



THE CIVIL RIGHTS PROJECT/PROYECTO DERECHOS CIVILES  
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Dear Colleagues,

We write to draw your attention to a really egregious misuse of power and of intimidation going on in Arizona by the Arizona Legislature, the AZ Dept of Education, Tom Horne, and their lawyers. While all eyes have been fixed on the immigration issues there, another critically important event has been unfolding largely unnoticed. I am hoping that you will pass this information on to your communities -- both research and practice -- and consider coming to Tucson on September 1 to demonstrate that we will not be silenced. (I apologize for the somewhat lengthy message below, but I think you need to know some of the details.)

As many of you know, the Civil Rights Project/Proyecto Derechos Civiles has been engaged over the last year in coordinating 9 studies of policy and practice regarding the education of English learners in Arizona. These should play a pivotal role in the *Horne v Flores* case coming back to federal court in Tucson on September 1. The 9 studies were all reviewed by experts in the field, were released in July and are available at the civil rights project website ([www.civilrightsproject.ucla.edu](http://www.civilrightsproject.ucla.edu)). The findings of these studies are extremely critical of the policies and practices currently being required in Arizona. One study describes these practices as the "Return to the Mexican Room," since ELL students are required by Arizona law to attend 4 hours a day of "Discrete Skills" English drills in which they are segregated from other students on the campus and denied access to a regular curriculum until they can pass an English proficiency test. Of 880 teachers surveyed across the state of Arizona, 85% said they were very concerned about the segregation of the students and most said their students were not meeting grade level standards in these classrooms. Overwhelmingly, the teachers said their students could not reach English proficiency with this method in either one or two years, thus the students could be left in these "Mexican Rooms" for years. Secondary students cannot graduate high school when most of their day is spent taking the 4-hour block of "discrete skills instruction" in ELD. Tom Horne, the Superintendent of Public Instruction, was a major force behind the anti-bilingual referendum in AZ and touts this as a major achievement in his campaign to be the next Attorney General of AZ, yet his Dept and his lawyers cannot figure out how to provide access to the core curriculum without using bilingual education. They say they are doing this because it isn't possible to teach other subjects to students who don't speak English!

As we prepare to go to trial, the AZ lawyers have demanded that the researchers turn over all confidential information associated with the studies--names of districts, officials, and

survey and interview respondents, classroom teachers who were observed, everything that was supposed to be protected by the Institutional Review Board process. The lawyers at the University of Arizona have turned over information identifying the districts and schools without a fight. The AZ lawyers also sent letters threatening the researchers with contempt of court if they did not divulge all of this information by 5pm on August 10, but noted if they decided not to testify there would be no problem and they would not have to divulge any names: a blatant attempt to get this research out of the trial by making the researchers choose between going to court and putting the districts and schools at risk (we are told the AZ Dept of Education is doing a witch hunt for anyone not "towing the line" in the state, and cutting budgets of those who don't), or backing down and not testifying. Of course, if they do not testify, not only will their critical research be discounted, but they will also have no opportunity to defend the integrity of their research from the slanderous descriptions of it by the AZ lawyers. To date, the researchers have received little or no support from their campus IRB, lawyers, or administration. This will obviously have a very chilling effect on education research conducted in that state, and in other states, if they can get away with this. And, of course, it also means that there will be no evidence presented on the egregious treatment of these ELL students.

All names of researchers involved in the project are on the civil rights project website, as well descriptions of their research and full papers. We believe that it will be harder for Tom Horne to punish districts, schools, and administrators who cooperated with the data collection if a bright light is shone on the case and these tactics being used. These guys don't want to come out in the light of day. We at the civil rights project are attempting to get the word out about what is going on. We are also encouraging people to show up at federal court in Tucson on Sept 1 and make known that we will not be intimidated.

Thank you for getting the word out.

Patricia Gándara and Gary Orfield