo Árbenz Guzmán won the fair election conducted in 1950. He presided using a form of moderate capitalism (Streeter, 2000). His most important accomplishment was the development of an agrarian reform project. This transferred uncultivated land to peasant farmers who did not own other land (Immerman, 1982). This was not a popular move with the United

Fruit Company. This affected the holdings of 1,710 private land owners out of a total of nearly 350,000 but benefited 500,000 peasants. The Company did not like the loss of land and workers or the new labor laws. President Eisenhower and the US Government were taking a strong stand against communism and viewed the reforms as a communist movement. Nicaraguan President Anastasio Somoza García with the support of a US trained force of 480 men invaded Guatemala on June 18, 1954 (Immerman, 1982). The US used planes flown by American pilots to bomb Guatemalan towns for psychological effect (Schlesinger and Kinzer, 1999). An appeal to The United Nations for an investigation into the incident was vetoed in the Security Council by the US delegate. The delegate identified it as an internal matter for Guatemala (Immerman, 1982).

The invasion was not successful, but the psychological war that accompanied it was. The Guatemalans feared a real invasion by the US, and this resulted in the resignation of Árbenz Guzmán on June 27, 1954 (Schlesinger and Kinzer, 1999).

Negotiations conducted in San Salvador resulted in the selection of Carlos Castillo Armas as president. He won election with 99% of the vote in an election where political parties were prohibited from participation. He held office until July 26, 1957 when he was assassinated.

The United States played a strong role in these negotiations including a payment of \$100,000 to each of two members of the ruling Junta to resign. These resignations gave Castillo Armas a majority of the vote (Gleijeses, 1991).

Historians of that period refer to Castillo Armas as a dictator (Fraser, 2005). After taking office, Castillo Armas began to eliminate his opposition and made unpopular

decisions such as the seizure of much of the land that had been granted to the peasants by the previous administration. These lands were then turned over to large landowners. Thousands of his opponents were arrested after being branded as communists. New detention camps were erected to be able to house the prisoners as the jails overflowed (Streeter, 2000). Castillo Armas' troops killed at least 1,000 agricultural workers in the Province of Tequisate (Grandin, 2000).

The United States felt threatened by the growth of Soviet supported communism in Central America. Guatemala became dependent on financial aid from the US. In 1955 the US began underwriting the debt of the Guatemalan Government with a \$53 million allocation to prevent its bankruptcy (Cullather, 2006). Castillo Armas was praised by US leaders for his fight against communism in spite of his many civil rights infringements (Streeter, 2000). On July 26, 1957, a leftist sympathizer assassinated Carlos Castillo Armas, ending his presidency (Lentz, 2014).

For the next thirty-nine years the people of Guatemala were in a constant state of civil war. The politicians were full of promises but short of any long-term results. It is possible that some of the heads of state assumed power with good intentions. When change did not occur, there was unrest among the people, and the politicians became unpopular. Leaders served for short periods of time. The one thing they had in common was that all of them reverted to violence as a means of maintaining control. They enforced dominance and social exclusion continuing to leave the Maya outside the social mainstream of Guatemala. Greg Grandin (2000) argues that historians have taken the violence for granted and overlooked questions about its form and meaning.

In response to Castillo Armas' policies, leftist insurgencies began in the countryside where the Maya resided. The largest of these groups was the Guerrilla Army of the Poor which at one time was estimated to have 270,000 members. During this war over 200,000 civilians lost their lives. Human rights violations were committed including massacres of civilians, bombings by aircraft, rape, and forced disappearances (McAllister, 2010).

During the first years of the war, the victims of terror were mostly students, opposition figures, professionals, and workers. In the later years the victims were Maya farmers and non-combatants. During the war, many Maya villages and towns were destroyed, and more than 1,000,000 people were displaced becoming refugees within the nation (McAllister, 2010).

2.2.4 Guatemalan Leadership (1996- present)

The civil war in Guatemala officially ended in 1996 as a peace agreement between the government and the guerillas was negotiated by the United Nations. Both groups made concessions. The guerillas disarmed themselves and received land they could work. The UN sponsored a Commission for Historical Clarification to make a determination of facts related to the long conflict. This commission determined that the Guatemalan government had promoted a policy of genocide against some ethnic groups. President Bill Clinton made an apology to the people of Guatemala for the provision of support for the military personnel who committed these brutal killings of civilians (Babington, 1999). This commission determined that ninety three percent of the human rights violations had

been committed by the US trained paramilitaries (Guatemalan Commission for Historical Clarification, 2006).

The ending of the war brought new hope to the people of Guatemala. The belief that it would bring about a permanent stability was soon shattered. Under the leadership of President Alfonso Portillo Cabrera progress was slow and disappointing. With two thirds of the voters supporting him, he had a public mandate to carry out his ambitious promises, including close ties with the US and México, continuing the liberalization of the economy, better protection for human rights, and reforming the military. Popular support for his government quickly faltered to new lows. He was unable to obtain funding for some of his reforms by increasing the enforcement of existing tax laws instead of increasing taxes. He was successful in appointing indigenous persons to key positions in his cabinet and prosecuting of military personnel for human rights violations. This included the prosecution of the murderers of Bishop Gerardi, a popular religious leader (Sanford, 2003).

In 2003 Óscar José Rafael Berger Perdomo was elected president. His major contribution was gaining support from the United Nations in allowing the judicial to enforce the Guatemalan laws. This aided him in fighting organized crime and drug trafficking. The United Nations created the Commission against Impunity in Guatemala (CIGIG) to assist civil authorities in Guatemala. The resulting investigations led to arrest warrants being issued against several high-ranking government officials (Malkin and Ahmed, 2015).

President Otto Pérez Molina and his vice president Roxana Baldeti took office in 2010. Widespread corruption continued and resulted in CICIG issuing the results of an investigation that showed improprieties against the Director of Internal Revenue and the vice president. They were accused of accepting bribes from importers to reduce tariffs on their products (Malkin and Ahmed, 2015).

Post war societies often find themselves at high-risk for youth violence. Guatemala was no exception (Kurtenbach, 2014). Guatemala's youth, angered by the violence and corruption taking place in their country, began to organize and protest. They brought a new weapon to the table in the form of social media. Pérez Molina's supporters blocked the doors of Congress for several days, preventing them from approving an exemption of immunity from prosecution for their crimes. Groups of students, via social media, were able to convince the protesters to leave and convinced the deputies to vote the same day to lift the immunity. Pérez Molina resigned the next day and was arrested one day later. Guatemalans use social media as their source of news and traditional media as a tool for sorting the news generated by social media (Benítez, 2007).

With new elections, Guatemala now has a new president and vice president. Again, there is hope that violence and social injustice will end. Will this be a real transition or merely a new group who will employ the usual tactics in order to remain in power?

Within this historical perspective it can be seen that the Maya have been isolated in their own land. Their welfare has not been important to their governments. Their education has not been a priority. They have been the real losers in most of the conflicts which have occurred in the past five hundred years in Guatemala. They lost most of their

lands. They have gained little in any short-term victories. Leaving the country has been the most effective escape for most. They have been used as pawns in the many conflicts, but the Maya have been left without reward for their services. They have little faith in their government and are left without high expectations for the future. The Maya have been considered liabilities standing in the way of economic development.

2.3 Spanish/Mayan Bilingual Language Development in Guatemala

When the nation of Guatemala was formed after declaring independence from Spain, Spanish was proclaimed as the national language and was intended to be the vehicle for integrating the Mayan indigenous peoples into a single society. In 1824 their *Decreto Del Congreso Constituyente* called for extinction of the native languages due to the fact that they were imperfect, diverse, and incomplete. Thus, these languages were not suitable for enlightening the people and perfecting their civilization (Skinner and Guatemala, 1954). Post-colonial governments continued to call for the elimination of the indigenous languages, but they were never enforced. Enforcement was impossible because the institutional infrastructure was incapable of establishing an educational system suitable to meet the needs and requirements.

2.3.1 Early efforts to establish bilingual education

It was not until the revolution of 1945 that attention was given to the educational needs of the Indian populations (González Orellana, 1987). Following World War II, the leaders of Guatemala wanted to become international players in export marketing. They viewed the Maya as hindrances to this effort. They began to look at ways to integrate them into mainstream society. To remedy the “Indian Problem” (Richards, 1989), the

1965 Constitution directed that the state would play a key role in formatting the economic betterment of indigenous groups to facilitate their integration into the national culture” (Article 60). An accompanying law required instruction to be delivered in Spanish, yet it did permit the use of regulated indigenous languages to be used as beginning points. Thus, a program identified as *Castellanización Bilingüe* was begun. This project, intended to teach monolingual children oral Spanish, was continued for several years. It was unsuccessful with its main flaw being that it used monolingual Spanish speaking teachers. The crucial addition this program offered was that it allowed the use of the indigenous language for pre-primary instruction (Richards, 1989).

As there were no Mayan speakers in the teaching corps, the program used Mayan speakers to teach preschool who were renamed bilingual promoters in 1970. These people were given a one month preparation program to prepare them for tasks as teachers. They themselves had only completed the sixth grade. They were sent to schools and given the responsibility for *Castellianizing* the children plus teaching reading and writing to adults and making contributions to the economic and social development of their communities (Stewart, 1980). The objectives of the *Castellanización* program were definitely assimilationist. It required the promoters to teach acceptance of the national language and promote the acculturation of indigenous children (Herrera, 1987).

The developers of the curricula introduced a Mayan alphabet that was most amenable to learning Spanish. As the Mayan language was only to be used in the interim while the children learned Spanish, certain aspects of Spanish were superimposed on the Mayan languages to facilitate teaching the reading and writing in Spanish. Mayan language

sounds not transferable to Spanish orthography sometimes were not written. This resulted in exemplary words in didactic materials being carefully selected in order not to create correspondence problems (Richards, 1989). An example would be a picture of a student washing his hands. The picture could be discussed introducing vocabulary words in both languages while also emphasizing the importance of cleanliness as a means of disease prevention.

Despite its faults, evaluation of the *Castellanización* program showed some promise. In the schools where limited bilingual instruction by speakers of their native language was used, there was a rise in educational achievement and a reduction of dropout rates. The program was broadened to serve thirteen linguistic areas and employed almost nine hundred bilingual promoters. Even with this growth, 1,000 communities requested but did not receive promoters by 1981. More than 80% of the children were left in schools in monolingual Spanish programs (Richards, 1989).

Further studies showed that even though the reported outcomes of the *Castellanización* Program were positive, it had not eliminated the high desertion rates and the non-promotion in the public schools serving the indigenous regions (Richards, 1989). This suggested that the children who were consequently leaving school did not possess the Spanish literacy skills necessary for success in the total Spanish primary system. This could have led to one of two conclusions. Either the children were not being adequately progressed in their Spanish language development, or that using Mayan was delaying their progress in Spanish. It also indicated that if the bilingual instruction was followed through to higher grade levels, it could help remedy the problem of Spanish

language mastery and consequently the dropout and grade non-promoting problems. The fact that the dropouts were fewer and the achievement increased did give notice that the program was worthy of further study. Was it the program itself which caused the changes, or were other factors involved such as better teaching materials, better teachers, more schools available, etc.?

2.3.2 First Bilingual Program Established

The success of bilingual programs in the United States, México, and Canada stimulated the Guatemalan Ministry of Education with the assistance of the US Agency for International Development to develop an experimental bilingual program. Richards (1989) identifies the aspects of three linguistic corpus-planning goals that were undertaken by the national bilingual program as (1) graphization, (2) standardization, and (3) lexical elaboration. An evaluation would be designed and hypotheses developed around these planning goals.

With a budget of \$3,000,000 this program was funded for four years beginning in 1980. The project contained provisions for materials in all areas of the curriculum in four predominant indigenous language groups. These were the Quiche, Cakchiquel, Mam, and K'ekchi'. It also provided for the development of materials with corresponding methodologies for delivering instruction. They followed models that had been developed in the US including the model by Fishman and Lovas (1970).

This model starts off with a warning that successful bilingual programs do not begin with a revelation from higher up that "we shall have bilingual education." They suggest that the project should be built using realistic societal information that can be translated

into realistic goals. The project design must use data to find out if the society is ready to accept a program that develops skills in the mother tongue but transitioning this into Spanish. Questions need to be asked to determine if the communities will accept this design or not. It needs to be known if the community to be served has variances in the use of the mother tongue whose appropriateness will prevail in the design. Three broad concepts of what bilingual education should have been developed in the US. The people whose children are to be served should have a voice in which type of program they want. The program that was eventually decided upon looked at a transitional approach which would begin instruction of pre-primary students and transition them into Spanish by the end of the second grade. The objectives of a transitional approach as defined by Fishman and Lovas (1970) were:

1. To increase the achievement of Mayan speaking students through the use of a pre-school through 2nd year program.
2. To determine whether Mayan speaking students achieve more in programs that use instruction in both Mayan and Spanish, or more in a program using Spanish only.
3. To involve parents of the Mayan speaking children in the process as advisors and learners in order to enrich the home environment of the student. (p. 217)

No mention was made of how achievement would be measured in the further development of the child's mother tongue. At this point in time, it seemed as if the government was only interested in transitional bilingualism evidenced by the fact that the students would in all likelihood be enrolled in Spanish-only schools after the second

grade. They wanted to see the child develop to a stage of Spanish monolingual educational normality as soon as possible without hurting the child or angering the community. This type of program is actually a hybrid between language shift and language maintenance (Fishman and Lovas 1970).

Fishman and Lovas (1970) wrote that this type of program is likely to develop into a language maintenance only in the short run and a language shift as a final product for the students. This will happen as the students are exposed to the ways of life in a new society where literacy is rewarded. They also point out the fact that in the US, bilingual programs had not been successful because there was no literature in their native tongues for the student to learn in his childhood language.

The program was developed and implemented in ten different pilot schools in each of the four language areas previously mentioned. They were randomly selected after adjusting for sociological, linguistic, demographic and logistical factors. They were matched as closely as possible with ten control schools. It was now possible to test the hypotheses that had been laid out in the planning of the project in 1979.

Not all of the hypotheses were proved at confidence levels, but the majority were. The results of the evaluation indicated that students attending the pilot schools had lower dropouts, higher reading scores, and higher promotion rates with higher achievement in mathematics, social sciences, and natural sciences than did their counterparts in the forty control schools (Troike, 1984). These were major accomplishments credited to the bilingual programs and the United States Agency for International Development. The evaluation contained the language of students

attending the schools as a basis for identification and did not show that items included in the curricula were responsible for the gains. Yet, the same problems, dropout, non-promotion and significant movement into the mainstream economy, continued. The Maya were fighting the establishment in the mountains and beginning to win some recognition. Security from violence continued to be a problem for the children. Oddly enough, this insecurity and fear that must have been felt by the children was not mentioned in relationship to the problems of school attendance in any of the articles studied.

One prominent gain the Maya celebrated after so many losses was in the Constitution of 1985. This Constitution recognizes “the rights of peoples and communities to their cultural identity, in accord with their values, their language and their customs” (Article 58). It further states, “Guatemala is formed by diverse ethnic groups, among which figure the indigenous groups of Mayan descent. The State recognizes, respects, and promotes their forms of life, customs, traditions, their forms of social organization, the use of indigenous dress by men and women, and their languages and dialects” (Article 66). It additionally mandates that “in the schools established in the predominantly Indian zones the instruction would preferably be imparted in bilingual form” (Article 76) (Guatemala and Asamblea Nacional Constituyente, 1985).

The government immediately started to develop a series of planning language policies that were congruent with the multilinguistic and multicultural profile of the nation. The government recognized the official status of the National Bilingual

Education Program which started programs in over four hundred predominantly Mayan communities. A law was passed that promoted the utilization of indigenous languages for literacy training on monolinguals and advocated that bilinguals could choose the language they preferred as the medium of their initial literacy training. The new Constitution still declared Spanish as the official national language, and it was encouraging in that it recognized the Mayan languages as a part of the cultural patrimony of the nation.

As this constitution was being developed, plans for improving education were being developed by the Ministry of Education. The Programa Nacional de Educación Bilingüe would be known as PRONEBI. Its purpose was to improve intercultural bilingual education programs. It would be financed by a grant from the United States Agency for International Development, the Guatemalan Government, and a loan. A new model for bilingual education paralleling instruction in Spanish and Mayan from pre-primary levels through the fourth grade was developed (Fischer and Brown, 2010).

PRONEBI worked from the philosophy that language is the keystone of identity. Its mission was to strengthen Mayan identity and to promote the development of the Maya culture within the linguistic context of a multilingual society in order for it to manage its own unique needs and interests. A five-year goal included the provision of 800 bilingual schools. Half of them would have bilingual curricula for pre-school through the fourth grades after which students would follow a monolingual program. The other half would only go through the pre-school part (Hornberger, 1996).

PRONEBI went into operation but faced problems, including funding of bilingual resources for classroom instruction, shortage of bilingual teachers, and the wide variations between the dialects of the Mayan languages. Local control was enjoyed by the Maya, but it left problems in accountability. Teacher turnover was prevalent as created by the low pay and the way the local councils dealt with conflicts between them and parents.

The violence and misery of the Maya continued. Education was a minor concern in comparison to other problems. Consequently, educational quality and quantity saw little advancement which could have been anticipated in accordance with the new Constitutional provisions. The government and the guerrillas finally met in 1996 and made agreements which both sides hoped would end the violence (Rohter, 1996).

2.3.3 Bilingualism Recognized

The peace accords which were signed in 1996 gave some relief from violence and renewed a commitment to sustain the Maya culture and maintenance of their language. Three sections of the accords were devoted to Maya rights. The agreement enumerates measures to elevate the status of Mayan Languages. The means of carrying out this commitment was the use of bilingual strategies in the education of the children. It lists seven measures to specifically authorize the use of Mayan in governmental services, explaining their rights to indigenous people, training bilingual judges and interpreters, fostering the appreciation of the Mayan languages, and promoting the officialization of the Mayan language. The accords specifically mandated bilingual education removing it

from a status of assimilation to one of also promoting the Mayan language (Garzón, 1998).

2.4 Evaluation of the Guatemalan Education Efforts

Few advances have been made in regard to the educational programs in Guatemala. The total quality of the system is not good, and the quality of the education of the indigenous is even more acute. The promises made in 1996 have served to create some appeasement among the Maya, but few positive results have been attained. On a national basis, some improvements have been noted, but most of this gain was in urban areas and has not reached into the rural areas which are predominantly Maya. The worldwide recession which began in 2008 has forced the Guatemalan government to make cuts in human services, which included education (Teale, 2017).

PRONEBI was extended which continued to create opportunities for accessing education to the rural Maya communities. Indigenous children continued to be enrolled in schools with fewer instructional materials, lower quality infrastructure, and less qualified teachers as compared to schools enrolling nonindigenous children (McEwan, 2007). Although some indigenous children have access and availability to bilingual education, their services are far from universal (Hall and Patrinos, 2006). A 2001 PRONEBI survey revealed that the achievement gap between indigenous and nonindigenous students in Guatemala was substantial at the third and sixth grade levels (McEwan and Trowbridge, 2007). These tests were administered in Spanish. It had as much as one standard deviation on language testing and .5 standard deviation on the mathematics sections. In 2007 McEwan includes possible causes for these gaps

including quality of schools and the lack of bilingual programs. On a national basis, some improvement has been noted, but most of this gain was in urban areas and has not reached into the rural areas which are predominantly Maya.

2.4.1 Comparison of Guatemalan Standards to US Standards

One of the advances that has been made by the Department of Education is the adoption of a set of standards for students who are expected to learn them at each grade level. The United States Common Core Standards have a lot in common with *El Curriculum Nacional Base del Nivel Primario*, the standards for the Guatemalan Educational System.

When the mathematics programs for third grade are inspected, the following similarities appear:

US Standard	US Description	Guatemala Standard	Guatemalan Description
CC.3.OA.1	Represent and solve problems involving multiplication and division	4.2	Calculate arithmetic problems using addition, subtraction, multiplication, and division
CC.3.NF.1	Develop understanding of fractions as numbers	4.5	Calculate using addition, subtraction, multiplication and division using fractions, and decimals
CC.3.MD.6	Understand concepts of area and relate area to multiplication and to addition	1.4	Calculate the area and volume of prisms, cones, and cylinders
CC.3.MD.3	Represent and interpret data	6.2	Organize information, compile in tables of frequency, bar graphs, and pie graphs
CC.3.MD.2	Solve problems involving measurement and estimation of intervals of time, liquid volumes, and masses of objects	6.3	Determine difference between the lowest date and the highest date

The US standards contain more details such as defining the objects for which volumes are calculated and the mechanics of operation explaining the mathematical logic behind the calculation. The Guatemalan standards contain more practical applications of theory such as currency exchange. The Guatemalan standards cover how the Maya base five numerical system can be used. It also includes the use and interpretation of the Maya Calendar.

If the standards are used as they are described, there is no reason that a child completing the third grade in a Guatemalan school should not be able to pass fourth grade math in the US. The on-site visits of the school districts in Texas and New Mexico which are described in Chapter IV confirmed this assumption stating that the Maya students are good in math.

2.4.2 Avivara Report Status of Guatemalan Education

The following information is used from an *Avivara* newsletter from 2010. Avivara is a non-profit organization authorized by the governments of the US and Guatemala with sites in Seattle, Washington, and Guatemala City. It was started in 2006 by two American educators Ann Austin and Gary Teale and a Guatemalan educator Gustavo Valle. They have been successful in succeeding years in obtaining funding for innovative educational projects in Guatemala. A series of e-mails has been conducted with Gary Teale, the Executive Director of Avivara, identifying himself as the author of the articles in newsletters and giving permission to use their findings in this study. In one of his e-mails he states that he has seen very few changes and very little improvement in the educational system since their arrival in 2006. They completed a three-year study in 2010 by identifying nine characteristics of “what works” in successful school systems and comparing them to what they were observing in Guatemala. These characteristics are reflective of the effective school models which were research developments in the US during the 1980s and 1990s. These findings are stated in full as they are worthy of use in the development of any educational system or program expecting change with

improvement. The following are nine priorities for schools that work and the results of their related findings authored by Teale:

(1) Clear and Common Focus: The ideal: Administrators, students, teachers and parents share and commit to clearly articulated and understood common goals based on the fundamental belief that all students can learn and improve their performance.

The reality: In many villages where we work there is agreement that the students are expected to be virtuous and moral, but emphasis on academic learning is clearly secondary. In addition, there is widespread belief that some students are just “slow” and will never be successful academically.

(2) High Standards and Expectations: The ideal: Schools show evidence that the teacher believes all students can learn, and I can teach them. Staff members are dedicated to helping every student achieve challenging state and local standards. All students are engaged in an appropriately ambitious and rigorous course of study in which the high standards of performance are clear and consistent, and the conditions for learning are modified and differentiated. This results in all students being prepared for success in the workplace, postsecondary education, and civic responsibilities.

The reality: Nearly 1/3 of all first graders “flunk” first grade and the blame is placed on the student, or the student’s family, but rarely on the quality of teaching. Teaching methods are generally “by rote” with no differentiation of instruction for classes up to 60 students in a classroom.

(3) Strong leadership: The ideal: School leadership is focused on enhancing the skills, knowledge, and motivation of the people in the organizations in creating a common culture of high expectations based on the use of skills and knowledge to improve the performance of all children. Strong leadership fosters a collaborative atmosphere between the school and the community while establishing positive systems to improve leadership, teaching, and student performance.

The reality: Being the director of a school is not a highly sought-after position in Guatemala. Given the pay is the same or only slightly more than for being a teacher, but with additional responsibilities of bookkeeping, paying teachers' salaries and dealing with the government bureaucracy. In some schools, the job of director is rotated because it is seen as onerous rather than as a leadership position. Since one of our criteria for offering a grant to a school is the quality of leadership, we have had the opportunity to work with a number of qualified administrators who have a vision for their school. Unfortunately, that is not the norm for Guatemalan schools.

(4) Supportive, Personalized, and Relevant Learning: The ideal: Supporting learning environments and provide positive personalized relationships for all students while engaging them in rigorous and relevant learning.

The reality: As mentioned earlier most teaching is done to the whole group with methodologies being limited to lecture or having students copy information off the blackboard. Engaging students in critical thinking, problem solving or real-life applications is only rarely seen in Guatemalan schools.

(5) Monitoring, Accountability and Assessment: The ideal: Parents and community leaders help develop, understand and support a clear and common focus on core academic, social and personal goals contributing to improved student performance and have a meaningful and authentic role in achieving these goals. The school community works together to actively solve problems and create win-win situations. Mentoring and outreach programs provide for two-way learning between students and community/business leaders.

The reality: Most parents in the rural villages are either illiterate or with extremely limited education. They do want the schools to provide instruction in moral behavior and understanding of the value of having some math and reading skills. However, because of their marginal economic situation, they also begin to have their children work with them in the fields or in the markets as soon as the children are capable of making a contribution to those areas. There also continues to be a bias in some rural communities against girls continuing their education to higher levels; however, some teachers are reporting that they are seeing a generational shift in parent attitudes towards school with younger parents taking a more active role in their child's education.

(6) Monitoring, Accountability, and Assessments: The ideal: Teaching and learning are continually adjusted on the basis of data collected through a variety of valid and reliable methods that indicate student progress and needs. The assessment results are interpreted and applied appropriately to improve individual student performance and the instructional program.

The reality: There is no generally utilized standardized methods for evaluating student learning in Guatemala. In our observations, we have seen that evaluation of student performance is done by teacher to teacher basis with only some connection to the national curriculum standards or academic benchmarks. Grading is more often based on comportment, attendance and work completion rather than student demonstration of academic concepts.

(7) Curriculum and Instruction: The ideal: Schools have aligned curriculum with core learning expectations to improve the performance of all students. Students achieve high standards through rigorous, challenging learning. Staff delivers an aligned curriculum and implements research based teaching and learning strategies. Students are actively involved in their learning through inquiry, in-depth learning, and performance assessments.

The reality: We have yet to see evidence of any teachers working collaborative from an agreed upon standardized aligned curriculum. In general, we have observed each teacher presenting what they know (sometimes correctly, but also sometimes incorrectly) to the students and simply having the students copy that information into their *cuadernos* (notebooks). We rarely see evidence of inquiry learning, in depth learning for understanding, or well-developed performance assessments.

(8) Professional Development: The ideal: Professional development offerings are focused and informed by research and school classroom based assessments.

Appropriate instructional support and resources are provided to implement materials and techniques are learned through professional development.

The reality: Many teachers we work with report to us that at the beginning of each school year, OCA representatives of the Ministry of Education will offer a teacher in-service in one of the larger towns. The in-services are often characterized by the presentations of new governmental regulations, not on improvement in methodologies, and are also given in a lecture format with no modeling of effective teaching practices. They are generally not well attended.

(9) Time and Structure: The ideal: Schools are flexibly structured to maximize the use of time and accommodate the varied lives of their students, staff, and community in order to improve the performance of a student. The structure of programs extends beyond the traditional school day and year as well as beyond the school building. The program draws on the entire community's resources to foster student achievement.

The reality: Guatemalan schools are indeed flexibly structured, but rarely to maximize academic learning. Community events, festivals, and sports events often take precedence over academic schedules. Teachers will sometimes not show up and school will simply be canceled for that day. High levels of rainfall during the rainy season will also lead to the early closure of schools. Attendance by students is frequently affected by family economic needs or child-care for younger siblings (Teale, G. Retrieved from Avivara, May 15, 2017).

These standards were fairly common in US school districts during the 80s and 90s. As a principal in Washington, who had the experience of turning a failing school around, the research leader was well qualified to interpret observations made for the report. It might also be mentioned that the reasons for failure were obvious in many failing schools in the United States. It is very difficult to turn schools around without using similar observations followed with corrections.

2.4.3 Study of Parent Support of Education in Guatemala

A qualitative study conducted by Ishihara-Brito (2013) gives some idea that the Maya are willing to give some thought to the concept of bilingual education. Her study describes parental perceptions of schooling in rural Guatemala. These perceptions show that the older Maya appreciate the opportunities they have been given to retain Mayan use as a tool toward fluency in Spanish.

The study was conducted in 15 primary schools in four Guatemalan departments where the scholastic achievement was in the lower third of schools in the nation. In these four departments nine indigenous languages are spoken with seven ethnic groups being represented. Their similarities include a low access to public services and low levels of adult education. In the study, Ishihara-Brito (2013) compared two sets of parents. One set was those parents who had minimal experiences with the public school, and the other contained those who had become more involved as their children moved through the levels of the schools. A purposive sampling scheme was used to recruit parents who would be representative of each of the groups. The first group contained parents whose

oldest child was enrolled in the first through third grade, with the second group containing those whose oldest was in fourth through sixth grade.

A verbal questionnaire was given to collect information about the age and grade levels of their children, their ethnicity, and their educational level. Sixty-three informants representing forty-five families were then administered in-depth, semi-structured interviews. Interpreters were used as needed, so that the interviews could be given in the language of the interviewee's choice. Almost half of those interviewed had no formal education at all. One fourth (mostly fathers) had completed primary school, another fourth (mostly mothers) had gone beyond primary, but few had made it past the sixth grade. Only one father had completed high school, and one other finished junior high (Ishihara-Brito (2013). This meant that most of the children had already completed higher levels of schooling than their parents.

The major focus of this study was to focus on the significance the parents placed on their child's education and to achieve some understanding of what the quality of education might mean to them. The first section of the interview was based on the sociolinguistic and ethnographic premise of "cultural values and beliefs which are in part constitutive and linguistic reality" (Hymes, 1966, p. 116). Ishihara-Brito added, "This means the language that is employed and contextualized in the appropriate speech community encodes culturally meaningful information, including shared values and beliefs concerning various aspects of life" (Ishihara-Brito, 2013, p. 190). The informants were asked to identify expressions or phrases in their own native language which would best describe or correspond to language and educational quality. Themes were then

explored related to the importance of occupational and academic acquisition such as who was responsible for quality of the education of their child curriculum content, parent support, evaluation of academic achievement, and parent-school communications.

All of the parents were positive about formal education and made associations with personal accomplishment and the possibility of it improving conditions for their child's future. Many of the responses in the native languages expressed the belief that education is a function of moral development. For instance, one of the responses is interpreted as meaning let the children learn to distinguish good from bad. There were also responses that felt education should help the children become capable of finding jobs where they could perform duties other than manual labor. As most of the parents had not advanced very far in school, they were positive about any amount and quality of schooling the children might achieve. They saw education as a contrast from the street which was synonymous with profanity and bad behavior (Ishihara-Brito, 2013).

The parents generally saw poor quality of education as a poor performance from the teacher. This ranged from being tardy up to mistreatment of the students. They placed much of the responsibility of their education on the children themselves. The majority still allowed the child to make the decision of whether they will stay in school or not to continue schooling into the secondary level. Only a small number of parents felt it was their responsibility to keep their child in school after the sixth grade. Ishihara-Brito (2013) found no difference of opinions among parents of children in the lower grades and that of the parents of older children. This means that expectations had not risen as the child had advanced in grade levels.

The Ishihara-Brito 2013 survey was a valuable asset in the final opinions expressed in this article. It was conducted under recognized methods for sampling and surveying. It confirmed the fact that the Maya people are going to have to accept some of the responsibility for improving their nation.

The new opportunities afforded to the Maya by the peace agreement has given status and recognition to the language. It has led to new strategies to envision the presence of transnationalism. The Pan Mayan movement has received broad support and created an increase in political power. These new strategies included linking with other Maya groups in the hemisphere and the development of international agreements on human rights (Popkin, 1999).

No results of studies which would link the use of the Mayan language to educational improvement were discovered. It is apparent that it has played an important role in the political changes that have occurred in the past twenty years. The transitional approach that is commonly used only serves as a way of leading students toward the ability to academically achieve using Spanish. There is no indication that schools have expanded their use of Mayan beyond the lower primary grades either as an aid for learning or the sustainability of the language.

There are a few signs that education in general might be improving in Guatemala. The US Agency for International Development has been active in assisting the Guatemalan Department of Education with improvements in their programs. One of their major accomplishments was the development of national standards for reading. Their last report was updated 12/21/16. The last data they provided was from 2013. At that

time primary enrollment was near one hundred percent. Only seventy percent of these students pass the first grade. Only seventy five percent of those students enrolled in primary completed the sixth grade. The enrollment rate for ninth grade drops to forty percent (USAID, Education, 12/21/16).

USAID, Education, reports that over 2,000,000 out-of-school persons between the ages of 15 and 24 lack the life and vocational skills to enter into the nation's work force. Many of these youth are from the Mayan groups in the Western Highlands. Improvements have been made in the educational system in the past thirty years, but the system is not meeting the needs of most Guatemalan youth, especially the rural Maya (USAID, Education, 12/21/16).

The Maya have made some significant advances in their quests for human dignity and education in the past forty years. Few people on earth have been mistreated and abused as much as the Maya over a 500-year period. They have persevered and been able to continue their existence in spite of these conditions.

2.5 Migration

Thousands of people continue to flee from Guatemala. It is estimated that as many as twelve percent of the citizens of Guatemala live outside the country. There is no feeling of security in the midst of the continuing violence and certainly no visions of opportunities which might lead to higher qualities of their living conditions. They are migrating to several neighboring nations with the goal most often being the eventual entry into the United States.

2.5.1 Migration to the United States Begins

It is very difficult to retrieve accurate data as to the number of Guatemalan citizens who have gained entry into the United States. The Guatemalan immigrants represent a very culturally diverse group of people. It becomes even more difficult to obtain figures showing the different Mayan languages they speak. One of the reasons for this lack of information is the fact that more than half of them are entering the US illegally and leave few records. The US did not begin to differentiate Guatemalan from other Central American immigrants with separate statistics until 1960. The small number of Central American immigrants would imply that few Guatemalan citizens were gaining entrance. Only 44 Central Americans entered during the 1830s with 500 arriving during the 1880s and 90s. 8,000 arrived from 1900 to 1910 with another 17,000 entering from 1910-20. Quotas were adopted during the 1920s limiting the number of immigrants from Western Hemisphere nations, and during the 1930s, only 6,000 came (Hong, 2000).

The civil wars that were occurring during the 1950s in Central America, and particularly Guatemala, created chaos and led to the arrival of 45,000 new immigrants. The new accounting system showed 19,683 Guatemalan immigrating to the US from 1967 until 1976 (Hong, 2000).

The 1970 US Census listed ninety percent of the Guatemalan-Americans as white. Those who came during the 50s and 60s were mostly middle-class politicians and ladino activists from urban centers. At that time, the cost of immigration was very expensive and unaffordable for the poor (Hong, 2000).

Most of the Guatemalans who are in the US have arrived since 1980. By 2000 more than 300,000 Guatemalans had arrived in the United States illegally. Those legally admitted came as economic migrants with only two percent of the requests being honored. Guatemalan asylum cases were not considered like those from other Central American countries. This was because the US was very friendly with the anti-communist leaders of Guatemala and considered their opponents as criminals. This position, which was implemented under the Reagan Administration, was interpreted as unsympathetic by the Guatemalan-Americans. This led some cities including Los Angeles, St. Paul, and Chicago to oppose the practice and limit their cooperation in the enforcement of INS regulations. Native American groups have given support to the indigenous Guatemalans relating them to their own experiences with cultural obliteration and genocide (Hong, 2000).

2.5.2 Recent Migration Patterns to US

After Hong's study was published in 2000, accurate information on Guatemalan immigration became more difficult to find. Very few studies break down the population into groups, but classify them as simply Guatemalan. This is particularly true when attempts are made to study specific indigenous groups. When considering that almost half of all Guatemalans speak Mayan as their first language, ninety percent of the Maya live in poverty, and a majority of immigrants entering the US are laborers. This qualifies the largest percentage of entrants as Maya.

As the Guatemalan government began to make their schools more inclusive, more children were being educated in their Spanish only systems. Almost all of those entering

the US speak some Spanish. The labels of *ladino* and *mestizo* are placed on more of them rather than *indigenous*. The most recent and accurate study of Guatemalan immigration is a study made by the United Nations *Organización Internacional para las Migraciones* (OIM) published in February 2017. The Guatemalan Consulate in Phoenix furnished this study. It is written in Spanish and documents that *remesas* (remittances) are funds sent by Guatemalan workers to their relatives in their native country.

This research starts by stating that, in 2016 around 2,301,175 Guatemalan citizens now reside outside the country. 92% of those leaving have the goal of entering the United States. 63% of them achieve this goal. Of this total, 2.5% are minors. 94% of those traveling are between the ages of 18 and 40.

The 2017 United Nations Report shows the following numbers for Guatemalan exits from the country. The examination of these figures reveal that the population of the nation is increasing at a steady rate. The percentage of the people residing outside the country is also increasing. The net result is that the population of the country is increasing greater than its economy and thus exacerbating the need for many individuals to go elsewhere to seek a stable livelihood. The following information is from the *Organización Internacional para las Migraciones, 2016*

Year	Total Population in Guatemala	Population outside Guatemala	Percent Exiting Guatemala
2002	11,799,056	1,237,162	10.5
2003	12,084,398	1,273,658	10.5
2004	12,388,861	1,312,000	10.6
2005	12,699,780	1,364,546	10.7
2006	13,017,715	1,413,486	10.9
2007	13,364,534	1,482,247	11.1
2008	13,696,512	1,539,987	11.2
2009	14,017,000	1,590,832	11.3
2010	14,376,054	1,637,119	11.4
2016	16,545,589	2,301,175	13.9

2.5.3 Characteristics of Guatemalan Immigrants entering the US

Close family ties are a trait possessed by most Guatemalans and is especially true of Maya. There is no separation of the Maya from the whole Guatemalan population, but it can be assumed that since they compromise a majority of the population of the country, they are representative of the following data:

2.5.4 Earnings and Spending

According to the 2017 UN report 1,860,287 individuals sent a total of \$7,273,365,826 to 1,667,699 receivers in Guatemala. This group represents a large percentage of the

estimated number of Guatemalans in the US. 73% of the senders were men with 27% being women. 58.4% of the receivers were men and 41.6% were women. This money represents a large part of the Gross National Product (GNP) of Guatemala. It is estimated that more than 6,000,000 people benefit from this source. In addition to meeting their basic needs, the funds are invested in homes, cars, furniture, and other goods. A substantial amount is spent on accessing health and education benefits (*Organización Internacional para las Migraciones, 2016*).

2.5.5 Individual and Family Characteristics

The percentage of female entrants has been increasing over the past ten years. Whole families are arriving. Feelings of both empathy and hostility have been expressed to the Guatemalan by the American general public. Anti-immigrant groups feel economically threatened and believe social services have been overwhelmed and American workers have been undermined as they have lost their jobs to those willing to perform for lower wages. Supporters see the immigrants as hard working resourceful people who make strong contributions to the economy. Many church groups have become strong supporters of the Guatemalan and Salvadoran refugees (Hong, 2000).

The entry of families and especially children reached new heights in the summer of 2014. A spike in the numbers of adults traveling as family units including children began to appear crossing into the US from Mexico. These families were entering after undertaking the perilous and life-threatening journey from the South. This surge of family units and unaccompanied alien children created a major crisis for the United States with an unprecedented amount of coverage by media. An unaccompanied child is

defined by US Law as “someone who is under the age of eighteen, has no lawful immigration status in the United States, and does not have a parent or legal guardian in the United States available to care for him or her or provide physical custody” (Chishti and Hipsman, 2015, p. 96). A large part of this group had come from Guatemala, Honduras, and El Salvador.

Three fourths of the children and families were entering the US near the City of McAllen, Texas. This is on the Eastern most border of Mexico and the United States and closest point to Central America. It is also the ending point for several Mexican railroads which were used by stowaways traveling north (Chishti and Hipsman, 2015). The following photo depicts Central American families aboard one of these trains along with the danger and discomfort of the journey.



Fig. 2.1 Trip to the US

Unlike earlier border crossers, this group did not bother to stay hidden and immediately voluntarily surrendered themselves to US authorities. The word had gotten out that Central American (non-Mexican) unaccompanied minors would not be deported immediately and would be released to family members until they could have their court hearings. The average amount of time it takes for these hearings to proceed was 594 days (Women's Commission for Refugee Women and Children, 2014).

With the apprehension of 68,664 family units during 2014, a huge problem was presented to US Immigration authorities. The high numbers of children particularly impacted their ability to maintain security over the vast number while determinations could be made on their future status. They were bound by the settlement of a previous lawsuit to provide special treatment for the children (Musalo and Lee, 2017).

Under the settlement of *the Flores v. Reno* case in 1997, the Office of Refugee Resettlement (ORR) must place children in a "least restrictive setting" which is safe and sanitary and away from unrelated adults. They must be provided with counseling, educational services, and recreational opportunities. It is estimated that forty percent of the children are eligible for some sort of relief (*Flores v. Reno*, 1997).

It was not logical to separate these children from their mothers. This problem was exacerbated by the fact that some of the mothers were on their second border crossing offense, which required deportation. Most of these mothers were requesting asylum on the basis that the violence in their home countries had reached the point where their lives and the lives of their children were in danger. Many claimed they had been sexually assaulted and targeted for death by gangs. Two desperate views developed among two

competing philosophies. One applied the “push” theory to the new immigrants arguing that these people had been pushed from Honduras, Guatemala, and El Salvador and forced to flee which would qualify them as asylum. The other side used the “pull” argument against asylum contending that they had been pulled to the US. They blamed this factor on the loose enforcement of immigration laws which were leading the Central Americans to believe that entrance would be easy (Harding, 2014).

The “push” group viewed the crisis as humanitarian which reflected violations of human rights and qualified them for protection as refugees as defined by the United Nations. This line of thought also supported a role by the US for meeting the needs for safety of these immigrants (Navarrette, 2014).

Each of these narratives require a different type of response. The “push” factor will require the practice of granting asylum to those claiming violations of their human rights and safety. By reacting from the “pull” assumption, strict enforcement of immigration laws would result in detention, speedy return, or other harsh treatment, which would serve as a deterrent to illegal border crossing (Musalo and Lee, 2017).

The lack of preparedness by the Immigration and Customs Enforcement (ICE) to react to this crisis was obvious. Something had to be done. The Obama administration made the decision to apply the “pull” position to the situation and enacted a series of deterrence policies. Funding was provided for heightening border security and countering of the misinformation that was being circulated in Central America that legal status would be granted when they reached the US. The US also provided money to México and the other nations to strengthen their own immigration enforcements. For what they

considered a humanitarian act, money was granted for the funding of 6,300 new beds which would be used to create facilities for the mothers and their children. This was a response to the requirements of “least restrictive” stipulated in the *Flores* agreement (Musalo and Lee, 2017).

Musalo, who is an associate in the University of California School of Law, believes that if “push” factors are the drive for immigration, they can only be solved if the US assists the sending nations with solving their problems of violence in their own nations. The fact remains that these Obama policies did not deter the entrance of women and children as their immigration number continued to climb in 2015 and 2016 (Musalo and Lee, 2017).

One of the first visible shows of the new Obama policy was the increase in the number of beds made available to detained family units from less than a hundred at the beginning of 2014 to thousands at the end of the year. An attempt was made to accelerate immigration proceedings for those and also the unaccompanied children. The US assisted México in building asylum centers inside their own nation for those they were detaining south of the border (Musalo and Lee, 2017).

In the beginning of 2014, the US had only one facility to house family units, and this was the one located in Berks County, Pennsylvania. A 700-bed facility which had been used as housing for a training center in Artesia, New Mexico, was converted into a detention center. In June 2014, this facility opened and served as a “deportation mill.” During the first few weeks of operation more than two hundred mothers and their children were removed for deportation from this facility. Immediate concern was

aroused concerning inadequate social services and health care as required by *Flores*. The location required legal services to travel substantial distances to assist clients with legal assistance in preparing for their court hearings. These complaints contained claims that the children were malnourished by the fact that they would not eat the food which was different from that they were accustomed. These concerns resulted in a lawsuit alleging the denial of due process of the mothers and their children. This suit was dismissed when the decision to close the facility, and its short life took place in December 2014 (Musalo and Lee, 2017).

During 2014 another facility was opened in Karnes County, Texas. This was a 532-bed operation managed by the GEO group which is the second largest private prison contractors in the US. This group urged regulators to expand the number of detainees by increasing the capacity to 1,158 beds. The largest private prison contractor in the US, Corrections Corporation of America (CCA) was selected to run a 2,400-bed facility near Dilley, Texas. This facility which was generally constructed with connecting trailers was compared to the Japanese World War II internment camps. The facility was ultimately increased to 3,500 beds (Musalo and Lee, 2017). Texas was likely chosen for these centers as it passed laws that allowed such operations to be licensed as child care centers.

The family unit facilities were criticized for its conformance with “no release” and high bond settings. They would not release detainees pending their legal hearings and made release impossible with extremely high bonding requirements. This was justified claiming the high “no-show” rate of some detainees who had been released earlier. They claimed that most of them had simply vanished.

On July 24, 2015, US District Court Judge Dolly Gee ruled that the detention centers were violating *Flores* by failing to timely release children and keeping them in restrictive environments. The US was ordered to take steps to comply with *Flores* including the release of the children and their parents. The case remains pending in the Ninth Court of Appeals. The South Texas facilities immediately started releasing large numbers of detainees from custody. They were generally taken by bus to a non-profit refugee center in San Antonio. This center was overwhelmed but succeeded in locating parents in other parts of the country, close relatives or other acquaintances where the children would be safe (Musalo and Lee, 2017).

The rights of the children have been the concern of the courts as decisions have been made about the detainment of family units. This results in hard decisions of what to do with the parents. The parents do not necessarily have the same rights as the children, which leads to the question of what will happen if the parents are left in jails or detention centers. There is also the question of the welfare of the unaccompanied illegal entrants who have no means of support. These questions become more complicated as many of the mothers are under prior removal orders in that they have already been deported once. This makes them subject to immediate removal with practically no rights (Chen and Gill, 2015).

Large numbers of these “surge” children remain in this country. They are not unique in that there are many children, some born here, whose parents entered the US illegally. It is obvious that these children have been subjected to much emotional and physical distress. They are the focus of this study in that methods to deal with these issues in

addition to providing them with a first-class education will have to be solved. While there are no records to substantiate this claim, thousands of these children are from Maya families, and their lack of linguistic skills in Mayan, Spanish or English will have to receive major and unique treatment as they are prepared to participate in mainstream American governmental and social activities as well as economical equity and independence.

The attempt to destroy the Mayan language and the Maya culture which started with the arrival of the Spaniards in the 16th century has continued to the present day. Their language is in a state of ruin, yet it has continued to be the primary language for many Guatemalan Maya. They have been subjects of discrimination and cruel treatment. They are a proud people and have often revolted against leaders and governments as they watched their civilization and culture crumble. They have lost stewardship of their lands and have been virtually enslaved working them over a period of time stretching over more than four centuries. Many lives have been lost in their efforts to gain basic human rights. As they have concentrated their efforts in gaining these rights, it has come at the expense of improving their everyday living conditions. Over the past forty years the Guatemalan government with some pushing from the Maya have made effort to keep their language alive and useful through a series of efforts in bilingual settings.

2.5.6 Value of Guatemalan Immigrants

These immigrants who are entering the United States from Guatemala bring talents and services which can be valuable to the US economy. They are arriving bringing hope of bright futures and relief from their violent pasts. This study reveals that much of this

violence has been directed toward the Maya people. Guatemalan leaders have felt that religion and language have served as barriers for the unification of the nation. The Maya have fought against these systems with violence which has resulted in more harsh violence in return. The Maya have been willing to die in large numbers to achieve basic civil rights and with these acquire a better standard of living. They have retained their language as a symbol of hope. Some of their recent victories have resulted in the opportunity to sustain their language and acquire the Spanish they will need to compete in today's economy.

2.5.7 Conclusion

Looking at their past it is difficult to predict how they will react to the new opportunities they will have the chance to experience. It is possible that they will be satisfied with living in peace and earning meager wages. Their experiences with education have been limited, and they have not included education as a means of higher economic achievement. It is essential that they realize the benefits of learning and encourage their children to become active participants.

The work ethic of the Maya in the lower classes of their caste system indicates that they are willing to dedicate themselves toward task accomplishments. In all likelihood, this will lead to higher paying jobs. This may even entice some of them to seek training which would prepare them for this advancement. It is important for the incoming Maya to believe in the American system of justice. They need to witness the system in action in order for them to believe that equity applies to them as well as those in the caste system above them.

Understanding their backgrounds and past experiences must be an important objective in developing educational systems to serve their children. The next sections of this study will outline the development of the American legal system and the adjustments that have been made to provide equity for all. They need to expand their dream beyond safety and the essentials of life. They need to include education in their list of family values and realize that in the United States their children will have the opportunities available to achieve the same standard of life that they are seeing outside their own Diasporas.

The next chapter will show the long struggle in the US to attain the full rights of equity that are available to all immigrants. These rights provide the springboard to a secure future for the young Maya attending American schools.

CHAPTER III

LEGAL RIGHTS TO EQUITY

Equal access is a fundamental part of our American Democracy. This fosters the thought that every citizen is entitled to the same opportunities to participate in a great society and benefit from its fruits. However, when a society is divided into classes of those who have and those who have not, this ideal begins to falter. Access then has a different meaning. It is obvious that some have disadvantages because they lack the income, equipment, knowledge, and training to fully participate in the activities of their society. Overcoming these obstacles must be accomplished if these people are to be full participants in the discourses of their democracy: “Fairness demands remedies to redress historic injustices that have prevented or diminished access in the first place: For just as there can be no fairness without equality; there can be none without justice” (Kranich, 2000, p. 15). If there is no fairness for certain groups, a good society needs to commit its resources, so that all can play on a level playing field.

3.1 The United States Constitution and Equity

In this study, equity is defined as an equal opportunity to be all you can be. The possession of a high-quality education is one of the most important assets for achieving this status. The United States has made the acquisition of this status available to all of its citizens. This chapter will cover the legal mechanism that has been created to ensure that an opportunity to learn is available to all. It will explore the legislation, court decisions, and efforts to create equity through the provision of a free and public education system. It must be capable of producing a product that will allow all students to learn and

participate in the governmental, social, and economic societies of which they are part. Examples of how some of these decisions have affected local schools, parents, and children will describe their impact within the state of Texas. Texas was chosen because it is representative of a state where change was needed and reacted to remedy this need. It also represents a state where the largest minority is Hispanic. The Hispanics in Texas were also victims of mistreatment through violations of civil rights such as voter suppression through poll taxes, literacy tests, and “separate but equal schools” (Montejano, 1977). Texas has been the epicenter of many of the actions of the Federal Government and Courts which created changes to enhance the opportunity for achieving equity in schools.

When the Constitution was written, the founding fathers felt it was a guarantee that the US would be a land of opportunity for all its residents. This was true for many, but a group of residents were not originally guaranteed this freedom and a chance to build better lives for themselves. A sizable percentage of the population was held in slavery with absolutely no rights at all. For purposes of the US House of Representative members, slaves were counted as 3/5 of a person even though they did not have the right to vote. Native Americans were excluded because they did not pay taxes. Three quarters of a century later a brutal war (1861-1865) was fought which would bring the end to slavery, but those who were immediately endowed with a status of equity were somewhat trapped in lives where little opportunity for advancement existed. The first attempt to remedy this situation was the adoption of the fourteenth amendment to the Constitution (Constitution of the US).

The thirteenth amendment gave complete freedom to former slaves. New governments were formed in the former slave states. Congress began to debate the issue of how to endow the freedman with their inalienable rights. They were concerned that the legislatures of many of the Southern States had passed laws that were referred to as Black Codes which denied many civil rights to blacks. They were regarded as an attempt to keep blacks near their former conditions by restricting their movement, forcing them into one year labor contracts, preventing them from owning firearms, and denying them the right to testify or use the court system (Foner and Mahoney, 1999).

Congress was concerned that the southern states were not cooperating with them in actually granting full freedom to the former slaves. They knew they had to take action if the blacks were going to gain their full rights as citizens. The former slave states sent their congressmen to Washington. The southerners were not trusted because of the mistreatment of the freed slaves. Many Republicans began to be concerned with the reallocation of members of the US House of Representatives which would likely change if the former slaves were counted as one person rather than the 3/5 which was formerly mandated. By including the black population with each being counted as one person rather than 3/5 this would threaten the Republican majority which was in existence. The southern congressmen were not allowed to be seated. Without them, civil rights legislation was passed. The Republicans then passed new civil rights legislation to ensure that full rights would be accorded to the freed slaves. On March 27, 1865, they enacted what has been referred to as the 1865 Civil Rights Law. This law guaranteed citizenship regardless of race, color or previous condition of slavery or involuntary servitude, but it also excluded those who had fought for the south or aided or abetted it.

This bill was vetoed by President Andrew Johnson, but his veto was overridden (Foner and Mahoney, 1999).

Congressmen began to debate whether the law was legal since the southern states were not part of the union and were not represented during the voting. To be sure, they began the process for the adoption of the fourteenth and fifteenth amendments. When the fourteenth amendment was presented to the states for approval, only Tennessee supported it. This refusal led to the enactment of the Reconstruction Act of 1867. This act provided for military occupation. The military was sent to protect people and property. They were directed to supervise elections for delegates to conventions to draw up new state constitutions. In order to officially become states, Congress would not allow them to be admitted unless they passed the amendments. Thus, the new amendments became a part of the United States Constitution (Foner and Mahoney, 1999).

Up until the end of the Civil War there were no restrictions preventing individual states from enacting laws which would deny classes of people the rights guaranteed by the Bill of Rights which was formed by the first ten amendments of the Constitution. Such legislation could be used to abridge individuals' rights for freedom of speech, right to assembly, right to practice the religion of their choice, etc. which were guaranteed by the Bill of Rights. The fourteenth amendment to the Constitution was adopted to guarantee all Americans these rights. Article I of Amendment XIV states, "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United

States, nor shall any state deprive any person of life, liberty, or property without due process of law nor deny to any person within the jurisdiction the equal protection of the laws” (National archives, 14th amendment). This amendment and legislation supporting it served as the basis for creating the right of all Americans to receive equal access to a quality education. The legislation and court decisions affecting this access will be documented in this chapter with examples of how they have affected educational systems.

With military occupations being present and all confederate veterans who had aided or abetted the south being disenfranchised, all eleven of the southern states were controlled by Republicans. The north was becoming industrialized, and the south was in disarray. There was a lot of civil disobedience and white groups were being formed such as the Ku Klux Klan. The economy was bad for both blacks and whites (Foner and Mahoney, 1999).

3.1.1 The Separate but Equal Doctrine

When the military occupation was lifted and citizens who declared their loyalty to the United States were allowed to vote, all of the southern states were controlled by the Democrats by the end of the 1870s. This led to the wide practice of the separate but equal doctrine. The whites were passing laws to keep the races separated but comply with the new amendments by offering “equal” services elsewhere. This led to separate schools and restrooms for blacks as well as separated seating on public transportation (Foner and Mahoney, 1999).

Blacks were disappointed at the lack of response to relieve them of some of the unfair practices that were being forced upon them. In 1890 the state of Louisiana passed a law requiring blacks on railroads to be in separate cars. A citizens group was formed for the purpose of eliminating this law and its effects. Homer Plessy, a person of mixed race, volunteered to orchestrate a situation to provide the basis for a lawsuit. With a first class ticket he boarded the whites only car in New Orleans bound for Covington, Louisiana. The railroad company opposed the law as it required extra money to purchase extra cars. The company was informed of the plan and fully cooperated with the action. A private detective was hired to be sure that Plessy was arrested and charged with violating the Separate Car Act instead of vagrancy or another offense. As planned, Plessy was arrested with the train being stopped and accommodating his removal. He was remanded for trial in the Parish of Orleans. Plessy was fined \$ 25 for the offense. He immediately filed suit claiming that his rights had been violated by the state of Louisiana. The judge, Howard Ferguson, made the decision that the state had operated within its boundaries. The committee appealed the case to the Supreme Court of Louisiana where Ferguson's ruling was upheld. The Supreme Court cited laws in two northern states as precedents for its decision. Massachusetts had laws for the separation of its schools which were upheld in its courts, and Pennsylvania courts had upheld that state's law required separate railroad cars (Medley, 2003).

The intent of the legislators is used to determine unclear points of laws in litigation. An interesting point brought up in this case was the intent of the congressmen who had authored the fourteenth amendment. The state of Louisiana used the fact that it was not intended to exclude separation of the races since Congress, which controls the District of

Columbia, had rules separating the races in its schools at the time (*Plessy v. Ferguson*, 1896).

With a seven to one vote, on April 13, 1896, the Supreme Court of the United States rejected Plessy's plea. They reasoned that there was no intent in the law suggesting that blacks were inferior, and that the law was simply an expression of public policy. It is worth mentioning that six of the justices supporting this decision were from former Union states with the seventh being from Louisiana. Justice Harlan from Kentucky cast the lone dissenting opinion. He reasoned that there was no room for a caste system in the US, and that all citizens were to be treated the same. In this decision, the doctrine of separate but equal was validated and would continue well into the following century (*Plessy v. Ferguson*, US Supreme court, 1896).

With the rendering of *Plessy vs. Ferguson*, segregation under the name of "separate but equal" became the law of the land. The laws passed in the former southern states with the intent to discriminate against blacks were called Jim Crow laws. These laws were generally aimed at supporting the intermingling of the races using the assumption that this was the way both races wanted it. These acts of legislation provided legality for separating into "whites only" and "blacks only." This meant that water fountains, restrooms, courtrooms, movie theaters, lunch counters, schools, and even the United States Military forces could be segregated (*Plessy v. Ferguson*, 1896).

Plessy also was used by states in the north to legitimize laws on their books supporting segregation such as Boston allowing its separate schools. In fact, several northern states, including New York, had laws requiring separation of races on railway cars. The full

impact of the decision was that it removed the possibility of states enacting laws which would affect segregation of the races as long as the concept of “equal” was followed. The policy of “equality of rights does not necessarily imply identity of rights” (Bishop, 1977, p. 131) was embedded in law. This was in spite of the fact that *Plessy* was only about railroad cars and not about schools, restrooms or lunch counters. Had these items been under consideration the decision could have been different because their conditions were mostly far from equal.

3.1.2 Civil Rights of Mexican-Americans Denied

While most of the legal battles to fight injustice were fought by and for blacks, there was another minority who faced similar problems and who was for the most part silent. These were Hispanics who were born and grew up in the United States. Their families had lived in their locations long before the Anglos came. Large numbers of this group resided in Texas, New Mexico, Arizona, and California. They often describe their situation with the words, “We did not cross the border, but the border crossed us.” After the Mexican War was won by the United States, about one fourth of Mexico was ceded to the US for fifteen million dollars through the Treaty of Guadalupe-Hidalgo. This treaty granted those that remained in the US for one year all the privileges of full citizenship and the right to retain titles to their lands. The treaty also contained language that the language and culture of the new citizens would be preserved (Treaty of Guadalupe-Hidalgo, 1848, Article 8).

The history of mistreatment, including lynching, has been practically ignored in American History. As a part of the California Gold Rush, it is estimated that at least

25,000 Mexicans came to California. They were experienced in mining and were very successful in gold mining in California. Many Anglos viewed this success as a loss to US wealth and began to intimidate the Mexicans through violent acts. This included lynching. Between 1848 and 1860 at least 163 Mexicans suffered this fate. One well documented case involved a woman who was lynched in Downieville, California. She had killed a white man who was attempting to assault her in her own home (Latinas: Area Studies Collections). On July 12, 1917, 2,000 vigilantes kidnapped 1,300 striking miners in Bisbee, Arizona, put them in railroad cattle cars, and shipped them 200 miles through the desert without food or water to the town of Humanas, New Mexico. As they crossed the Mexican border, they were warned never to come back to Bisbee (Bonnand, 1997).

In Texas, Texas Rangers were accused of involvement in the deaths of thousands of ethnic Mexicans in the state. On January 28, 1918 in Presidio, Texas the Texas Rangers summarily executed 15 Mexicans. This caused State Representative Joe Canales to lead an investigation into violence being systematically being imposed on Mexicans by Rangers. His investigation led to the dismissal of five rangers and granting further relief from similar actions (Orosco, 2010).

During the 1940s many Mexican-American children in Texas were forced to attend Mexican Schools. These schools were of inferior quality in facilities, staffing, and curriculum. Texas was not alone in that California also had public schools that separated the Mexican-Americans from whites. A lawsuit was filed in Orange County, California, in 1947 where Hispanics were forced to attend the “Mexican Schools” resulted in the

court ruling that the segregation was a violation of the fourteenth amendment to the Constitution (*Mendez v. Westminster*, 1947). This case is considered to be the beginning of the foundation of the *Brown v. Board of Education* case which will be discussed in full later.

The discrimination of Hispanics in the Southwest equaled the discrimination against blacks in other parts of the nation. However, it was the black population who led the fight for equity in the court systems.

3.1.3 Equal Means Equal

There were many unsuccessful efforts to overturn Plessy in the fifty-two years it remained the law of the land. Even the liberal Supreme Court created by Franklin Roosevelt did not see fit to override the decision when first presented to them in a number of cases. This all began to change when the court handed down its decision in *Sweatt v. Painter* in 1948.

Heman Sweatt was born in Houston and graduated from one of Houston's segregated high school although he lived in a majority white neighborhood (Lavergne and Ebrary, 2010). He then graduated from one of America's historically black colleges, Wiley College in Marshall in Texas. He tried several occupations before making a decision he wanted to be a lawyer. He went to work with the Postal Service and noticed that blacks were not eligible for promotion as that promotion required service as a clerk and blacks were not used as clerks. While making preparation for this lawsuit, he saw law as something of which he wanted to become a part. He was active in the local National Association for the Advancement of Colored People (NAACP) and one of its leaders

asked if he wanted to be a plaintiff in a lawsuit challenging the University of Texas School Of Law's non-black admission policy. He volunteered, thus became the anchor for the case that would overturn *Plessy* (Burns, 2016).

A similar case against the university had resulted in their formation of a black law school in Austin and claiming it was equal to the law school on the main campus. This suit became the showcase for claiming that equal meant equal. The following inequities were cited as evidence that the same quality of education was not available to the black students as existed on the main campus. Facts presented in *Sweatt v. Painter*, US 44, 1950, included:

1. The main campus school had 16 full time professors while the black school had 5.
2. The main campus had 850 students and 65,000 volumes in its library while the black school had 23 students and 16,500 volumes.
3. The main campus had more court facilities, had affiliation with the Order of the Coif, and had numerous alumni who were associated with prestigious law firms while the black campus had one practice courtroom and one alumnus.
4. Made claims that its main campus had the best law school in the nation.

The original case was tried in a Texas District court. The judge refused to grant a writ of mandamus, and the case was appealed to a Texas Appeals Court. This court upheld the decision of the lower court. Sweatt, along with other blacks, declined their admission to the black law school. At this time Thurgood Marshall and other NAACP lawyers made a decision to challenge segregation itself. They were disappointed that the other suits against universities were only resulting in more "Jim Crow" schools. The NAACP

group advised Sweatt to accept admission to a state school that had been set up at Prairie View A and M College, another historical black school. They recommended that his acceptance be conditioned on that school being equal to the main campus law school, then testify that he did not believe this equity was fact (Sweatt v. Painter, 1950).

The Texas Supreme Court upheld the decisions made by the two lower courts. This paved the way for the case to be carried to the Supreme Court of the United States. The case was heard on April 4, 1950, and a decision was rendered on June 5, 1950. The decision ruled that quantitative factors differences had to be considered in measuring equity. These factors included differences in experience, facilities, and isolation from other aspiring lawyers with whom interaction was essential. The court ruled that in graduate schools experience had to be counted as a major part in defining substantive equity. The Supreme Court reversed the decision of the lower courts (Sweatt v. Painter, 1950).

A similar case was decided alongside the Sweatt case in the Supreme Court. McLaurin vs. Oklahoma Board of Regents involved another version of equity being defined by the University of Oklahoma Law School. Oklahoma University claimed equity by accepting a student and then essentially placing him in isolation. He had a separate table in the lunchroom and was required to be at his desk outside the regular classroom in the hallway. It was contended that McLaurin was attending the same law school, with the same professors, and using the same textbooks (McLaurin v. Oklahoma, 1950). Also on June 5, 1950, the Court gave their decision on the McLaurin case. They ruled that an

institution of higher learning could not treat a student differently than other students because of race or color (*McLaurin v. Oklahoma*, 1950).

There was hope that *Plessy* was a dead issue, and that these cases signaled the end of “Jim Crow.” States responded to the decision by assuming that it only applied to higher education, and then only to programs that were not offered in their historical black universities. Black leaders were not satisfied with the rulings and felt they should be considered at all levels of education. They continued their legal efforts to achieve equity for their children at the elementary, secondary, and undergraduate university levels.

3.1.4 Segregation is not Equality

The NAACP attorneys were proud of their accomplishments in *Sweatt*, but disappointed in its interpretations applying it only to post-graduate studies. They were interested in bringing the end to legal segregation in any form. They were encouraged that the United Nations had issued statements condemning segregation. They wanted to extinguish the idea that blacks were inferior to whites, and that this argument could be used as a basis for segregation. They looked for a case that would not contend that the system was unequal, but the effect of the segregation was harmful and served no real purpose except to continue the practice of separation of the races.

They chose to give support to a group of people in Topeka, Kansas, whose children were being bused out of their neighborhood school to a black school in another part of town. This fit their basic characteristic that the children could only be transferred because of their race or color. The plaintiffs in the Brown case lived in an integrated

neighborhood with their children regularly associating with their white neighbors (Brown v. Board of Education, 1955).

The strategy for developing the case was again carefully orchestrated with the intent of attaining their objective of ending segregation. Thirteen parents each took their children to the white school and attempted to enroll them. They were denied. Each of these parents became plaintiffs in the litigation. The lawyers chose Oliver Brown as the lead in the plaintiff group. He was the father of Linda Brown a third grader, who had to walk 6 blocks to ride a bus more than a mile to the black school. This was in spite of the fact that her neighborhood school was only seven blocks away. Brown was a well-respected welder by profession and also an assistant pastor at his church. The NAACP felt that it was essential to have a man who was highly thought of at the top of the plaintiff group. He was also well qualified to give testimony (PBS News hour, 2004).

The case was filed in the United States District Court of Kansas against the Board of Education for Topeka, Kansas. The plaintiffs were thirteen Topeka citizens on behalf of twenty children. This court gave its decision favoring the Board of Education. The court used *Plessy* as the basis for its ruling. The court did find that segregation in educational settings could be harmful to children, but they were confined to using the separate but equal doctrine as it was applied in the *Plessy* case. They found no inequality in buildings, curriculum, transportation, and quality of teachers (Brown v. Board of Education, 1955).

After going through the appellate procedure, the Brown case was brought before the Supreme Court. In December 1952, the United States Department of Justice filed a friend of the court brief in behalf of Brown. The Department based their participation on

the basis of the fact that segregation was harmful to the relationships with foreign governments populated by people of color. This was especially significant by the fact that several new nations had been created with the end of colonial rule. The Attorney General stated that segregation was used by communists as propaganda against the US. (Neier, 2014). After Dwight Eisenhower assumed the presidency in 1953, he also expressed concern for the same reasons. Secretary of State Dean Anderson reported that the United States was constantly being attacked in the foreign press and radio for its practices of racial discrimination (Smithsonian). British parliamentarian and barrister, Anthony Lester, later wrote that he felt these foreign policy implications played a major part in the final decision of the court (Lester, 2004).

The case was heard before the Supreme Court during the spring 1953 session. The court did not immediately render a decision but requested a full hearing in the fall 1953 session. The purpose of this extension was to give special attention to the relevance of the fourteenth amendment and its application to the operation of segregated public schools (Lester, 2004).

The re-argument was actually a stalling tactic to bring about an opinion that would be unanimous by appealing to judges who were initially inclined to dissent. It was felt that dissenting votes might encourage future arguments in the court system. Justices Burton, Black, Minton, and Douglas were ready to overturn Plessy. Justice Vinson believed that Congress should be acting on desegregation issues and allow the court to make decisions on their validity. Justice Reed actually believed that segregation was beneficial to African Americans. Justice Clark wrote that segregation problems had been created by

the states, and they should be responsible of their solution. Justices Frankfurter and Jackson opposed segregation but did not believe in judicial activism. Chief Justice Vinson was always considered a stumbling block for the court's making a final decision. He died in September 1953. He was replaced by Earl Warren who as governor of California had supported the integration of Mexican-American students in the public schools (Sunstein, 2004).

Warren began to meet with the justices to garner their support for a unanimous decision. He used the argument that by supporting the defendants it could only be defended by the belief that blacks were inferior. He continued his efforts until he had a commitment from each justice to support the plaintiffs. He believed this unanimity would help prevent massive southern resistance. Though he had the votes to secure the decision, he continued to write and rewrite the court opinion after their review and feedback from each justice. The final version was finally ready for review by the full court (Patterson, 2001).

When the final decision of the court was made in 1954, one of the most surprising outcomes was the fact that the decision was unanimous. The court ruled that segregation was harmful to black students and therefore unconstitutional (*Brown v. Board of education of Topeka*, 1955). This aspect was vital because it removed the concept of equal as a consideration for justifying segregation.

The Topeka system was immediately responsive and created neighborhood elementary schools. Their secondary schools had been desegregated during the 1940s. Plaintiff,

Zelma Henderson, reported that there were no demonstrations or protests to the decision in Topeka (Topeka Daily Capital, 1954).

This case also had another significant element for judicial procedure. This was important since it rejected a well-practiced custom of basing decisions on existing law and not on political or personal feeling (Kennedy, 1987).

With this decision, the issue of legal separation of races was finalized. It did leave a huge problem with the federal government as no remedy was required. It delegated this responsibility to district courts with instructions that proceedings should be held with “deliberate speed” (Brown v. Board of Education of Topeka, 1955).

With no real plan of action, the removal of segregation advanced at a very slow pace for the next ten years after the decision was rendered. As expected, there was much resistance to desegregation in the southern states. Governors and legislatures continued to believe that the elastic clause of the Constitution which left all matters not delegated to the federal government in the Constitution were left to the states. They firmly believed the *Plessy* case substantiated this, and that the *Brown* decision completely ignored this part of the Constitution, and there was no cause to override it.

3.2 Resistance to Brown vs. Board of Education

Three actions defying the Brown situation by state governmental units will be discussed. Each of these involved schools and education. The first incident occurred in Little Rock, Arkansas, during fall, 1957. Governor Orville Faubus mobilized the Arkansas National Guard to Central High School in Little Rock to bar the entry of black students. The troops surrounded the school and successfully accomplished their

objective. Civil Rights leaders were angered by the fact that a state governor could defy a directive from the Supreme Court of the United States of America. Martin Luther King urged President Eisenhower to intercede and stop the blatant resistance to enforce court orders. Governor Orville Faubus responded by nationalizing the Arkansas National Guard and ordering them to remove the black students from Central High School. Then President Eisenhower nationalized the Arkansas National Guard and replaced them with US Army troops from Fort Campbell Kentucky. The entry of the nine students was assured, and on September 25, 1957, an official of the Arkansas NAACP led the students through a crowd and into the school. This was the first time in eighty-one years that a president had sent troops into the south to protect the rights of black citizens (Bates, 1962). With this action, the president gave southern governors notice that their resistance to the actions of the courts would not be tolerated, and that federal troops would be sent if needed.

Another major reaction to school desegregation occurred in Virginia. A group led by former Governor and US Senator Harry Byrd put together a coalition of Virginia Democrats to attempt to block the desegregation of public schools. After the end of reconstruction, Virginia's conservative Democrats began to put together a chain of laws and regulations which promoted white supremacy. In 1956 this group which controlled the legislature put together a plan to stop the desegregation of the state's school system. These laws forbade funding of integrated schools and authorized the governor to close such schools. Another law established three-member placement boards to make the decision of which school each child would attend. These decisions were made almost entirely on the basis of race. The laws also transferred money not spent on closed schools into tuition grants which allowed students to attend the private segregated school

of their choice. This allowed schools that became known as “segregation academies” to be put into operation (Green, 2015). On January 11, 1957, a US district court judge consolidated cases against three districts and declared the pupil placement law unconstitutional (James v. Almond, 1959). On January 11, 1981, another federal court judgment ordered the public schools in Norfolk, Arlington and Charlottesville to integrate. Local authorities appealed and attempted to delay the process. When the decision was made to open them, Virginia Governor Almond ordered them closed. Some of the schools were able to put together philanthropic funding and church buildings to continue educating their children. This was not true in Norfolk where 10,000 students were not attending school. A group of white parents filed a lawsuit against the state under the grounds that they, too, were not being granted equal protection (Turner, 2014). The NAACP then built a lawsuit in behalf of the black students and the white parent who wanted their schools open. The lawsuit was then filed by the NAACP in behalf of the black students. Moderate white parents began to form parent organizations across the state demanding that their children’s education should not be interrupted. Prominent business people met with Governor Almond trying to convince him that his massive resistance plan was harmful to Virginia’s economy. The governor responded to them by declaring a “pilgrimage of prayer” for January 1, 1959 (Hershman, 2011).

A three-judge panel after hearing a lawsuit against Almond, *James vs Almond*, ordered the schools to be opened. On that day, the Virginia Supreme Court found that Almond had violated the state constitution in closing the schools. The decision also ordered him to cease funneling funding through a newly created state office, and that it should go directly to the local schools (James vs. Almond, 1959). By 1971 the massive resistance

movement had ceased, and Virginia placed in their constitution one of the strongest school positions in the nation (Hershman, 2011).

A third senseless maneuver occurred in Prince Edward County, Virginia. This sequence of events will be detailed more extensively in that the callous acts of ambitious politicians used their power to damage the lives of large numbers of children through denying them their rights to an education and ignoring any thoughts of equity. Following is an account of the facts leading to the attempt to prevent the desegregation of the Prince Edward County schools. This is an essay written for the Virginia Law Review by Kara Miles Turner. It is important because the Prince Edward County Schools were the defendants in one of the cases heard in conjunction with *Brown v. Board of Education* (Turner, 2004).

The facilities at the black high school were vastly inferior to those of the white school. A simplified version of the comparison is that the white school had new modern facilities, and the black school was overcrowded and housed in wooden shacks. Black parents constantly made their needs known at county school board meetings to no avail. The students went on strike to protest their subjection to inferior facilities. As a result of being ignored, nineteen parents filed a lawsuit on May 23, 1951 against the county entitled *Davis vs. County School Board*. In the beginning many parents simply wanted “equal” facilities, and they wanted immediate results. The NAACP lawyers changed the focus of the litigation from the concept of equal to the concept of segregation. Stopping segregation was their top objective. When the black principal advocated the suit’s being one requesting new facilities, he was called an “Uncle Tom.” Some parents actually

preferred the system the way it was. The group finally united in an effort to desegregate the schools (Turner, 2004).

This case was heard on July 12, 1952, with the court ruling that segregated schools were not detrimental to black students or unconstitutional. The county was also required to act with diligence and dispatch in providing equal facilities for the blacks. The NAACP appealed the decision to the Supreme Court. It was consolidated with *Brown*. The county replied with the building of a new facility for blacks that was state of the art. The black students were proud of their school and felt it was the best.

On May 17, 1954, the Supreme Court announced its decision on the *Brown* case. Being a party to *Brown* meant Prince Edward County Schools were under court orders to desegregate immediately. This was a great day in Prince Edward County for blacks. Many of them were satisfied with their new school, but saw it as a new beginning, and what they wanted was equality and respect in other venues. Integration did not take place immediately with delaying actions being successful with the District Court's granting extensions. Finally, one federal judge gave an extension for start of desegregation until 1965. In 1959 a Federal Appeals Court ordered the County to begin the process of desegregation beginning September 1959. The Supreme Court denied the county's request for a stay of proceedings (Turner, 2004).

With the end of segregation in sight, the county made one last effort to avoid the inevitable. They shut off funding for the public schools which had the effect of closing them. The locks were changed with only one key for each building which would be kept at the county office. These schools remained closed for the next five years. Private

schools were rushed into action to provide schooling for whites. Some parents were able to send their children to schools in adjoining counties. Others sent them to live with relatives outside the immediate area.

The closing of the schools created many hardships and emotional distress for black families. One study by a Michigan State University was made on students who had not attended school during the closing but had returned and completed one complete year after reopening. These students tested in the “mentally defective” range which was below seventy-nine points (Turner, 2004). There is no question that these students were victims of their circumstances and were unable to live up to their potential.

Travis Harris returned to school as a sixteen-year-old eighth grader. He was far behind academically but persevered with the idea that school was better than the tobacco fields. He graduated at twenty, and in 1999 was elected the first black sheriff of the county. According to another student, “The closings stole my childhood of any hope of having anything like having a normal one. It denied me of the relationships that kids all over America enjoyed with other kids, teachers, principals. They took something from me that could never be replaced by anything but disgust and at times hate” (Turner, 2004, p. 1686). These students sacrificed a large portion of their lives in order for others to be elevated to a status of true equity.

The entire community suffered. Many progressive whites moved out of the county. This resulted in a declining tax base and cultural void. Industries were unwilling to locate there because they saw no future in a place like Prince Edward County (Turner, 2004).

3.3 Quality of US Schools Questioned

In the late 1950s desegregation was not the only problem which schools were having to address. On October 4, 1957, the Russians launched into space the first man-made satellite. The American public was not only concerned about Russian science jumping ahead of the US, but they were also looking for blame on why this was happening. Critics immediately began to look at the educational system as a major problem in the failure of the US in keeping up with Russia (García, 2009).

Life Magazine began a five-part series in its March 24, 1958, issue. It compared the rigor of Russian schools against the relaxed culture present in American schools. A student from each of the countries was used as a basis for the comparison. The Russian student was depicted as a focused learner performing complicated experiments in chemistry and physics. The American student was photographed laughing and retreating to the back of the classroom after being stumped with a simple geography question. They wrote that the American students were years behind the Russian students and distracted by reading magazines with teachers lacking control. *Life* stated, “Its time to stop this carnival. To revitalize America’s dream, we must stop kowtowing to the mediocre” (English Russia, *Life*, May 24, 1958).

Something had to be done. Congress and the President responded with the passage of the National Defense Education Act (NDEA) of 1958. It was hoped the act would reshape the educational program of the nation. This reshaping included the replacement of the so-called progressive educational movement with an agenda featuring science and technology (National Defense Act, 1958).

The NDEA bill contained provisions for student loans, \$70 million for each of four years to strengthen science, math, and foreign language instruction, and established a fellowship program for graduate education in those programs. The bill also provided funding for vocational programs and the implementation of new technologies. It included grants to stimulate states to use data collection and statistical analysis for improving programs. This was the start of the movement to demand accountability from the Nation's Educational Communities (NDEA, 1958). It is worth noting that in spite of all of these innovations, education has never recovered from the criticism of the quality of education that was begun in the 1950s (Bracey, 1997).

This bill was the first education bill to reach congress after the *Brown* decision. Representative Adam Clayton Powell (DNY) attempted to place an amendment to the bill prohibiting distribution funds to segregated schools and said he wanted that clause in every education bill that would come before congress. Powerful southern congressmen countered by putting a clause in the legislation giving states powers to manage the funding. This was actually the first step in attaching money to future civil rights legislation (National Defense Act, 1958).

3.4 Civil Rights Legislation

With integration proceeding slowly, progress was only happening on a piece by piece basis. Desegregation in one community at a time was not satisfactory to black leaders. This lack of progress was also gaining attention in Washington. The pace was slow because without a plan for implementing the objective, all responsibility fell on the back of the court system. They were helpless in the creation of broad based standards and

their enforcement. When John F. Kennedy was elected president, he won the election with a platform that included expansion of equality to more people, including minorities. His plans also were not moving fast enough. With his assassination and the assumption of the presidency by Lyndon Johnson, more urgency was brought into play. Congress knew there was no policing of civil rights issues without legislation for support. With the urging of Johnson, Congress was able to begin the legislative process that would provide the law that was needed to bring about the needed change.

It was clear that legislation needed to be provided to federal officials with the teeth to enforce court actions and speed up the process of desegregation. It would be impossible for the courts to decide actions to be taken on an individual basis. The executive branch needed to be endowed with the authority to investigate and make these types of decisions which would then be subject to judicial review. The first portion of this law was the clarification of voting rights. It prohibited barriers imposed on any citizens with the intent of making voting difficult for them such as literacy tests.

Congress now had its objective to end segregation. The Constitution gave them the power to regulate commerce. They used this power to entitle all persons full and equal enjoyment of goods, services, facilities, privileges, advantages, and accommodations in any place of public accommodation on the grounds of race, color, religion, or national origin. This covered restaurants, hotels, motels, sports arenas, and theatres. These same restrictions were also placed on public facilities (Civil rights Act of 1964).

Section IV of the Civil Rights Act of 1964 was written specifically to eliminate segregation in the public schools. It prohibited the assignment of students to public

schools and within such schools on the basis of their race, color, religion, or national origin. The bill stated that assignment did not mean putting students in public schools to overcome racial imbalance. The attorney general was given power to investigate and bring actions against persons or institutions violating the provisions of the act (Civil Rights Act of 1964).

A civil rights commission was also established. This commission was charged with investigating allegations that citizens of the United States were being deprived of their rights on the basis of race, color, religion or national origin (Civil Rights Act of 1964).

Title VI of the act prohibited the denial of rights to persons participating in federally assisted programs. This included federal grants and loans. The bill required that voluntary compliance should be sought before actions were taken (Civil Rights Act of 1964).

Fair employment practices were also included in the act. This act prohibited any employer from discriminating through hiring practices, assignment or promotion on the basis of the individual's race, color, religion, sex, or national origin. The word *sex* was put into this section in the last phases when a representative from Virginia brought up his association with the National Organization for Women and urged its insertion. It also contained a clause that nothing in the act would require an employer to give preference to potential employees on the basis of the defined restrictions. An equal employment opportunity commission was also created. It was charged with the responsibility of investigating and bringing actions against violators of this act (Civil Rights Act of 1964).

Another important bill was signed into law on April 9, 1965. This was entitled the Elementary and Secondary Education Act (ESEA). President Johnson recommended the passage of the act as a way to improve opportunities for the country's school children. There were many opponents at that time to any federal involvement in schools. It was justified as a needed step in school improvement which had been exposed in the 1950s. Johnson overcame some of this opposition by granting money through states giving them leeway in how the money would be spent. It was composed of the following seven titles (Elementary and Secondary Education Act, ESEA, 1965).

Title I: This provided money to local school districts for education of children in low-income families.

Title II: This provided funds for library resources, textbooks, and other instructional materials.

Title III: This provided money for supplementary educational centers and services.

Title IV: This provided funds for research and training.

Title V: This provided funds for grants to strengthen state departments of education.

Title VI: This provided funds for aid to handicapped children.

Title VII: This provided funds for bilingual education.

These funds were distributed to schools with high distributions of low-income children in an effort to close the achievement gap that existed between them and other students. Part of the allocations were designated for migrant children who frequently transferred schools as a result of employment for their parents. It mandated that these

funds be dispensed to eligible students in both public and private schools. An important aspect of this legislation is that it recognized the importance of equity for all children regardless of their race or color. The ESEA act provided for the participation of parents in decisions of how the money was to be spent (Elementary and Secondary Education Act, 1965).

This legislation recognized the fact that family income was a common factor in all children's lack of progress in schools. The federal government became a partner with school districts in identifying schools serving low income students providing means for improving the quality of their educational programs.

3.5 Mexican Americans Seek Equity in Education

The court decisions of the 1950s had little impact on the problems facing Mexican-American children in segregated school districts. As the blacks were achieving success in many of their legal maneuvers, a sleeping giant was awakened. The Hispanics realized that they too were a minority and were suffering from the many inequities which had been imposed on them for generations.

South Texas became a hot bed of activity demanding equal treatment under the laws for Mexican-Americans. Since Texas had declared its independence from Mexico, this group had been subjected to the same injustices as the blacks. Their voting rights were ignored. Their schools were segregated, and public accommodations were not available. They began to realize that equal protection should apply to them as they were an identifiable ethnic group. They were able to gain assistance from legal aid groups (Shockley, 1974).

This movement gained momentum from the acts of a group of students enrolled in the Crystal City Independent School District Schools. Eighty three percent of the students in the district were Hispanic, yet they were not granted many of the privileges enjoyed by white students. A poor decision by the school administration inspired them to conduct a walkout on December 9, 1969 (Shockley, 1974).

Two vacancies on the high school cheerleading squad occurred. The students were told they could only be filled by Anglos since the Mexican-American quota of one was filled. The students went to the superintendent of schools who proposed a compromise of using three Anglos and three Mexican-Americans as cheerleaders. The students accepted the compromise. Angry Anglos disagreed with the compromise and carried their dissatisfaction to the local school board. The board nullified the agreement (Shockley 1974).

This inspired the students to conduct a walkout. More than 2,000 students exited the Crystal City Schools on that morning. Student leaders met with the school board. Their demands included recruitment of more Hispanic teachers and counselors, more challenging classes for students and less vocational training, bilingual education at both the elementary and secondary levels, Mexican-American studies courses, and the addition of a student representative on the school board (Shockley, 1974).

Negotiators were sent to Crystal City in an attempt to broker compromises between the students and the school board. They asked the board to close the school early for Christmas holidays, but the board refused. Hostility prevailed in Crystal City. On January 9, 1970, the board, recognizing defeat, reluctantly agreed to the demands of the

students. This led to the formation of the La Raza political party which was successful in taking all school board and city council positions in the spring elections. Before the 1969-70 school year, inspired by the Crystal City successes, several other walkouts were staged by students in other South Texas communities where similar circumstances existed (Shockley, 1974).

3.5.1 Texas Reacts to Needs of Hispanic Students

Some Texas school leaders in Austin were able to look into the future and understand that the state was going to have to make changes to the need of improving the quality of education for Mexican-American students. The Laredo United was one of the first school districts to develop a quality English-Spanish bilingual program. They began to sponsor and showcased this program at various conferences and meetings. Some Texas local school administrators became interested in the program and started programs in their own districts modeled after the Laredo United model. By 1969 there were 16 school districts offering bilingual education to more than 10,000 students. These programs varied in their instruction arrangements. Some used Spanish while students learned English. The other extreme used English and Spanish equally with the objective being competence in both languages. Others used some combination between the two extremes (Rodríguez, 2010).

After the school walkouts during the 1969-70 school year, this interest intensified. Texas had enforced an English-only law that had been passed in 1918. Oddly enough this law was not aimed at Mexican-Americans but was used to stop German-Americans from establishing bilingual programs using German. This law was passed during the

height of World War I when many German-Americans were suspected of being German sympathizers. The Texas Education allowed the Spanish bilingual programs to progress on the grounds that they were experimental (Rodríguez, 2010).

The ESEA act had allowed Texas schools to develop many compensatory programs which would allow students to progress in their educational objectives while learning English. These programs used varying techniques and approaches to accelerate English language acquisition skills. These approaches were used by programs such as migrant education, Head Start, and Follow Through. Each of these programs concentrated on the development of English language skills. Title VII of the ESEA act specifically addressed the problems of students who were disadvantaged because of their inability to comprehend English. This provided direct grants to school districts enabling them to develop their bilingual programs over a five-year period.

3.5.2 The US Department of Justice reacts to Hispanic Education Needs

After the student protests, Mexican-American citizens began to ask the US Department of Justice to assist them in their efforts to get their local school districts to improve conditions for their children. The US Commission on Civil Rights documented the effects of separation and unequal education. The prohibition of the use of Spanish and other culturally exclusionary practices had a negative effect on educational progress. Dr. Severo Gómez, an official at the Texas Education Agency (TEA), reported that in the five largest cities in the state fifteen percent of the students had Spanish surnames but supplied ninety percent of the dropouts (Rodríguez, 2010).

Chicano activists convinced the Office of Civil Rights to begin investigating civil rights violations against language minority children. This increased the pressure of school districts and the State of Texas to hasten their action toward providing more bilingual programs. It also signaled that the OCR was broadening its scope beyond the civil rights of blacks and into the rights of other minority races (Rodríguez, 2010).

On May 25, 1970, J. Stanly Pottinger, the OCR director, sent out a memorandum to school districts across the nation that school districts enrolling more than five percent language minority children under Title VI of the 1964 Civil Rights Act would have to provide equal opportunities for their limited English proficiency (LEP) students. It stated that school districts had to take action where limited-English speaking students were unable to participate in all aspects of their educational programs. He specified that (1) LEP students could not be assigned to special education classes or excluded from taking advanced courses on the basis of tests which measured only English language skills; (2) that ability grouping could not be used for dealing with language needs, and (3) that parents of minority language students had to be informed about school events in a language other than English if necessary (Pottinger, 1970).

The OCR conducted visits to several Texas school districts in order to see if these requirements were being followed. Where they were not being followed, they were required to develop action plans to ensure their implementation. During these visits, the OCR documented the harmful effects of the separate but equal practices in the schools. Their report stated that these practices led to poor academic performance, demeaning

influence, and created alienation between the schools, their parents, and the children (Rodríguez, 2010).

School districts which received federal funding under NDEA Title VII for development of their bilingual programs had an obligation to continue the program at the end of the five-year period they received for development. As these grants approach their end, these school districts began to understand the fact that they were costing extra money. In 1971, State Senator Joe Bernal and State Representative Carlos Truan introduced a bill in the Texas Legislature to fund and assist school districts in the development of their bilingual programs. This bill did not reach the floor of the Senate for a vote. In the next session they re-introduced the bill, and it passed. The bill at this time was supported by Governor Dolph Briscoe. The bill required Texas public elementary schools, which enrolled twenty or more students with limited English ability in any grade level, to provide bilingual instruction. The bill required the use of a child's native language to be used in instruction as the child was transitioned into English. This legislation abolished the English-only requirement which had become effective in 1918. This bill not only mandated bilingual education but stopped the prohibition of the use of Spanish in Texas schools which had become a common practice. In 1975 Terrel Bell, the Commissioner of Education in the Department of Health, Education and Welfare, established guidelines for the identification and evaluation of English limited students to be placed in bilingual and English language learning programs (Rodríguez, 2010).

3.6 English Language Learning Required

In 1974 the United States Supreme Court rendered a decision which would embed bilingual education as an important element in the lives of all language minority students in the United States. This lawsuit was entitled *Lau v Nichols*. This lawsuit was filed against the San Francisco school district by a group of Chinese families. These parents alleged their children were not receiving equal education instruction and therefore were entitled to relief under the fourteenth amendment. When the San Francisco integrated their schools under court order in 1971, there were 2,800 Chinese students who did not speak English. Only 1,000 of these students were receiving supplemental instruction in English after integration. The question in this case was whether schools were meeting their obligations to students by merely treating all students the same. In other words, are the school districts also obligated where within this equal treatment to see that the students actually have equal opportunities to learn, or must they offer special assistance to students in need of help in understanding English? (*Lau v. Nichols*, 1974).

The petitioner did not specify a remedy for their dilemma. They requested that the board of education be directed to apply its own expertise in rectifying the problem. The district and appeals courts ruled for the school district. The appeals court reasoned “every student brings to the starting point of his educational career different advantages and disadvantages caused in part by social, economic and cultural background, created and continued completely apart from any contribution by the school system” (*Lau v. Nichols* 83F.2d 497). They further reasoned that the district was entitled to determine how the needs of its students should be met.

The case was brought to the Supreme Court. Justice William O. Douglas gave their opinion on January 21, 1974. The court ruled in favor of the plaintiffs. The decision did not rest completely on the equal protection clause but included the fact that the school district was receiving money from the federal government. This money was dispensed through the Department of Health, Education and Welfare. The department has the authority to make regulations, and in 1968 issued a guideline that schools districts were responsible for seeing that students were not to be discriminated against because of race, color, or national origin (Lau v. Nichols, 1974).

The Supreme Court used sections from the California Education Code to show that the school district was educating the Chinese students in desegregated classrooms with the same curricula, teachers, textbooks and facilities but were not fully understanding and learning because of their language. The code requires that English shall be the basic language of instruction. It requires mastery of English for all students in its schools. It states that no student shall receive a high school diploma who has not met the English standards' proficiency requirement. It authorizes bilingual instruction. It concluded that students cannot meet these standards simply by being furnished the same textbooks and curriculum, and that students who do not understand English are foreclosed from receiving a meaningful education. Before a child can effectively progress in his learning, s/he must be afforded the opportunity to gain these skills. If the student does not possess these skills, the child will find his/her educational experiences totally incomprehensible (Lau v. Nichols, 1974).

The court found that under these circumstances, language minority students were not receiving adequate educations in the programs being offered by the school. The school was ordered to take affirmative steps to remedy the language deficiency, so that its instructional program would be open to all of its students. The school district agreed to comply with the requirements of the Civil Rights Act of 1964 and the regulations outlined by the Department of Health, Education, and Welfare with immediate attention. The case was remanded to the Appeals Court for further fashioning of appropriate relief (Lau v. Nichols, 1974).

Justice Blackmun and Chief Justice Burger added the following observations to clarify their decision. They doubted that these students could have possibly been comprehending when these classes were taught in a language they did not understand. They pointed out that in the past, immigrant groups instilled in their children the importance of learning English and made attempts to see that they did. They realized that eventually their children would be pushed out of the nest and into the world of reality where English was a necessity (Lau v. Nichols, 1974).

These justices also pointed out that this case represented only the situation that existed in San Francisco. They indicated that this case represented the interests of 1,800 students, and in another case which only represented one or a few students their decision should not be regarded as conclusive. For them the numbers were considered, and their concurrence was to be accordingly understood. This statement gave notice that school districts with small numbers of minority language students might not be required to follow procedures outlined as remedies in this case (Lau v. Nichols, 1974). Regulations

put into action require plans, not necessarily bilingual, insuring that the student understands instruction being carried out in a classroom.

With the *Lau* decision, the United States Supreme Court was guaranteeing children the opportunity to receive a meaningful education regardless of their language background. No longer would they be left in English-only classrooms to sink or swim where they would be given no help in understanding their lessons. The decision failed to provide the pedagogical means to provide the prescribed services. The school districts were left with options on how they would be filling the gaps. Even though the decision did not mandate bilingual education as the only method, most educators believed that it did. The mandate was clear in that the schools would have to furnish their language minority children with the same instructional objectives which were provided to their other students (Crawford, 1998).

Crawford (1998) wrote twenty years after the decision that this mandate has not been filled. Many educators continue to blame the children and their families for their language deficiencies. Children entering the first grade are no longer assigned to sink or swim programs, but they are assigned to new placements with new forms of neglect. The students are now being served by “bilingual” programs, but their quality is questioned. The fact is that there are few well designed programs which are staffed by competent teachers. Insufficient numbers of competent teachers, lack of materials, assessment tools, resistant administrators, policy makers, and attacks on the concepts of bilingual education have impeded efforts to provide the needed services (Crawford, 1998).

The Reagan administration failed to formalize Lau remedies. Enforcement of the mandate was limited, and the federal government stopped the funding of the Title VII projects. In 1985 the Secretary of Education, William Bennett was a failed path, which has stood in the way of learning English (Crawford, 1998).

Another study was completed by Brentin Mock (2015). It stated that the Lau remedies used by the San Francisco schools were duplicated by many school districts across the nation. Over the past several years many of these districts had been court ordered to develop such plans. In most major cities, their growth has resulted in populations much more diverse than those in San Francisco in the 1970s. They still struggle with or resist helping their immigrant students with their language deficiencies. The number of San Francisco's limited English students had increased to 16,000. According to Mock (2015) the Justice Department required the new plan to:

- (1) assure that ELL students are appropriately identified and placed when they begin school
- (2) provide families with a suite of service options for their ELL student's education
- (3) ensure that ELL students with disabilities receive language programs and services
- (4) require employees who serve ELL students to have training appropriate to their roles

(5) protect the educational rights of the district’s most at-risk and vulnerable ELL students who are learning in juvenile justice systems

(6) communicate with limited English proficient families in a language they understand and conduct robust training (p. 3)

These new directives sound very similar as they were almost the same as the contract the schools had signed after *Lau*. They did serve to condense the myriad of regulations that had been distributed since 1974. The new simplified rules simply replace ones which school districts had learned to work around or ignore (Mock, 2015).

According to the Justice Department, nine percent or almost 5,000,000 students in the US are classified as English language learners. It can be implied that the fact that these students have been ignored means poor academic performance, and greater chances of being reprimanded, expelled or suspended, which often can be attributed to language problems. The “school to prison” pipeline is working for many Latino students who are caught in this web (Mock, 2015).

3.7 The Revolt against Bilingual Education

The Lau decision has also furnished fuel for the “English-only” movement. Powerful well-funded lobby groups were formed with the stated purpose of making English the official language of the United States. The elimination of bilingual education was one of their targets. At one time, public opinion polls showed that eighty five percent of the people wanted English as the official language. They expressed fear that making the US into a two-language nation would have severe consequences. As their support increased, they took their battle to the state legislatures with some successes.

In 1998, proposition 227 was placed in the hands of California voters aimed at the elimination of bilingual programs. The voters approved the proposition with an overwhelming 2/3 majority. Eighty percent of the Hispanic voters supported this proposition. An official voter information circular prepared by the California Attorney General listed some content to assist voters in choosing how they would vote, and it listed the various items which would become law if approved. It is interesting to note that the packet informed voters that a no vote meant “students will be placed in classes in which the teacher speaks their home language some or nearly all of the time. Students might stay in these classes for several years before moving to regular classes” (California Proposition 227). Perhaps this explains the Hispanic support of the proposition. They were led to believe that their children would be in classes where English language skills were not being taught. Hispanics knew the value of their children being accomplished English speakers and were not informed that the transitional classes had the following powerful English language learning components: (Proposition 227, 2006)

- (1) requires all public school instruction be conducted in English
- (2) requirement may be waived if parents or guardian show that the child already knows English, or has special needs or would learn English faster through alternate instructional technique
- (3) provides initial short-term placement, not normally exceeding one year, in intensive sheltered English immersion programs for children not fluent in English

- (4) appropriates \$50 million per year for ten years funding English instruction for individuals pledging to provide personal English tutoring to children in their community
- (5) permits enforcement suits by parents and guardian

California schools immediately complied with the regulations imposed by proposition 227. Students were placed in one year programs to acquire the English language skills that would allow them to successfully participate in regular classes. The Mexican American Legal Defense and Education Fund attempted to delay the enforcement of this referendum but were denied. This continued until 227 was repealed in 2014 with the passage of proposition 58.

The state of Arizona quickly followed California's lead in passing an initiative intended to eliminate bilingual education in the state. On November 7, 2000, sixty three percent of Arizona's voters passed the initiative with a landslide vote. The law was known as "English for the Children" and also was named after its major financial supporter, Ron Unz, a wealthy software entrepreneur from the Silicon Valley. This initiative was submitted to the voters by the Arizona Legislature even after a report by the State School Superintendent indicated that it was impossible to assess how much students in English language classes were learning as opposed to those in bilingual programs (Keegan, 1999).

The effort supporting the initiative was widespread including a front-page story in an edition of the *New York Times*. This story expounded on the successes that California schools were having after passage of their similar proposition. The particulars of the

article were disputed by noted bilingual theorists. This story and the resulting media coverage was instrumental in the passage of the proposal (Steinberg, 2000). Much of the information that was used to support the initiative lacked any documentation from scientific studies. One in this category was that the high dropout of Hispanic students was caused by the fact that these students were limited with their exposure to English in elementary schools and therefore unable to handle the secondary subject matter. The fact was that as many as forty percent of ELL students in Arizona were not receiving any special linguistic services at all. This was in spite of the fact that these services had been mandated by *Lau v. Nichols*.

Implementation of the law was begun at the beginning of the 2001-2 school year. The first part of the law recites importance of English and the learning of English by the students. It states that the parents of Arizona's school parents want their children to acquire a good knowledge of English which would allow them to participate in the American dream. It explains that Arizona Schools have the moral responsibility to "provide all of Arizona's children with the skills necessary to become productive members of our society" (Proposition 203, Title 15, Chapter 7, Article 3.1).

Section 15-752 of the statutes reads, "All children in Arizona Public Schools shall be taught English by being taught in English, and all children shall be placed in English language classrooms. Children who are English learners shall be educated through sheltered English immersion during a temporary transition period not normally intended to exceed one year." It also allows schools to place ELL students in multi-level classrooms and encourages the mixing of students from different language groups to be

mixed for the purpose of learning English. Section 15-753 allows parents to request waivers which would allow their children to participate in a bilingual program. Schools with twenty or more of these children would be required to grant the parents request. As in California, parental enforcement was authorized (Proposition 203, Arizona).

In spite of these gains by the English-only movement, the League of United Latin American Citizens (LULAC) has not given up their fight to preserve the Spanish language and the cultures of Hispanic society. Through their activism, they are continuing to hold seminars and public symposiums on language and immigration issues. They strongly believe the English-only movement, if it is left unchallenged, will be successful in its quest to make English the national language. They believe linguistic pluralism is the glue that helps make the US a great nation (LULAC, 1986).

LULAC uses a new concept to promote their agenda. They call it English-plus. This concept endorses linguistic diversification and promotes the idea of multilingualism as one of the nation's greatest natural resources. This idea supports the practice that the addition of a second language to an individual's assets should be accomplished without giving up the first language. Bilingual programs can also be made available to English speakers while developing their skills in English reading and writing (LULAC, 1986).

The Mexican American Legal Defense and Education Fund (MALDEF) organization have also been in a continued mode of resistance. They support bilingual with the belief that it has not failed. They contend that there are many successful bilingual programs. They also concede that there are programs that are not successful. These programs fail just like many programs in public schools, and this is caused by the lack of adequate

resources, untrained teachers, and poor management. They point out that a school district which has poor management of the bilingual problem also probably mismanages its science and math programs. The answer to a bilingual program which performs poorly is to fix it. Fixing the program can be accomplished by providing it with needed resources, training its teachers, and holding it accountable (MALDEF, 1999).

Hispanic organizations do not believe that a constitutional amendment designating English as the official language would produce better citizens. They believe that it would result in more division and more conflict. They question whether such an amendment would deter the use of such practices as court interpreters, bilingual 911 operators, and the use of bilingual employees in governmental social agencies. They believe that English **is** considered to be the national language (LULAC, 2006).

The “push back” from the effects of the successes that have been enjoyed has been successful in reversing some of the changes. On September 14, 2014, Governor Jerry Brown of California signed California Initiative 58 into law which essentially repealed proposition 227 from the state’s law books. Since 227 had been voted into law by the voters, a change in it would also require approval from voters. This time seventy-five percent of the voters cast their ballots for the referendum. This change was supported by a wide array of organizations and the media. It emphasized that what was wrong with 227 was the elimination of bilingual education as a means of acquiring competency in the English language. Proposition 58 contained the following provisions:

- (1) preserves the requirement that public schools ensure that students become proficient in English

- (2) requires that school districts must solicit parent and community input in developing language acquisition programs to ensure that students acquire English as rapidly and efficiently as possible
- (3) requires that school districts provide students with limited English proficiency the option to be taught English nearly all in English
- (4) authorizes school districts to establish dual-language immersion programs to both native and non-native English speakers
- (5) allows parents/legal guardians of students to select an available language acquisition program that best suits their child.

Proposition 227 Final Report was released by the California Department of Education in 2000. It began by stating that since Proposition 227 was instituted, California schools had experienced achievement gains as shown on assessment and reporting programs. They did indicate that there was no evidence that this improvement could be attributed to the provisions of 227 (Proposition 227, 2016).

It was noted that the achievement gaps had decreased slightly since the start of the initiative. The report's final conclusion was that there was no evidence that the model offered was a clear determinant in the success of English Language Learners (ELL). They did offer the idea of looking at some of the state's high achieving schools to find out what made them successful. They had observed that these schools were successful in that they had the capacity in their staffs to meet the needs of the ELL students, a focus on English Development based on standards, high expectations for students, and systematic assessments (Proposition 227, 2016).

No mention of the characteristics of the students attending these programs were noted. This is critical in evaluating the success of the students. These studies would only be worthy of replication if they were conducted in schools with large numbers of students who initially score low in their ability to speak English. The characteristics closely parallel the results of the effective schools' studies previously outlined in this study. What should be noted is the fact that these studies were conducted in schools with populations where academic success was not generally achieved. This research found that schools achieved success when they operated in a school climate which reflected shared values, identified basic central learning skills, monitored student success, conducted staff development appropriate to meet student needs, parent involvement, strong instructional leadership, and high expectations for their students (Levine, 1990). When school districts have used these items of practice in their schools, they have found success. They also support the MALDEF position that good schools with sound management produce good results, and schools that do not follow the practices have bad results.

Bilingual education programs should have never been discarded using failure as a reason. There were programs that failed. These programs failed because they were produced in haste with little support from parents and community. The courts demanded quick change, and the states and school districts for the most part were totally unprepared. In order to meet this demand, the schools declared "we shall have bilingual education." Mandated rules are difficult to support in the eyes of many teachers and administrators. They have strong feelings that what they are doing is the correct way, and change is not needed. They have confidence and have witnessed the fact that

whatever new comes around eventually disappears, and things go back to the way they were. In order to prepare for success little thought was given to how and by whom these services were to be offered. Many Hispanic teachers were put in the roles of bilingual teachers because they were able to communicate in Spanish. Many of them actually did not support bilingual education due to the fact that they had found success through being subjected to the “sink or swim” English development programs that were prevalent in their elementary and secondary school experiences. They were not prepared in the methodology that would be necessary in bilingual programs nor were they provided with teaching materials appropriate to meet student needs. Teachers reverted to what teachers often do and taught like they were taught. Principals were charged with monitoring programs they did not understand and often not agree with implementing them. The fact that some of these programs were successful was a miracle, yet they did. These programs succeeded because there was a cadre of pioneers who knew how badly it was needed and worked double time to find ways to make them work. The effective school research had not been conducted, but these pioneers provided the data to support it.

3.8 Bilingual Education is here to Stay

Bilingual education is here to stay. Proposition 58 has a concept which would make it work to the advantage of all students. This concept is that all students should be offered bilingual instruction. It should be offered in settings where English monolingual students participate in the same setting as ELLs. They in effect become second language learners themselves. This type of program is now being offered in several languages other than Spanish.

It should be considered a national shame that the legal actions described in this chapter had to be performed in order for all Americans to participate in our society. Unfortunately, they had to be performed as they were necessary for equity to become a reality for a large portion of our population.

The legal actions described in this chapter have taken over two centuries and represent a dedicated effort to provide equity for all Americans. These actions have produced a final product that will provide a faster pace toward equity for today's immigrant students. The Guatemalan Maya students will be able to realize their benefits as they enter the schools in the United States. These regulations, laws, and court decisions have been enforced by the United States Department of Justice for the past fifty-four years, and they are understood by most schools and school districts. The following chapter may be used for guidance as these schools receive these school children.

CHAPTER IV

IDENTIFICATION OF EDUCATIONAL PROGRAMS TO SERVE MAYA STUDENTS

The large number of Maya families who are migrating to the United States present a challenge to the schools in which they are enrolling. These families have arrived with great expectations and hope for the future. They have come to America with the hope that they will be safe from violence and will have employment opportunities to sustain a higher lifestyle.

A high-quality education has not been available to most of the parents, and the value of education is not always understood. The education of the parents must be a part of the children's education in order for them to grasp how essential schooling is in this country for advancement of their life styles. Parents must realize that their children will have opportunities to rise to levels of which they themselves had never dreamed. The schools must work with parents in inspiring them to instill the fact that those opportunities are available to their children, but require goal setting and effort if they are to be utilized to their advantage.

Bilingual education has surged within the United States as inequalities were recognized along with the part language education could play in providing social opportunities which could make equity a possibility for the masses (García, 2001). Through two centuries of change, opportunity has been broadened to a point where most Americans have access. Language skills are a key to open the doors where this access is available.

In this chapter methods and strategies will be explored which can lead to high levels of performance for English language learners. Bilingual education will be the centerpiece. Its strengths are that it uses whatever language the child has as a foundation which eventually leads to the acquisition of high level English skills. Bilingual education helps the child in his development of his/her identity. It helps the student to feel worthy and develop confidence in himself to set and achieve lifetime goals.

Bilingual strategies will be detailed. Experiences schools and individual educators have used with Maya children will be noted looking for ways to apply to models designed to specifically apply to Maya children. These children offer unique challenges since they often have minimum language skills in two languages. They have spoken Mayan in their homes as young children, and then have been exposed to Spanish as they have entered schools.

4.1 Language as a Problem, Right or Resource

When Ofelia García (2001) mentions that language can be viewed as a problem, right, or a resource, this view certainly applies to the education of the Maya student. Educators are often reminded of the fact that language is not to be viewed as a problem for fear of how the child will interpret such views in regard to personal feelings about himself/herself. For the receiving educators, it is difficult for them not thinking they have a problem which somehow they must solve. Language is a problem for the student because s/he is placed in a classroom where no one can communicate with him.

Language is a right. The student has a right to a free public education which is guaranteed to him/her under the fourteenth amendment. The child has equal protection

under the law. *Lau v. Nichols* said the student had a right to receive instruction in a language s/he could understand. But, two of the Supreme Court Justices said that the decision they made was based on a case that involved hundreds of Chinese students and was not necessarily aimed at providing bilingual language services for one student. The fourteenth amendment said “all” persons had equal protection. It did not say that the individual had to be a member of a larger group to receive individual rights. The school does not have the right to decline protection under the law for one autistic student because there are not enough students to justify a staff to support his/her needs. Special education law directs that services shall be provided according to the need of the child.

It is a strong possibility that any federal judge would rule for the child if a school was failing to render the services the Maya child might need for successfully participating in the basic curriculum. *Lau v Nichols* does give the school some leeway on how these services should be provided and has not ruled out English-only.

It is difficult to imagine anyone who would disagree with the idea that language is a resource. It is an asset that can be used to promote success in the economic and social world of the individual. For the Maya students, their best chances for bright futures lie within the power of the receiving schools to meet their educational needs. With their knowledge of both Mayan and Spanish, even though small, they have the potential to become trilingual. What an asset this would be if they become teachers, lawyers, engineers, doctors, or social workers. The wave of Central American immigrants is destined to continue. They are in demand because of their work ethic and willingness to

perform work others do not want. This generation of Maya students can be leaders in their communities and active in assisting others to find equity in their lives.

4.2 Need for Bilingual Education and its Benefits

A simplistic answer to the question of why bilingual education is necessary is given by Fishman (1976) in his affirmation that bilingual educational is good for everyone. Bilingual education has something to offer to those who are given the chance to participate. Economic, social, intellectual, and mental benefits are opened when one attains the status of being bilingual. For the Maya child who arrives in the United States the opportunity to progress from the Fourth World to a whole new world of safety and independence is opened.

Bilingual education is needed because almost all statistical studies reviewed show that more than a third of the ELL students in this nation are failing to meet competency standards in the use of the English language over a reasonable length of time. American schools seem to be chasing the impossible dream that all students are going to be above average rather than perusing the possibility of raising the English competency levels of each of the students in that lower one third group. In fact, this group seems to be left with no achievement gains utilizing any of the models. These students represent the population of students who are below the gap. It is reasonable to assume that many of the Maya children will become a part of this group the first day they enroll in school. Guatemalan Maya students in rural areas probably do not have the support from English language television which is present in the homes of their urban counterparts in the US.

It is necessary for schools to make every effort to advance them into higher skill levels in order for them to reach the status of equity for which we strive.

Studies of academic success will be discussed later in this chapter as they relate the evaluations of the methods used to achieve them. Beyond these cognitive benefits, studies also show significant economic benefits are gained for those who possess bilingual skills. The bilingual's chances for being employed in jobs other than hard labor are enhanced along with their ability to be promoted to higher levels in their positions. Their earning capacity is significantly improved over their counterparts who did not participate in bilingual programs. Bilingual education creates these opportunities for many jobs where advancements require competency in their first language (Goldenberg and Wagner, 2015).

The bilingual student lowers his chance of dropping out as he advances to higher grades. Many high-status entry level jobs require language competencies in a language other than English (Rumbaut, 2014). Bilingual education has positive effects on identity, intergroup, and self-esteem (Alarcón, *et.al*, 2014).

Monolingualism and lack of skills in the first language can also have a negative effect on employment and earnings. There are increasing demands for employees who speak foreign languages. This is particularly true if the language is Chinese or Spanish. An employment coach reports that it is easier to find jobs for them, and they can also make more money (Alarcón, *et.al*, 2014).

A well-documented summary of what bilingual education offers in terms of long-term assets written by Bridget Benz Sizer summarizes some of the surprising benefits of

bilingual education. These same benefits were observed in other studies, but Bridget's puts them all together (Sizer, 2011).

These are:

1. **Brawnier Brains:** Learning to process the words and sounds of a second language pays dividends increasing brain power. Children who acquire a second language before they reach the age of 5 show a more dense grey matter in their brains when compared to their monolingual peers. The part of the brain which is grey matter controls communication and language, and the higher density translates to a higher intellect.
2. **Delayed Dementia:** Bilingual individuals are diagnosed with dementia 4.1 years later and exhibited symptoms 5.1 years later than monolingual patients. More than one language increases cognitive reserves. These reserves do not eliminate dementia but delay encroachment of Alzheimer's.
3. **Superior self-regulation:** Even though critics insist bilingual education creates confusion, it does not. Switching between two languages improves one's ability to concentrate on a single task and the ability to control oneself. Self-regulation helps children do better in school.
4. **Reading Readiness:** Speaking a second language helps a child's awareness of sounds and his ability to manipulate them. Sound manipulation (phonological awareness) has also proven to be an excellent predictor of the ability to read.

Children who learned to read in their first language exhibited enhanced phonological and English reading skills. (pp. 1-2)

4.3 Building Programs for Bilingual Students

Schools have this window of opportunity to provide hope in the lives of their Maya students. They have a chance to devise programs that can make a difference. These students, like their parents, are willing to work. This can be capitalized on in transferring this ethic toward education. Their entire lives will be determined for the most part in their schools and measured by the linguistic qualities they are able to achieve.

These programs will have to be designed to build upon whatever linguistic skills the children bring with them. The skills they bring need to be reinforced and improved as a part of their education. Their parents must be involved and instilled with optimism. They need to know their culture is respected and valued.

The answer to fulfilling the dreams of the Maya children have the best chance of being realized through some form of bilingual education. This study will look at different formats for conducting bilingual programs. School districts and individual schools can use one of these formats or combinations as they develop plans. It is important that every stakeholder has an opportunity to offer input into the plan.

The negotiation of an externally imposed policy can be a time consuming and difficult process, but is the most important task as new programs for limited English are to be initiated. The professionals within an institution will play important parts which may be in support or resistance to the needed changes. The impact of reform is only as valuable

as the concepts of learning and teaching on which they are based upon (Palmer and Lynch, 2008).

4.4 Elements of Successful Programs

Strong leaderships are vital in the implementation of new concepts. The new program must be supported by the leadership from the top echelons of the organization to the leader in an individual school or campus. Research in educational leadership has shown that the individual school leader is the most important agent in improving schools. S/he is able to promote success by having and believing in a strong mission statement, giving direction, having professional development related to the desired outcome, and managing the restructuring of the instructional program (Hallinger, 2005). Four critical characteristics possessed by the school leader lead to success and the sustaining of language programs. These are the commitment to and knowledge of a language learning process where students are successful, the ability to identify and allocate resources, and knowledge on how to build capacity. Potential school leaders must receive the professional training they need to provide these services before they undertake the responsibility for developing programs on the site where they are to be delivered (Alanís and Rodríguez, 2008).

It is very important to consider the thoughts and opinions of individual teachers when educational change is needed. Some research has been conducted related to the decision-making process teachers use in making changes to different types of instruction. Educational leaders need some knowledge of how teachers envision change which they are expected to make. Studies have been made with results that can be shared with

school leaders to give them ideas of how to understand these thoughts and resistance to change: “Individuals will go to extraordinary lengths to resolve contradiction, particularly when they face contradiction in places such as a workplace where they have little or no power” (Palmer and Lynch, 2008, p 218).

Since many areas of the US are receiving their first students who use an indigenous language as their primary means of communication, they need to be prepared to make decisions about how the child is taught and receive a lot of assistance in the implementation of the plan. This child must be assured that s/he is wanted and respected if s/he is to be successful in his quest for an education.

Parents need to be involved in the way their child is to be instructed at school. Efforts have been made by English-only strategists to convince parents that bilingual education was harmful to their children. Anti-bilingual groups told ELL parents they were trying to help their children and enable them to participate in the American dream. During the efforts to eliminate bilingual education in California with Proposition 227, pre-election polls indicated that two thirds of the Hispanic population would be supporting it. Some election results reported even higher percentages of Hispanic “yes” votes were cast. Several exit polls conducted later indicated that this was a gross misrepresentation of the actual voting. It is interesting to think about how these polls were conducted and by whom. It is easy to imagine how a parent may have indicated how they would or had voted. It is easy to assume they would have given the answer they felt like the pollster wanted to hear. It would be interesting what source of information and by whom it was given to allow them to make the decision as to how they would vote. Most of the

information given to voters prior to the election and viewed in this research could be interpreted as saying to the ELL parent that their child would be instructed only in their native language. These parents could then logically think that they had brought their child to the US to learn English and not their native language. It would also be interesting to know what efforts were made to encourage or discourage efforts of parents to “op into” bilingual education as allowed by 227, and if efforts were made to discourage them from selecting bilingual education for their child, powerful Hispanic organizations such as MALDEF and LULAC countered (LULAC, 2006).

The debate over bilingual education reached head in 1998 when the people of California initiated and passed their own law with the intent to end bilingual education. One thing 227 did was to allow the public to vote on how education would be delivered in public schools (Stritikus and E. García, 2003). Without realizing it, parents were suddenly empowered. NCLB, the No Child Left Behind Act, gave further parental empowerment by specifying a statutory definition for the elements of parental participation. These are: (NCLB)

- Parents play an integral role in their child’s education
- Parents should be involved in the education of their child
- Parents are full partners and are to be included in decisions about their child and encouraged to participate on advisory committees.

The opinions of the parents of ELL children are important. If they are to support such programs, it is extremely important that they play a part in their development. This is especially true if parents are indigenous language speakers. The Maya parent has been

subjected to the idea that he was born to work. In all likelihood, the Maya parent has not gone beyond the third grade and was encouraged to go to work at a young age to assist supporting the family. These parents need reinforcement of the idea that education is important, and that their children need to be exposed to as much schooling as possible. They need to understand that it will allow their children to advance to a higher living status as opposed to the one they have lived as children and young adults.

4.5 Why Bilingual Programs Fail

Yes, there are bilingual programs under the guise of bilingual education which do fail. Failure happens when programs are poorly prepared and poorly presented. A compilation of reasons studied for this article include the following: (a) The program was developed hastily because it was mandated; (b) small numbers of stakeholders were included in the planning; (c) the community was not involved in the planning and do not understand its purpose and give little support; (d) teachers were recruited because they spoke the first language rather than because they believed in bilingual education; (e) the program was not explained to staff not involved in the program, and they felt threatened by it and became critics; (f) teachers were poorly trained; (g) the program was not monitored and staff was left to practice it as they saw fit; and (h) adequate resources were not provided for books, supplies, and materials. A successful program needs to meet and address all of these elements.

Research can be found to support the fact that bilingual education is good or bilingual education is bad. The researchers can find the answers they want by which schools they study. It is obvious that schools which provide high quality bilingual services are going

to produce success, and those who have poor bilingual programs will show failure. In order to best serve minority language students, the successful schools need to be studied and their replication promoted. This does not mean the failed programs should not be studied. These programs need to be researched from the viewpoint of why bilingual education failed.

Critics of research writing on bilingual education as a failure have noted that the researchers were taking at face value what “treatments” were being followed in the programs they studied (Gándara and Contreras, 2009). In general, successful programs happen in schools which possess the following characteristics. The principal is a strong instructional leader and supportive of the program. The objectives of the program are understood and documented in a well-written curriculum. Assessments are made in timely intervals, and also adjustments, resulting in improvements. The parents are involved as partners and play a significant part in their children’s education. As a general conclusion, the researchers finding failure were only looking for the fact that the bilingual program failed. They did not look for the reasons they failed. Had their research looked for the causes of failure, they would likely have found an absence of the qualities found in the successful schools. These studies pale in comparison to the scientific data produced by Thomas and Collier (2002) in their five-year longitudinal study showing that bilingual education was succeeding.

4.6 Bilingual Education Works

Numerous studies have been made in the past forty-five years with the intent of showing that bilingual education works and students’ progress in achievement are the

result of participating in structured programs. Some of the most informative studies were conducted in the 1990s during the assault on using foreign languages to instruct students in the US.

4.6.1 Thomas and Collier Research

One of the better research projects during that period was conducted by Thomas and Collier and published in 2002. The results of this study showed that bilingual education is effective and worthy of replication where there are minority language students in need of high quality education. The study was conducted with the intent to provide information to schools and school districts giving them a basis for analyzing methods of English language acquisition methods and making decisions about which method might be best for their particular population. Even though it is dated, the programs being evaluated at that time are similar to the more effective programs which are in progress today. Five sites were chosen to participate in the study and contractual agreements were negotiated with the school districts. Two of the sites were in the Northeast, with one each in the South-Central, Northwest, and Southeast regions of the US. The regions represented by these schools are projected to be the places of residence for forty percent of the ELL population in 2030. The students represent high numbers of students who are currently being undereducated (Thomas and Collier, 2002).

A total of 80 languages were represented in the sample with three of the sites serving mostly Spanish speaking students. The total number of entries represented in these samples numbered 210,054. Quantitative and qualitative data was collected on each of these students on an annual basis covering twelve years (Thomas and Collier, 2002).

Qualitative analysis of student outcomes from eight types of delivery for English learning services were made from the program results. These programs were: “90-10 two-way bilingual immersion (or dual language); 50-50 two-way bilingual immersion; 90-10 one way developmental bilingual education; 50-50 one-way developmental education; 90-10 transitional; 50-50 transitional bilingual education; English as a second language taught through academic content; and the English mainstream” (Thomas and Collier, 2002, p. 2).

In each locale, each group or groups was compared to a similar cohort group or groups representing similar demographic characteristics, but using different style of instruction. These characteristics represented first language, second language proficiency, socioeconomic status, prior schooling, and scores on standardized tests (Thomas and Collier, 2002).

Each student was followed for a five-year period from their first entry into one of the cohorts. Measurements were made using standardized achievement tests in the areas of literacy, social studies and mathematics. The students entered kindergarten or first grade classes with little or no English proficiency, and they were followed through the end of the project. The findings of this report are essential for those who are starting bilingual programs or looking for improvement of the one they are using. The summary of the 351-page report is quoted in full in order for it to be completely comprehended. Documentation is noted within each category.

(a) English language learners immersed in the English mainstream because their

parents refused bilingual/ESL services showed large decreases in reading and math achievement by Grade 5, equivalent to almost $\frac{3}{4}$ of a standard deviation (1.51 NCEs), when compared to students who received bilingual/ESL services. The largest number of dropouts came from this group and those remaining finished 11th grade at the 25th NCE (12th percentile) on the standardized reading test (Thomas and Collier, 2002, pp. 113-114, 122-124. Figures C-1, C-2, Tables C-1, C-2, C-10, /C-11).

When ESL content classes were provided for 2-3 years and followed by immersion in the English mainstream, ELL graduates ranged from the 31st to the 40th NCE with a median of the 34th NCE (23rd percentile) by the end of their high school years. (pp. 112-114, 126-127, 241-256, Figures C-1, C-2, E-1, E-6, E-7, E-8, E-9, E-14, Tables C-1, C-2, E-1, E-6, E-7, E-8, E-9, E-14)

- 50-50 Transitional bilingual education students who were former ELLs, provided with 50 percent instruction in English and 50 percent instruction in Spanish for 3-4 years, followed by immersion in the English mainstream, reached the 47th NCE (45th percentile) by the end of 11th grade. (pp. 112-114, 126-127, Figures C-1, C-2, Tables C-1, C-2)

- 90-10 Transitional bilingual education students who were former ELLs reached the 40th NCE (32nd percentile) by the end of 5th grade. (In 90-10 TBE, for Grades PK-2, 90 percent of instruction is in the minority language, gradually increasing English instruction until by Grade 5, all instruction is in the English mainstream for the remainder of schooling.) (pp. 119-122, Figure C-8, Table C-7)

- 50-50 One-way developmental bilingual education students who were former ELLs reached the 62nd NCE (72nd percentile) after 4 years of bilingual schooling in two high achieving school districts, outperforming their comparison ELL group schooled all in English by 15 NCEs (almost 3/4 of a national standard deviation a very large significant difference). By 7th grade, these bilingually schooled former ELLs were still above grade level at the 56th NCE (61st percentile). (A one-way program is one language group being schooled through two languages.) (pp. 48-52, 58, Figures A-1, A-3, Tables A-5, A-6)

- 90-10 One-way developmental bilingual education students who were former ELLs reached the 41st NCE (34th percentile) by the end of 5th grade. (90-10 means that for Grades PK-2, 90 percent of instruction is in the minority language, gradually increasing English instruction to 50 percent by Grade 5, and a DBE program continues both languages in secondary school.) (pp. 119-122, Figure C-8, Table C-7)

- 50-50 Two-way bilingual immersion students who were former ELLs attending a high poverty, high-mobility school: 58 percent met or exceeded Oregon state standards in English reading by the end of 3rd and 5th grades. (Two-way is two language groups receiving integrated schooling through their two languages; 50-50 is 50 percent instruction in English and 50 percent in the minority language.) (pp. 201-204, Figures D-4, D-6, Table D-18)

- 90-10 Two-way bilingual immersion students who were former ELLs performed above grade level in English in Grades 1-5, completing 5th grade at the

51st NCE (51st percentile), significantly outperforming their comparison groups in 90-10 transitional bilingual education and 90-10 developmental bilingual education. (pp. 119-121, Figure C-8, Table C-7)

SPANISH ACHIEVEMENT FINDINGS: A goal of one-way and two-way bilingual education is to graduate students who are fully academically proficient in both languages of instruction, to prepare these students for the workplace of the 21st century. We summarize native-Spanish speaker's long-term achievement on nationally standardized tests (Aprendizaje 2, SABE) in Spanish Total Reading (the subtest measuring academic problem-solving across the curriculum math, science, social studies, literature), following them to the highest-grade level reached by the program to date:

- In 50-50 Two-way bilingual immersion, Spanish-speaking immigrants after 1-2 years of U.S. schooling achieved at a median of the 62nd NCE (71st percentile) in Grades 3-6. These immigrants arrived on or above grade level and maintained above grade level performance in Spanish in the succeeding two years. (pp. 199-200, Figure D-2, Tables D5, D-6)
- In 90-10 Transitional bilingual education classes, native-Spanish speakers reached the 56th to 60th NCE (61st to 68th percentile) for Grades 1-4, and after moving into all-English instruction in Grade 5, they tested at the 51st NCE, still on grade level in Spanish reading achievement. (pp. 117-119, Figure C-5, Table C-4)

- In 90-10 Developmental bilingual education classes, native-Spanish speakers reached the 56th to 63rd NCE (61st to 73rd percentile) for Grades 1-4, and in Grade 5 they outperformed the TBE comparison group by 4 NCEs at the 55th NCE (60th percentile). (pp. 117-119, Figure C-5, Table C-4)
- In 90-10 Two-way bilingual immersion classes, native-Spanish speakers reached the 58th to 65th NCE (64th to 76th percentile) for Grades 1-4, and in Grade 5 they outperformed the TBE and DBE comparison groups by a significant 6 NCEs at the 61st NCE (70th percentile). (pp. 117-119, Figure C-5, Table C-4)
- In reading achievement across the curriculum, native-Spanish speakers outperformed native-English speakers when tested in their native language, for Grades 1-8, regardless of the type of bilingual program Spanish-speaking students received. Native-Spanish speakers remained significantly above grade level at every grade except sixth grade (at the 49th NCE), reaching the 64th NCE (74th percentile) in 8th grade. (pp. 117-119, Figure C-3, Table C-3)

4.6.2 Analysis of Thomas and Collier results

The Thomas and Collier study clearly points out the fact that English Language Learners progress at higher levels when compared to students in English-only programs. Those with the highest exposure in their first language saw the most favorable long-term achievement in mathematics and literacy. Those in mainstream English-only programs advanced more rapidly in the early grades, but this advantage disappeared by the fifth grade and continued to decline if students enrolled and remained in bilingual programs past that level. Those students who accomplished the most were those who stayed in

bilingual classes for the longest period of time. All of the interventions are successful to some extent when compared to placing the students simply in English-only classes.

What the study does not show is what happened to the students who did not stay in the project classrooms for the full five years. This does not affect the reliability of the study since they were eliminated in all of the classified groups. What can be assumed is the fact that these mobile students are the ones who are susceptible to failing and dropping out of school. There is high probability that many of the Maya students will fall into this category. It is safe that the students who have the opportunity to be educated in two languages have advantages over those who do not.

Schools which have Maya children can use these results in determining what models they can use for offering the best educational results for their students. They will have to evaluate the resources they have available, and how they can be applied to meeting needs.

4.7 Bilingual Program Models

As previously mentioned, the concept of “all men being created equal” has its limitations, so does the concept that “all students can learn”. Certainly, educators must strongly believe that all students can learn, but not necessarily the same thing at the same pace. The objective of the educator is to place each child in a position to acquire as much knowledge as his/her natural ability will support. The student must be challenged at all times to master the prerequisite skills which will carry him to the next levels of the hierarchy of his curriculum. Even though it is obvious that all students cannot learn a second language in two years, schools continue to offer ESL classes for a fixed number of years. This would only be true if they started at the same beginning point, and there

were no other factors contributing to or taking from their progress. These factors are numerous but begin with socioeconomic status, language spoken in the home, and the opportunity to use the new language. Schools have little control over any of these three factors. What schools do have control over is what students are taught, and how they are taught, and need to look at programs and methods which will compensate for their absence in the student's life. Schools must accept the responsibility for developing the type of programs which will enable the student to achieve at the highest possible levels. Many schools have been overwhelmed in recent years with the numbers of students they have received needing English language acquisition instruction. Some of them have haphazardly established programs which have met with failure. Schools can prevent these failures by studying the research and carefully planning their programs around what they discover. The programs outlined in this chapter have all been successful when properly implemented. Some are more successful than others, but schools have the opportunity to develop the program which fits the best needs of its students.

In the selection and development of programs for limited English programs, the impact of high stakes testing has to be considered. Many of the students who are not showing academic competency are English language learners. Schools and teachers are under intense pressure to produce better results for their students. Quality ESL teaching and programs provide the answers for solving some of these achievement gaps. Schools must develop plans which can be evaluated using available data and constantly use this data for program improvement. Continuing to do what does not work will not accomplish the goal of bringing the opportunity of equity for the student.

4.8 Program Design

Observations have revealed that children are able to learn their first language during the first six or seven years of life rather effortlessly with no systematic instruction. It is believed by some researchers that this ability to learn the first language is an innate characteristic. Others believe that the ability to learn the first language is due to specific cognitive capacities which are used for first language acquisition. These theorists generally agree that the ability to learn a second language is diminished by age which can make language learning difficult. Many adults face barriers to second language learning which are impossible to overcome. This makes a logical argument for early immersion of children into second language learning for the best results. This gives the child a chance to take advantage of their special cognitive, neurolinguistics, and psycholinguistic capacities to learn language (Genessee, 1987).

Schools can begin the planning of their bilingual program by studying and selecting a model to meet the needs of their students as closely as possible. They must also consider the resources they have available for the support of the models. The range of populations needing bilingual interventions would range from a small school with one student who enrolls, and who is not an English language speaker to large schools in districts which have sizable populations of students, and who serve large numbers of ELLs from several language groups.

For the purposes of this study, four types of programs will be considered. There are wide variations within each of these approaches. These variations include how time is allotted, course content, and resource allotments. Early forms of bilingual education

developed during the twentieth-century were formed around the *monoglossic* belief that the only legitimate form of a language was that of the monolingual speaker of that language. These formats utilized the goal of proficiency in each of two languages or proficiency in the dominant language would be based on monolingual norms accepted in formal use of the language(s) being presented. Since the goal of these programs was to enable the student to achieve the proficiency in English that would allow them to eventually participate in mainstream classes being taught in English, this led to the devaluing of the student's home language. These types of programs led to the promotion of a subtractive form of bilingualism where the dominant language was valued above the home language of the child (García, 2009).

As the value of bilingualism and the idea that it was a form of intellectual capital began to be realized, demands arose for bilingual education to include provisions for the development of the student's home language as a part of the curriculum. Schools began to form *diglossic* bilingual programs where the proficiency in each language becomes the goal. The development of the two languages together promotes an additive form of bilingualism (García, 2009).

The subtractive form of bilingual education creates a language shift from the home language toward the dominant language. Since the use of the home language is considered as a temporary convenience, the child develops the idea that it is useless as a part of their schooling. This is validated by the fact that only English is used in their school's testing process. It fosters the feeling that the school sees their home language as a problem. Subtractive bilingual education is viewed as a means of cultural and linguistic

assimilation. García sums up this process by stating, “The child comes to school speaking one language, the school adds a second language, and the children end up speaking the school language and losing their own language” (García, 2009, p. 116).

An additive form of bilingual education promotes bilingualism in students by consistently using two languages as components in instruction, thereby maintaining diglossia. This theoretical format uses a monoglossic orientation. It works to develop, bilingual competencies according to the standards of each language. Bilingualism is promoted as an enrichment. This allows students to function as a member of each of the two cultures. García states, “children come in speaking one language, the school adds a second language, and they end up speaking both (García, 2009 p.116).

Bilingual education is more than just acquiring new linguistic skills. Good bilingual programs also have sociolinguistic aims. García (2009) lists three aims that may become part of an effective bilingual program.

1. Bilingual revitalization: Members of linguistic minority groups see the possibility of their language and culture disappearing. They view bilingual programs as a means of recovering their language and the further development of their bilingual skills.
2. Bilingual development rather than language maintenance: Bilingual education is viewed as a means of promoting more than the maintenance of their home language but as a way of developing academic proficiency in each of the two languages.

3. Linguistic interrelationships: The relationships between languages are not competitive. They are strategic and respond to arising needs. It is beneficial for children from different ethnic needs to spend time with each other. By being educated together, they learn to respect differences and better understand each other. (p. 117)

4.9 Four Types of Bilingual Programs

The various programs are given different names by different linguistics. For the purposes defined in this study, four types of programs will be described. Some researchers use more than four when combinations are used. Within the four variations occur such as 50-50 or 90-10, denoting the time which will be spent on each language. It will be important for schools to use variations or combinations of the four defined programs in order to meet the unique needs of their student populations. Each of these program types are manageable, but the required resources for their implementation will vary from school to school. Simply stated the four programs are (1) Immersion, (2) Transition, (3) Maintenance, and (4) Dual language. Pure immersion into mainstreamed English-only classrooms will not meet the needs of the Maya student as the complexity of their language base will require immediate ELL interventions. Without these interventions, it is likely to take years for them to begin to comprehend content matter offered only in English.

4.9.1 Immersion

In this study an immersion program is one where only English is spoken. It differs from the mainstream class in that interventions are utilized using English language

learning techniques with periods of time allotted specifically for this purpose. This teaching must be accomplished by an instructor specifically trained in the use of these techniques. This teacher may be the regular classroom teacher, an ELL teacher who is assigned to the classroom on a full or part time basis, or an ELL instructor who pulls out the students to another classroom.

4.9.2 Transition

This program features a language shift from the home language to English. This transition is accomplished according to the needs of the student. It can begin with all or some of the content courses being offered in the home language accompanied by intense English language learning activities. First language instruction declines as the student increases his competency to comprehend content in English. This program can be conducted with a single bilingually certified teacher or a bilingual teacher teaching first language content with an ELL specialist performing the English language instruction component. Pull-out can be used at either end of this instructional arrangement in order to stretch the availability of licensed bilingual teachers.

4.9.3 Maintenance

This type of program continues the use of the first language as an instructional tool after the student reaches a defined English language competency. It is used for content clarification and identity building with no objective of a continued enhancement of the first language. This type of program requires a full time bilingual teacher or a regular classroom teacher with a first language speaking teaching assistant.

4.9.4 Dual Language

This design works with the objective of the student becoming academically competent in each of the two languages. Monolingual students are included from both dominant first language speakers where English only students desire competency in a second language. The objective of this type of program is for the student to become competent in two languages to participate in all social, economic, and political activities through either or both.

The dual language program continues through the entire course of education for the student. All courses are taught in both languages. This requires teachers who are competent to teach content courses in English plus the targeted second language. The impossibility of most schools being able to staff such a program could be partially solved by only having some of the courses being taught in the non-English portion.

It is possible to use the Collier and Thomas 2002 research to measure each of these programs against regularly mainstreamed English Language learners. Each of these programs shows that students learn more and are more likely to stay in school when offered the chance in an effective curriculum. The study shows that the more the first language is supported, and the more time that is spent in bilingual programs, the more success is realized.

4.10 School Visitations

In order to obtain first-hand information about how Guatemalan Maya students were being conducted, a contact was made with the Guatemalan Consulate in Phoenix. The Consulate identified two school districts from which favorable reports had been received.

Both of these school districts were surprised but elated in the fact that their parents had been complimentary of them. One of these school districts was a small district in Texas and the other was a medium size school district in New Mexico. Both districts had sizable numbers of children from families employed in agricultural work. Neither district made any effort to determine the immigration status of their children. The school districts have migrant community representatives who are available to assist students in these types of situations.

Both of these districts confirmed many of the concepts about the Maya that had been gained in previous research for this writing. These included the idea that the Maya was a very good employee, worked hard, but had very little education. Generally, they believed that their children would have the same characteristics, and that the value of education had its limits. The children were quiet and well-behaved. Some of them had minimum levels of competency in Spanish and could be used as interpreters for the Mayan monolinguals.

What was impressive about each of these districts was that they were enthusiastic about their opportunities to serve the Maya students. Even though they were limited in resources for offering the type of program needed for these students, it was heartening to see that they did not view the student's language as a problem, but rather as challenging opportunity.

4.10.1 Small Rural District in Texas

A small district in Texas which had been recommended by the Guatemalan Consulate was visited in May, 2017. The district reported that it had approximately thirty Maya

students, most of whom were elementary age children. Some did not reside with their biological parents and had been sent to live with relatives under the border policy of locating unaccompanied children. Their students and parents were anxious to learn English. On Tuesdays and Thursdays, they had English language tutoring classes for the parents from 6:00 PM until 8:00 PM. This district indicated they had problems listing the students by name as it was not uncommon for them to have as many as three given names and two family names. The Texas system of student accounting does not have space for that many names. The parents insist that the children should be called by their full names. Compromises had to be made.

The community's farmers have had a shift from irrigated corn crops, which require a lot of expensive underground water, to dairy farming. This has resulted in a need for experienced farmers who could come to work early and perform difficult physical tasks. They discovered that the Maya had these traits and had developed a pipeline for their recruitment. These parents are agricultural workers and have changed locations during the past two years; consequently, their children qualify for ESEA migrant funding. The students are placed in a program entitled the Migrant Accelerated Program (MAP) where an abundance of ELL teaching materials are available. The adults use the Rosetta Stone computerized program to learn English.

All of the Maya children speak Mayan in their homes. On home language surveys, the Maya parents report they use Q'eqchi' or K'iche'. The district utilizes the Language Assessment Scales (LAS) in Grades k-12 and the Pre LAS in PK to assess English proficiency. Some of the students have some proficiency in Spanish and have

participated in one of the bilingual programs in their home country, Guatemala. Those who can speak Spanish prefer it over their indigenous language as their main source of communication. A six-week summer program is offered to the Maya students in order for them to achieve advanced achievement levels in their content areas and English language development.

The Maya students are allowed to speak Mayan to those students who understand. They are encouraged to help each other in their school when they can be of assistance. Older children who have been attending the school offer assistance in their native language to newcomers. One outstanding Maya sixth grade student is used as an interpreter. He assists in instruction of fellow students and assists the front office with adult visitors who speak only Mayan.

A majority of the students enrolled in the school district are local Hispanics. There is not a lot of socialization between the two groups. School personnel sense some insecurity or even fear in the Maya students. They assume this fear might be rooted in a distrust in American authority figures as a result of previous experiences with immigration officials. The Maya students are superior athletes which creates some envy among the locals (E. Mendoza personal communication, May 29, 2017).

4.10.2 Medium Size District in New Mexico

The second school district recommended by the Guatemalan Consulate has more than 8,000 students enrolled in K-12. Approximately half of these students are of Hispanic origin. The district has two elementary schools with successful Spanish/English dual

language programs. They have witnessed the arrival of several students from Central America with Mayan language backgrounds. They speak Q'eqchi and K'iche'.

Most of these students are arriving as transferred students from West Texas agriculturally based communities. Since these students are arriving from other US schools, they show up with their records from their previous districts. This includes immunizations and specific educational items such as IEPs and course credits.

These parents have arrived in the US, did their time on the farm, and are interested in other vocational fields. Although many of them remain in agricultural work, significant numbers of them are more likely to be employed in construction and by small business operations such as feed mills and grain elevators. They are in demand for their work ethic which carries over beyond stoop labor. They remain dedicated to their idea that they are born to work and are more interested in seeing their children enter employment as soon as possible instead of enrolling in school. The Maya adults do not understand why their children are not allowed to work, and why attendance in school is compulsory. They are very practical and accustomed to putting children to work at very young ages to contribute to family support. This leads to attendance problems during certain seasons when demand for labor is high. An example is in the potato industry where the plants are set in the spring. Ten-year-old children are very good at this task since they are short and nimble. These children can earn as much as their parents, so it becomes a profitable family activity. One farmer even approached the school district about developing a cooperative type of education where the students could attend classes part-time and work part-time.

When the Maya students enroll, their parents are requested to complete home language surveys (HLS). In New Mexico the form is referred to as a language usage survey (LUS). The LUS is an instrument required by the state used for tracking the non-English languages of enrolled students. The computerized choices for home language do not include Q'echi' or K'iche'. Spanish is one of the choices, and since the students and parents have limited competency in the language, it is entered as the home language. This meant that most of the children were being placed in bilingual programs with high intensity ESL components. No programs were mentioned that were designed specifically for the Mayan speakers.

The district did provide excellent bilingual programs aimed at serving their Spanish dominant populations. The families had access to free tutoring from 4:30 PM until 6:00 PM through the University of New Mexico's ENLACE project. To make these services available, transportation was furnished through the migrant program. At the secondary level, the district had established a freshman academy where students could receive additional academic assistance.

One of the accompanying programs for the bilingual students was the Family Leadership Institute. This institute was designed to help the immigrant understand American culture and ways to navigate the US system. They mentioned that these participants were shown how to use the system for food stamps, rental assistance, scams, etc., but they did not take advantage of these services. They had strong beliefs that they should and could help each other. They make frequent moves to where they can find the best jobs, but their relationships with each other means they always have a place to live

and food to eat. They covered issues such as insurance, banking and loans (S. Gutiérrez, personal communication, May 29, 2017).

The State of New Mexico does recognize accomplished bilingual students by placing a state bilingual seal on the student's high school diploma. The district was proud of their one student who was a competent trilingual in her native Mayan, Spanish, and English.

4.10.3 Urban District in Arizona

A third school district was visited which serves large numbers of minority students near the central part of the Phoenix Metropolitan Area. Almost all of the minority population are of Hispanic origin although they do have several other languages represented. They have significant numbers of Central American students but have no services dedicated directly for Mayas. Home language surveys are referred to as Primary Home Language Other than English (PHLOTE).

Parents of non-English students are offered the choice of two programs available to serve their children. They use the sheltered English immersion instructional process mandated by the Arizona State Department of Education. Parents are given the option of placing their children in a Spanish-English dual language program. A parent liaison is placed on each campus to promote communication between the school and the parent.

Parents are involved with cultural activities, and the district uses the IRC services to interpret and communicate with them. Their spring to spring testing indicates that the students in the dual language program outperform those in the regular program. The district does have a high mobility rate which makes comparisons difficult to validate.

Their students do not simply move from school to school but from state to state and nation to nation. The district does have a dedicated and knowledgeable bilingual director. (K. Olson, personal communication, July 12, 2017).

4.11 Teaching Strategies

Teachers need to be trained in language learning strategies and methods if programs are to be successful. There are several ways teachers can increase their ability to be effective bilingual and ESL facilitators. They are based on psychological and social instincts children use when learning a language.

4.11.1 Total Physical Response (TPR)

Dr. James Asher developed TPR after observing children as they went through the process of learning language. He noticed that the interactions young children experienced with their parents and other adults used a combination of both physical and verbal actions. When the child begins to respond to the speech with body actions, the parent follows with more speech. From his observations, he hypothesized three steps to a child's learning of a language. The first one was that language was learned by listening. The second one was that the learner must use the right hemisphere of his brain. The third was that the entire process was not to be stressful to the child (Richards and Rodgers, 2001). Asher described his first hypothesis by stating, "A reasonable hypothesis is that the brain and the nervous system are biologically programmed to acquire language, either the first or the second in a particular sequence and in a particular mode. The sequence is listening before speaking, and the mode is to synchronize language with the individual's body" (Asher, 1996, pp 3-4).

In his second hypothesis Asher (1996) used his belief that the physical movement alongside language comprehension was the real key to leaning language. He believed the use of the right side of the brain should receive a lot of attention before the left side touches were to be explored. The use of the right hemisphere will result in the child developing some sense of structure, but formal grammar should be the finishing touches to the acquisition of a language. Because of its participatory approach, TPR provides an alternative teaching approach for dyslexic students or other learning disabilities.

TPR provides several advantages to both the learner and the teacher. Students enjoy the movement. It does not require a lot of preparation time for the teacher. TPR does not require high levels of aptitude, which makes it usable in mixed classes or with disabled students. It provides great opportunities for kinesthetic learners giving them some freedom of movement in the class. Age is not a factor in that adults and children perform similar activities and class size is not a determinant (Byram, 2000).

TPR is highly useful with beginning second language students. Listening skills are vital to the comprehension of a new language, and the commands and responses used in TPR accommodate the acquisition of this skill. This does not mean that TPR is not useful to more advanced students, and there are several publications available showing how it can be effective with both advanced and intermediate language learners (Byram, 2000).

TPR is generally used by teachers in conjunction with other teaching strategies. It provides unlimited opportunities for the introduction of new vocabulary words. As an example, the simple command *Walk to the red door* would not only introduce the use of a

verb, but also adds *red* and *door* to the learner's vocabulary (Richards and Rodgers, 2001). Storytelling can also be combined with TPR as a non-physical vocabulary development activity. TPR storytelling correlates to Stephen Krashen's theories on the acquisition of language (Marsh, 1998).

4.11.2 Content Based Language Development

Each day many ELL students are faced with the frustrating task of learning academic content through a language in which they lack proficiency. The student needs to develop the language skills necessary for him to participate in all phases of his education and reach mastery of all subject offerings. This goal is achievable through combining content and language instruction in the same learning activity. When content instruction is offered in the child's first language, it prepares the student for meeting the academic demands which may be imposed in mastery of rigid subject area classes. This includes specific terminology, different types of reading passages, required types of writing styles such as laboratory reports, and cognitive thinking abilities. Accommodations are needed to adapt materials and information which are understandable to the learner (Padilla, 1990).

4.11.3 Natural Approach

The natural approach was developed by Tracy Terrell, a Spanish teacher in California. It is a style of teaching which utilizes the results of naturalistic studies about the acquisition of a second language (Dhority, 1991). After developing his theory into a process, he began working with Stephen Krashen for the development of the theoretical

components of his method. They published their findings in a book entitled *The Natural Approach* (Richards and Rodgers, 2001).

The primary objective of the natural approach is communication. Terrell uses three basic principles in his approach. These are: (1) "Focus is on communication rather than its form. (2) Speech production comes slowly and is never forced. (3) Early speech goes through natural stages; yes or no response; one-word answers; list of words, short phrases, and complete sentences" (Dhority, 1991, p. 32).

In using this approach, the teacher creates a natural approach in the classroom by removing as much stress as possible. In this classroom, communication is emphasized along with a decreased of correct usage of grammar. Linguistic output is not forced. Spontaneity is encouraged. Lessons focus on the understanding the messages of the speaker in the new language. Drills, correction of errors, and formal use of grammar are not used. Expanding the student's vocabulary receives greater emphasis than rules of grammar. This approach places a high reliance on the classroom teacher to create realistic situations from which students will be motivated to respond (Dhority, 1991, p 32).

In Terrell's natural approach (1983) learners go through three phases in the acquisition of a language. These are (1) the comprehension of speech, (2) early forms of speech, and (3) the emergence of speech. The focus of the comprehension state is on vocabulary knowledge. During this phase the intention is to put vocabulary into the student's long-term memory base. He calls this binding. He views techniques as more

binding. He believes the use of actions and gestures create more binding than using translations.

Terrell believes early form of speech will occur only after enough and sufficient quantity of language practice has been bound using communicative input (Dhority, 1991). At the early stage, the student begins to put his words together to convey ideas through simple sentences (Richards and Rodgers, 2001). Students should be encouraged to practice rather than being required to do so. It is important that the level of the activity is challenging, but not ahead of the ability of the learner to participate. Through continuous practice the students will become competent to participate at higher levels.

The last phase of the development of a language is emergence. At this point the learners will be able to participate in more complex conversations. These activities can include role-playing and problem solving (Richards and Rodgers, 2001). It remains important that these activities are challenging, and that all learners are actively involved. By this stage, all of the students should have the knowledge and confidence to fully participate.

It is important to understand that Terrell and Krashen are not totally in agreement on how much grammar should be involved in these phases of development. Krashen believes that some grammar will develop through the natural use of the language without formal training. On the other hand, Terrell believes it is necessary to provide some grammatical instruction during the process.

4.11.4 Monitor Model

Originally Terrell did not use any particular theoretical model as he began developing his natural approach. His association with Krashen led him to the use of some of the theories they shared. This included Krashen's monitor model. The following three hypotheses of this model have been outlined as follows (Markee, 1997).

4.11.4.1 Acquisition-learning Hypothesis

There are two distinct ways in which a person can learn a language. The acquisition way is learning to use a language by actually communicating with it. In this way, one learns the language sub-consciously. The learner is not aware of the rules of the language being acquired, but acquires knowledge of the rules through feeling. He may detect errors, but is not aware of the rule that is being violated (Krashen and Terrell, 1983).

The second way of developing a new language is through language learning. This approach examines the rules of grammar for a language along with a correction of errors. Teaching by this method is totally about learning and is not about acquisition. Error correction helps the learner fine tune his use of the language.

As an example, if a language learner says, "I goes to school each day," he is corrected and forced to repeat the phrase correctly. This is supposed to provide the learner with a mental picture of the third person singular rule. Error correction does not play a meaningful part in learning a language. When the child is learning his first language in the home, the parent does not use grammar corrections but accepts the child's way of effectively communicating (Krashen and Terrell, 1983, p. 27).

Krashen and Terrell (1983) chart the differences in the two methods with the following table. These are presented as they were written by the author.

Acquisition	Learning
Similar to child first language acquisition	Formal learning of a language
Picking up a language	Knowing about a language
Subconscious	Conscious
Implicit knowledge	Explicit knowledge
Formal teaching does not help	Formal teaching helps (p.27)

There is a difference in the conscious learning of a language and a subconscious acquisition of that language. Fluency in the use of a language can only be attained through acquisition (Krashen and Terrell, 1983).

4.11.4.2 Natural Order Hypothesis

Conscious learning has its limitations. It is only used to edit or monitor output. This monitoring process requires the speaker to be focusing on rules and does not generate a new language. When one produces an utterance in a new language, it is initiated through the acquired system and conscious learning comes into play later. Krashen and Terrell have identified the following three requirements which must be present in order to successfully use monitor (Krashen and Terrell, 1983, pp 30-31).

- (a) The performer has to have enough time. In rapid conversation, taking time to think about rules, such as the subjunctive or subject-verb agreement, may disrupt communication.
- (b) The performer has to be thinking about correctness, or be focused on form. Even when we have time, we may not be concerned with whether we have inflected the verb correctly! We may be more concerned with what we are saying and not how we are saying it.
- (c) The performer has to know the rule. This is a very formidable requirement. Linguists readily admit that they have only been able to describe a subset, a fragment, or the grammar of even well-studied languages such as English. We can assume that even the best students fail to learn everything presented to them. (pp 30-31)

4.11.4.3 Input Hypothesis

Krashen and Terrell (1983) describe the input hypothesis as follows:

This hypothesis states that language may only be acquired through exposure to understandable input offered at a level just above the level the learner already understands. It hypothesizes that listening and reading provide the beginning basis for language learning. Speaking fluently comes with time after the learner has a lot of experience through comprehending input. In order for the language acquirer to proceed to the next step, he needs to understand input language that includes structure which becomes a part of the next stage. That is if the learner understands a morpheme in English, he can understand the morpheme when he

hears or reads it in the target language. A lot of input may be necessary for the student to acquire the desired level of competency.

During early language development, the learner goes through a period of silence. During this period, the learner may say very little but begins to repeat memorized sentences. An example would be, *It's time to eat*. At first, he comprehends the meaning of the whole sentence without breaking it down to understanding the meaning of each word. He will understand the meaning of what he is saying. He will begin to comprehend the meaning of time and eat. He will be able to identify these words in other contexts and begin to use them in his own communications. A lot of listening helps the beginner break the sentence into its components giving each word its intended meaning. This process may take several months to develop, and its beginning is likely to be filled with errors. The risk-free environment is essential during this period of language development as the learner continues to listen and develop confidence in correcting his errors.

4.12 Natural Order Sequence

Most grammatical features of language are learned in order. Instruction does not affect this order (Markee, 1997). In the individual, this order is not always predictable (Krashen and Terrell, 1983). Similarities will be seen, and some structures will tend to occur early and others later. For example, the morpheme (*-ing*) and the articles (*a, the*) are learned earlier than the possessive (*-s*) or the irregular past. This hypothesis does not contend that these structures occur in a certain order, but stresses the idea that some structures naturally occur before others for all learners. It allows that some structures

might be acquired in groups with several at about the same time (Krashen and Terrell, 1983).

Children who are English language learners demonstrate a consistent order of comprehending English morphemes. This order is the same regardless of the first language of the child. When order of difficulty is studied, the result is the same. The order of acquisition is not necessarily the same for the first language and the second language (Krashen and Terrell, 1983).

4.13 Affective Filter Process

In this hypothesis, learners must be present in an environment which is relaxed and open. Attitudinal variables play a huge part in the learning of a new language. Students with low anxiety levels seem to be more adept at language acquisition. A good self-image is a strong asset. The student must want to learn (Krashen and Terrell, 1983).

4.14 Program Design

This research has documented the past history of a culture which currently stands in a severe state of decay. These are the Maya people who had their beginning in Central America and Southern Mexico. About 6,000,000 of them are currently living. Most of them remain in the rural areas of the lands they once controlled. Two characteristics are prevalent in the areas where they reside. These characteristics are poverty and violence. Thousands of them are leaving their homelands and looking for new lives. Many of them have come to the United States looking for safety and a brighter future. A large percentage of these new residents bring with them two assets which can form the basis for improvement of their lifestyles. These are their work ethic and their family values.

The children who have arrived in the US are likely to be living with a father and a mother. These assets can be capitalized on by educators who are dedicated to serving these children. For over 200 years, the immigrants who have come to the US have brought these same assets. We look at equity as the opportunity to capitalize on one's assets for creating a self-satisfying state of success.

Education offers the best chance for success for these new immigrants. The information offered in this research can be of assistance to schools or school districts as they plan effective school programs for these students. This project offers some suggestions for the development of a successful program for the language minority child. The research that has been accumulated in the previous sections is being used as a basis for these suggestions.

4.15 Foundations for School Success

The characteristics of successful schools have been researched for the past forty years. They have been expanded into sub-groups over time, but there are six basic elements that have been present in all of them. When schools or educators are looking for improvement, they serve as an excellent guide as new or improved programs are explored. These characteristics must be in place for success whether the school is looking for a way to educate one child or an entire population. It cannot be assumed that any of these elements are in place when planning begins and each step-in plan must insure each of them is present if they are going to expect success. For purposes of this study, the following characteristics have been developed consolidating some of the elements revealed in recent studies.

4.15.1 Leadership

The principal must be an educational leader. S/he must be familiar with educational strategies and have the ability to assist teachers to improve their performances. Programs that are not supported by the leader are not going to find success. Some states allow parents to pull their students out of bilingual programs, and Arizona allows them to opt their child into a program. Where high percentages of parents are opting their children, or low percentages opt their child, one is likely to find school leadership providing parents with negative information. The school leader needs to be known as an advocate for children. The principal is responsible for providing the leadership required to see that these six tenants are in place at all times.

4.15.2 School Climate

The school must be kept clean, orderly, and safe at all times. Maintaining a healthy climate is the responsibility of every stakeholder. The school administration, the teacher, the ancillary personnel, support personnel, students, and parents need to be participants and play active roles. Each participant must understand his role. Each person in the building must feel safe. This means that such activities as physical or verbal abuse or bullying will not be tolerated. It must mean that the building is kept clean and well maintained both for health and aesthetics. It must be kept clean and uncluttered for both, safety, and health purposes. Stakeholders need to feel pride in their school and proud to be a part of it.

A good school climate is essential to the immigrant Maya student for two reasons. They are not likely to have a good self-concept and will lack confidence in the system.

The methods that have been described call for a lot of participation, so the teacher is going to have to be cognizant of this need and provide support. The Maya student is likely to come to school with some feelings of fear. S/he may be in the country illegally, and the parent has warned her/him not to trust anyone. The child needs to be made comfortable in order to actively be a participant.

4.15.3 Curriculum

A well written curriculum needs to exist in order for quality instruction to take place. The curriculum should be an appropriate tool for delivering challenging and appropriate instructional results at the desired level. Teachers need this in place in order to plan and provide quality instruction. The curriculum should have well stated objectives with a plan for evaluation. The school leader should provide effective monitoring practices to assure the curriculum is being delivered to the students.

4.15.4 Professional Development

All of the tenants in the effective school studies need to be defined and activated through effective professional development. School leaders need to build programs around need and research results. The staff needs to be actively involved in the development of the professional training. They need to be provided with details of strategies and methods if they are to be expected to deliver high quality instruction. They need to be listened to when making decisions about continuance or innovations. The curriculum and its use need to be fully explained. Some parental input may be useful in this process.

The Maya child will be different from that of other language minority children. They are going to be learning English coming from a language that few people can read or write. It will be very difficult to establish rapport with them when translation is not available. The other factor is that all of the Maya do not speak the same language and some of them will not be able to communicate with each other. School personnel need to be prepared to work within these constraints if they are to be effective.

4.15.5 Evaluation

A plan for evaluation of curriculum should be in place and explained to the stakeholders. The school leader collects and evaluates program effectiveness with both quantitative and qualitative data. The leader periodically shares this information with all staff and her/his expectation of receiving input which can be used for improvement. All staff are evaluated on their job performances. They are expected to be performing the tasks that are assigned to them in job descriptions which also include plans for evaluations. Commendations and plans for improvement are issued as needed. Immediate assistance is given to those in need of improvement. Input should be sought from parents whose feelings and concerns need to be addressed by the school staff.

4.15.6 Parental Involvement

Parents need to be involved as full partners if their child is to be effectively educated. The parents need to be assured that the education of their child is a high priority for the school staff. Their opinions and feelings about the school and its programs are to be treated with significance and given high priorities for program improvements.

Contact with their young children is especially important to the Maya parents. They spend time with their children and have important input to share. By the age of nine, the Maya child is likely to participate in all family decisions. However, the Maya parent is not going to be easy to get involved in their child's education. They have been conditioned to give schooling a low priority. They believe their child should be put to work and make a contribution to the welfare of the family by a young age. They may not trust the school personnel because of their immigration status and believe keeping a low profile is in their best interest.

Special programs should be arranged for the Maya parent. It would be excellent if some English language development classes could be offered for them. Some are interested in Spanish since it is the language spoken by most of the Americans with whom they are in contact on a daily basis. Mixer activities are a must if mutual trust and confidence are to be earned.

4.16 Planning Services for Students

All of the bilingual models referred to in this study have similar goals. The common goal in each of them is providing the skills the language minority student will need to succeed in a program designed for mainstream students. Wide variations are noted in the amount of time English is utilized as the language of instruction.

This study has been designed to bring the opportunity of equity to a group of people who have suffered through centuries of horrific experiences of violence and inequity. These experiences have left them with little hope of achieving equal access and status. These are the Maya people. American schools have the opportunity to provide the

children of the thousands of Maya with the ability and high hopes of a brighter future. These students are coming from a culture filled with pessimism and low expectation, which educators must replace with optimism. A lack of awareness of the backgrounds of Maya-Americans serves as a huge barrier in developing effective educational programs for these children.

Few if any educational programs have been developed in American schools designed specifically to work with these children. No research was done to qualify this statement, but it appears that many schools did not even know they had Maya students enrolled in their schools. They had Hispanic names and looked like Hispanics, so they were treated as Hispanics. The school districts who have recognized they have Maya, have not realized that there are over thirty versions of the Mayan language being spoken by these new residents. Most of them validated this assumption in that they knew a little Spanish. This small amount of Spanish speaking ability could be explained by the attempted bilingual programs in Guatemala which some of them had attended.

Through informal conversations with friends and acquaintances in Arizona, New Mexico, and Texas, it became apparent that few people are aware that there is a nation in Central America where almost half of the population use a language other than Spanish. They do not realize that sizeable numbers of Maya are arriving into the United States from Chiapas and Yucatán in México, Nicaragua, El Salvador, Belize and Honduras.

4.17 Workable ideas for serving Maya students

Research shows the most effective bilingual education programs are the dual language models where students from minority language groups work with English language

monolinguals, each learning a new language. This appears to be a model that is next to impossible to produce. Few remotely qualified adult persons are available to provide language development in any of the Mayan languages. One licensed elementary teacher was found working at the Guatemalan Consulate in Phoenix. She had completed her teaching license requirement at Arizona State University. She stated that she did not know of any other certified teachers who might work in a dual language program.

School districts with large number of Guatemalan students were contacted in an effort to locate programs. Many of them have excellent programs for ESL students, but none were located having language programs specifically dedicated to Mayan students. It is understandable that with the many Mayan languages being spoken, it is difficult to find concentrations of students speaking the same language that would justify the many separate bilingual programs necessary to serve them adequately. It is also difficult to provide for group instruction due to the variable ages of the immigrant students. Many of them are over the age of fifteen and face compulsory attendance requirements. It is also difficult to prepare students through integrating a language into a bilingual program which only one percent of its population understands how it is written and read.

At this point the research began to emphasize ways schools could serve individual or small groups of Maya students. There has to be many variations in methodology for these students. Significant numbers of teachers are arriving in schools with little or no experience in working with language acquisition students other than through English and Spanish. These students are consistently placed with peers of their own age. This places a huge responsibility in the receiving classroom to provide an adequate educational

program for the student. This brings up the question of what are the legal implications and responsibilities in regard to the child's educational program. They are required by the court decisions and laws explored in Chapter III. Even though *Lau vs. Nichols* does not require bilingual education, the sustaining laws require that an individual shall be educated in a language s/he understands. A home language survey must be completed by the parent. If a language other than English is spoken in the home, the student must be tested for his English proficiency. Low scores on the test require a program to be developed which would ultimately allow the student to participate in mainstream classes. Rules and legislation have been formatted to require schools to involve parents in the education of their children. They must have the opportunity to participate in decisions of how Federal monies are to be expended. They are required to utilize the parents as full partners in planning individual educational plans for their children. Most school districts are prepared to perform these exercises in that even the more affluent schools now have sizeable numbers of English language numbers who have arrived from India, China, Vietnam, African states, and the Middle-East.

4.18 Starter Ideas

Following are some suggestions for schools to study as they plan educationally challenging programs for new Maya students who arrive with very limited linguistic capital. Many of these students will generate extra funding for the school which can be used to offset some of the cost of the program ultimately adopted for them.

The following suggestions are offered to personnel in elementary self-contained classrooms. In ways of introducing the new language minority student. For most of

these receiving schools having a student who does not know a single word of English is not a new experience. They have been receiving students like this from Central and South America for years. At the end of the Vietnam War many Vietnamese refugees brought their families with them. The Hispanic students did bring a higher level of competence in their own language, and those who had been in schools had been learning to read a phonetic language. The schools also had personnel who could speak the first language of their new Hispanic students. The Vietnamese brought with them a thirst for success and a value of education. They were likely to be more educated and have competency in their native language. Their children were highly motivated to learn and did so quickly. Many of these students were honor students in a short time and continue to outdo peers from other cultures. Many of the parents had some fluency in English which made interpretation less of a problem. Short term solutions needed to be immediately made to accommodate the surprised educators as these students arrived.

One can look at Krashen's affective filter hypothesis for the answer to successfully admitting the student into the school. This is that the student and his parents need to understand that the school and its personnel offer an environment that is relaxed and open. The child and his parent are probably nervous and somewhat fearful and need to understand that the school is there to serve them and welcome their presence. The fact that the child does not bring required records such as immunizations does not need to result in confrontation. Instead of turning them away and asking them to fend for themselves, the school needs to be prepared to immediately offer assistance. Even most of the smallest schools now have community liaisons available who are funded by ESEA Title I programs to provide this assistance.

The teacher(s) who will be serving this student also need to be introduced. The parent and child need to discuss such issues as transportation, dress codes, schedules, etc. Some schools have peer students to serve as host for the new child for the first day or two. This is especially needed for the child who does not understand the language and is scared. The goal at this stage of enrollment is to provide some confidence in the newcomers that the school is for them, and their future is valued.

It is a good practice for the school to bring a substitute teacher into the classroom with the student in order for him not to feel isolated. This teacher can work with the student in the first steps of English language acquisition. This teacher can also assist the student with his first entries in content language and participate in the educational plan which is being designed as s/he is assimilated into the social activities of the child's peers. The child needs to be protected and not subjected to any bullying or harassment from the other students. For the older child there is a possibility that he or she could even become the target of gangs. Gang membership can become attractive to the newcomer in that they are very skilled in the application of the filter hypothesis.

The school administration and/or ancillary personnel should assist the teacher in developing an education plan for the student. It will have to contain a lot of intensive English instruction. Peer students in the classroom should be involved in assisting the new student. They can be challenged to help develop a new word each day. To involve the new student, the child might be asked to identify the word in his language. An example is a word like *door* or *chair*. A small amount of assimilation can be extremely helpful to both the new student and to his fellow classmates.

The school needs to identify and furnish the teacher with the supplies and materials designed for English acquisition. It should be age and level appropriate. It is also recommended that help should be given to the teacher through the assistance of a teaching assistant or approved volunteer. Many high schools have Future Educator Associations (FEA). Senior members often have one hour assignments in assisting teachers as classroom aides for which they receive grades and credit. The persons assisting the child would require some formal training before being placed with the student.

An effort should be made to inform the parent regarding the content of the child's educational plan. It must also be kept in mind that these parents often do not see the value of intellectual capital their children gain by receiving a high-grade education. They should be encouraged to visit the school and feel empowered to share problems their children might be encountering.

After school intensive English acquisition classes should be considered for the child. If these groups are small, multi-aged students can participate together, but the age span should not exceed two years. Transportation furnished through other activities would allow access to more students at little or no cost to the school.

When the new non-English speaker is entering a departmentalized elementary school, the student has different challenges in that s/he is not going to have the security of being with the same people for the entire day. The student will be facing a different situation as he moves from five to seven different environments each day. The same protocol is recommended for front office personnel in that they will be providing the image of the

school to the new student. All of the practices described to be used for successfully enrolling elementary children should also be in place for these students and their parents.

In this instance, the newcomer and his parent should be introduced to the first period teacher. This student should be provided with an escort to the remaining classes and introduced to the teachers. At the earliest convenience, these teachers need to be instructed on how this student is to be welcomed into the school family. They need to meet as a team in working out the child's educational program with each complementing the others' instruction. If pullout classes happen to be available, this student should be assigned to them. Larger groups also increase the opportunity to be with other students who speak their language. The group activity in linguistic acquisition will allow acceleration of fluency. This also gives the student an opportunity to develop his/her new identity containing elements from the child's past. Intensive English acquisition opportunities should be made available to these students, which can allow them to be integrated into regular content classes as soon as possible.

Social studies teachers can prepare units which give the Maya student pride in his culture. Experiences in the development of this research has proven that the average American has little knowledge of the geography, history, and languages of people South of Mexico City. They are not aware of or have forgotten that millions of US dollars have been channeled into Guatemala in the name of fighting communism, or that much of it has been used to empower dictators who have been responsible for much of the maltreatment of the Maya. When the accomplishments of the early Maya are showcased, the child will gain some status with fellow students and confidence in himself. As s/he

gains confidence and language acquisition progresses, the student can even be encouraged to do a show and tell featuring the life of a Maya. In group linguistic activities the Maya student should feel comfortable speaking about himself and answering questions which might arise. Many math teachers have found that teaching students to calculate in bases other than the numerical base of ten is very helpful in providing students with new insights into mathematical concepts. What better experience could be found than for them to introduce the concept of base twenty used in the Maya numbering process. They could use Maya hieroglyphs as examples with students interpreting the ages defined in them. These types of exercises give the Maya some extra status and respect as they become the “experts of the day” in these classes.

The fifteen-year-old, non-English speaking Maya who enrolls in high schools presents the highest degree of challenge to US educators. The practices recommended in the previous paragraphs are to be used to insure a successful entry. The students are being placed in a setting with rigid requirements for graduation. One of those requirements is fluency in English. Eighty percent of their curriculum is composed of required content classes. The challenge is critical in that the only way these students can graduate is to rapidly acquire the English skills which are required to master these required courses. In addition, they will have to pass a skills test in order to receive their diplomas. Equivalent tests are available in some states in Spanish, but it is unlikely that such a test in Mayan will be developed.

The Maya student is also faced with the continued pressure from the family to begin to contribute toward family living. This means for many Maya students when they reach

the age where compulsory attendance ends, they will be prone to enter the work force in a low paying job.

If the quality of the English acquisition efforts offered by the high school are sufficient, some of the students will continue and receive regular diplomas. For those who do not, alternatives must be studied. The best alternative for these students is to continue in high intensity English acquisition and basic skills which will serve as the required intellectual capital needed for entry into higher paying vocations. The acquisition of these skills will prepare them to take high school equivalency exams which most states offer as an alternative to a regular diploma. Students are eligible to take these exams when they pass the age of compulsory attendance. This certificate would allow the students to enter the work force and continue their education at a community college. With a lot of determination, they can keep the gate of the American dream open.

Another option is open for consideration of the Maya student who participates in the English development oriented program. This option is to enroll in one of the high school's vocational programs. Completion of one of these programs along with acquiring the equivalency certificate allows the student to enter the work force at a higher level. Many Americans acquire middle class status through becoming plumbers, carpenters, machinists, electricians, mechanics, etc.

Distributive education offers the high school student an opportunity to acquire vocational skills and earn money at the same time. The requirements for these programs are generally attending class for four hours per day and then becoming apprentices in other vocations. High numbers of American students participate in programs for retail

sales and services. Working at Walmart is an indication of failure viewed by many middle-class Americans, but the experience earned here prepares the student for higher levels of employment in managerial positions. The manager of a local Walmart or chain grocery outlet probably earns more than many of the graduates of law schools. Industrial distributive courses also allow students to be apprentices in the skilled trades and medical vocations. With a high school diploma or equivalency certificate, there are also excellent higher education technical schools for acquiring licenses to work in supportive medical fields and industrial vocations. The opportunity is also open to attend the local community college and continue their education with higher goals such as engineering and medicine.

The door is certainly available for most Maya to pursue high dreams for the good life in the US. The main challenge is for American educators to build a fire in the mind of the student that this is more than a dream. It is a reality with no doubt that some Maya are on the path to success. The idea that life is hard labor and a third world standard of living is acceptable must be eliminated. The most valuable assets the Maya brings to America is his/her work ethic and family values. They are willing to work hard to achieve low goals, which require the elimination of the low goals from this belief. Most of them still believe that the home consists of an active father and mother and make high morals a high priority in their lives. There are some brutal criminals in their midst, but the vast majority of them have a job and show up for work each day while the mother maintains the home and is often in charge of family finances. This assumption of family values is corroborated through the huge amounts of money the Maya are sending to Guatemala to provide for the subsistence of their families. The fact that much of this

money is spent buying homes supports the thought that many of them intend to return to their homelands. This does not necessarily mean that the children will not remain in the US.

4.19 Future of the Mayan Language

There is a great need for the Maya students to be taught in a language they can understand, so they can be learning their mathematics, science social studies and all the other content areas at the same time they are learning English. The students who are having to learn English before they can understand concepts in content areas will fall behind their English-speaking classmates. The need for personnel who fill this void is extremely difficult. School districts must understand that this need must be eliminated and look for ways to overcome it. The law of the nation has declared that students must be taught in a language they understand.

The shortage of teachers who can provide these services is an obstacle which is difficult to work around for bilingual educators. Yet, it is not unsurmountable. States and school districts will have to work together to solve the shortage of Mayan instructors. Short time solutions will be difficult, but longer-term objectives need to be explored and implemented. The following are some ideas which can be implemented to meet these needs:

There is encouragement in the schools attended by the Maya immigrants to utilize Maya culture as a basis for learning. This includes the continuation of the use of the language when it is the best line of communication to the student. As long as the language is spoken, it is not dead.

The flow of immigrants from Southern Mexico and Central America will continue. There is no end in sight for the violence and poverty prevalent in these regions. There is no end in sight for decrease in the demand for cheap labor. Technology has eliminated jobs, but there will always be the need for personnel to do the dirty work at the bottom of the employment ranges. These factors will continue to offer the “pull” toward the US for the Maya who are the ones most affected by the conditions in these nations. Spanish has survived in America due to the fact that reinforcement of the numbers of Spanish speaking people were entering daily. This same phenomenon could happen to Mayan.

These new arrivals will enhance the need for continuing the Maya language for economic and social purposes. These people are active consumers and utilizers of public services. Employees will be needed to provide these services to those who are fluent speakers of their languages. The Maya students who are enrolled in US schools today can be prepared to fill this void. The fact that their culture is valued by the schools will keep them interested.

The “pull” effect is instituted by friends, family members, and prospective employers within the US. This increases the likelihood that they will become members of a diaspora containing residents of people with similar values and language. This creates a need for the younger Maya to continue the development of their native languages in order to participate in their neighborhood and family activities. Under similar conditions the Koreans and Vietnamese have been able to keep their language alive in the United States through the third generation.

Chances are very good that a person with a high school education speaking a Mayan language, would immediately be employed as a teacher aid. This is where Spanish was sixty years ago. These bilingual employees were encouraged to continue their education and earn certifications as teachers. Then the next generation of Hispanics followed their footsteps with many going forward into other professions and finding success. Today they continue to serve as role models for new immigrants.

School districts have the opportunity to create the beginning of this chain of events for their Maya students. They can look for resources to use and assist these students as they learn English. They can begin to look at some of their own graduating students who are fluent Mayan speakers and place them as aids in their language development classes. By employing these students on a part time basis, they can be encouraged to become teachers and still provide some support for their families.

It is not impossible for schools to gain the permission from accrediting associations for using experts in a field of study as teachers when more educated people are not available. Mayan classes could be started for foreign language credit in high schools or junior high schools.

The second and third generations will have the opportunity to create the continuation of their languages and cultures through participating in the policy developments of their schools and political subdivisions. The American dream is possible for Maya students. Schools must provide the fuel to keep the dream alive.

CONCLUSION

Equity is an achievable goal for the Guatemalan immigrant entering the United States. The legal framework has been established to enable this to happen. Education holds the answers for the framework for equity and inclusion in all aspects of the All-American life. For the Maya some adjustments are going to be needed to make this transition. They must be willing to set higher goals for their children and understand the importance of education in this process. This inspiration falls on the backs of the schools. Programs must be provided for the children and faith instilled in the parents that schooling is a must if equity is to be realized.

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Women's commission on refugee women and children (2014)

APPENDIX A

CONSENT FORM

A QUEST FOR EQUITY AND LANGUAGE

I am a graduate student under the direction of Professor Elly van Gelderen in the Linguistics Department College of English at Arizona State University. I am conducting a research study on the retention of indigenous languages and acquisition of English.

I am inviting your participation, which will involve answering the attached questions. You have the right not to answer any question, and to stop participation at any time.

I know your time is valuable. I am very appreciative for the time you will take to assist me. Your participation in this study is voluntary. If you choose not to participate or to withdraw from the study at any time, there will be no penalty.

By studying the successes in your district I hope your efforts can be replicated in another district. There are no foreseeable risks or discomforts to your participation.

Your responses will be confidential. What I write about your district will be made available to you. A copy of the interview questions and answers will be provided to request your checking for accuracy and suggestions for improvement. I will follow up with a telephone call in case there are any questions or additional information is needed.

The information you provide will be retained for six months after defending my dissertation. Any materials collected from the public domain will be kept unsecured indefinitely.

If you have any questions concerning the research study, please contact the research team at: (505)469-1677 or abholder@hotmail.com for Adela Holder or Dr. Elly van Gelderen at ellyvangelderen@asu.edu. If you have any questions about your rights as a subject/participant in this research, or if you feel you have been placed at risk, you can contact the Chair of the Human Subjects Institutional Review Board, through the ASU Office of Research Integrity and Assurance, at (480) 965-6788. Please let me know if you wish to be part of the study.

By signing below you are agreeing to be part of the study.

Name:

Signature:

Date:

APPENDIX B
SCHOOL DISTRICTS QUESTIONS

A QUEST FOR EQUITY IN LANGUAGE

QUESTIONS

1. What indigenous languages do students speak?
2. What language do these students report on their Home Language Survey?
3. Are students able to speak any language other than their first language?
4. What methods and materials are used for instructing indigenous language students?
5. How are students progressing?
6. How is their attendance?
7. How do you communicate with parents and students?
8. What are you doing to involve parents?
9. Do you have any success stories?

APPENDIX C
IRB APPROVAL



EXEMPTION GRANTED

Elly Van Gelderen
English
480/965-3535
ellyvangelder@asu.edu

Dear Elly Van Gelderen:

On 6/12/2017 the ASU IRB reviewed the following protocol:

Type of Review:	Initial Study
Title:	A Quest for Equity and Language
Investigator:	Elly Van Gelderen
IRB ID:	STUDY00006366
Funding:	None
Grant Title:	None
Grant ID:	None
Documents Reviewed:	<ul style="list-style-type: none">• Short Consent Form, Category: Consent Form;• IRB Questions, Category: Measures (Survey questions/Interview questions /interview guides/focus group questions);• Social Behavior, Category: IRB Protocol;• IRB Verbal Script, Category: Recruitment Materials;

The IRB determined that the protocol is considered exempt pursuant to Federal Regulations 45CFR46 (2) Tests, surveys, interviews, or observation on 6/12/2017.

In conducting this protocol you are required to follow the requirements listed in the INVESTIGATOR MANUAL (HRP-103).

Sincerely,

IRB Administrator