

## ABSTRACT

### *Castañeda v. Pickard*: The Struggle for an Equitable Education – One Family's Experience with Resistance

Jessica Padrón Meehan, Ed.D.

Mentor: Betty J. Conaway, Ph.D.

*Castañeda v. Pickard* (1981) advanced the educational rights of language minority students by establishing the three-prong national standard known as the Castañeda Test. This narrative inquiry study was conducted utilizing qualitative research methods to uncover the story behind the *Castañeda v. Pickard* (1981) case. Specifically, the Castañeda family members served as key informants in sharing their personal narratives and making known their experiences in relationship to the educational opportunities offered to language minority students three decades ago. The purpose of this narrative study was to magnify and gain understanding of the Castañeda family's personal experiences. In documenting the Castañeda story, this body of research provides a voice for language minority students both past and present.

This study was rooted in the examination of power and privilege and utilized Giroux's notion of resistance in the analysis of the Castañeda story. Findings reveal each family member withstood distinctly unique experiences and yet shared similar themes of fear, acceptance, and voice, indicating there is a need for educators to create welcoming

and inclusive classrooms for culturally and linguistically diverse student populations. In addition, findings suggest all participants shared an awareness of oppression and structures of domination within their educational and social environments while crediting Mr. Roy Castañeda for the intentionality of the lawsuit.

*Castañeda v. Pickard: The Struggle for an Equitable Education –  
One Family’s Experience with Resistance*

by

Jessica Padrón Meehan, B.S., M.S.Ed.

A Dissertation

Approved by the Department of Curriculum and Instruction

---

Larry J. Browning, Ed.D., Chairperson

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Approved by the Dissertation Committee

---

Betty J. Conaway, Ph.D., Chairperson

---

Larry J. Browning, Ed.D.

---

Gretchen E. Schwarz, Ph.D.

---

Tony L. Talbert, Ed.D.

---

Kathy A. Whipple, Ph.D.

Accepted by the Graduate School  
August 2013

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J. Larry Lyon, Ph.D., Dean

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O God, you have taught me since I was young, and to this day I tell of your wonderful works. -Psalm 71:17

## CHAPTER ONE

### Introduction

There are 5.3 million English Language Learners (ELLs) currently enrolled in the United States public school system (National Clearinghouse for English Language Acquisition [NCLEA], 2011). Across the nation many ELLs receive supplemental instruction through equitable and innovative programs (Alanís, 2008; Gomez, Freeman, & Freeman, 2005; Quintanar-Sarellana, 2004). Yet, this was not always the case. A generation of immigrants and language minority students that came before today's ELLs stood in the gap and fought for a better educational system. In this narrative study, I applied qualitative research methods to uncover the story behind the *Castañeda v. Pickard* (1981) case. The Castañeda lawsuit against the Raymondville Independent School District (RISD) in Texas is representative of an earlier generation's crusade that materialized into today's language minority student rights. Specifically, the Castañeda family members served as key informants in sharing their personal narratives and making known their experiences in relationship to the educational opportunities offered to language minority students three decades ago.

#### *Background of the Study*

The United States has a long and peculiar history regarding language policy in education. The nation's attitude towards languages other than English utilized for instructional purposes in the classroom has fluctuated over the years. Prior to and early in the 1900s, languages such as Spanish and German were permitted in public schools for

the teaching of English and content matter (Blanton, 2004). After the turn of the century, the Americanization movement established an English only pedagogy that continued well into the 1950s and the 1960s. During this time period known as the Restrictive Period in language policy, many immigrant students and American born language minority students endured injustices such as segregation and unequal educational opportunities (Baker & Jones, 1998).

After many years of inequality in the classroom, immigrants, language minority students, and advocacy organizations struggled to bring justice to the public schools. Publicized acts of protest and several court cases had particular impact on the education of Mexican Americans and on bilingual education. School boycotts were lead by the Mexican American Youth Organization (MAYO) in the small Texas towns of Edcouch Elsa and Crystal City (Blanton, 2004). Lawsuits were brought against school districts such as *Lau v. Nichols* (1974) and *Castañeda v. Pickard* (1981). Each of these incidents is an example of ordinary people doing extraordinary things in the name of justice.

The most prominent United States language policy case, *Lau v. Nichols*, has been deconstructed and analyzed for its educational and historical impact. *Lau v. Nichols* was a class-action lawsuit brought against the San Francisco public school system. In this case, the parents of 1,789 Chinese-American students charged that the school district denied their children access to educational content by neglecting to provide special language instruction services (Lyons, 1990). These special language services such as English as a Second Language and/or Bilingual Education might have assisted the Chinese-American students in overcoming their language barrier and therefore aided in accessing the content of the school curriculum. Language policy experts agree the Lau

case is symbolic of the United States immigrant's struggle to secure language policy rights (Crawford, 2004; Hakuta, 1986; Lyons, 1990). According to Teitelbaum and Hiller (1977), the Lau case raised the "nation's consciousness of the need for bilingual education" (p. 139). The story behind this particular case and glimpses into the Asian Americans involved in this case can be examined in *The Story of Lau v. Nichols: Breaking the Silence in Chinatown* (Moran, 2008). Moran details how the lawsuit came about and provides background of the Lau lawsuit experience. Moran notes in the case of the Lau family, the Lau's did not instigate and seek out the lawsuit in San Francisco but rather a lawyer recruited the Lau's to be the representative family of the case.

The Castañeda lawsuit is significantly linked to the Lau case. According to Ovando (2003), *Castañeda v. Pickard* is "generally considered the second most important court decision influencing education in the English language. It gave the public more specific guidelines by which to determine whether a particular school district was meeting the Lau Remedies" (p. 10). The *Lau Remedies* specified students not proficient in English needed assistance and English as a Second Language (ESL), English tutoring, and/or bilingual education could serve as an educational support (Wright, 2011).

According to the United States Court of Appeals, Fifth Circuit (*Castañeda v. Pickard*, 1981), the Castañeda family's grievances against the Raymondville Independent School District (RISD) were:

. . . the school district unlawfully discriminated against them by using ability grouping system for classroom assignments which was based on racially and ethnically discriminatory criteria and resulted in impermissible classroom segregation, by discriminating against the Mexican-Americans in the hiring and promotion of faculty and administrators, and by failing to implement adequate bilingual education to overcome the linguistic barriers that impede the plaintiffs equal participation in the educational program of the district, (p. 1)

Initially the case was tried in June of 1978 and in August of the same year the courts sided in favor of the RISD. The Castañeda family then appealed the district court's judgment. As a result, in 1981, the United States Court of Appeals, Fifth Circuit court ruling established a three-prong assessment for determining how programs for language minority students are responsibly meeting the requirements of the Equal Educational Opportunities Act (EEOA) passed by Congress in 1974. Under the EEOA,

No state shall deny equal educational opportunity to an individual on account of his or her race, color, sex, or national origin, by . . . the failure of an educational agency to take appropriate action to overcome language barriers that impede equal participation by its students in its instructional programs. (as cited in Lyons, 1992, p. 10)

The Castañeda three-prong guideline is now referred to as the *Castañeda Test*. Prior to the Castañeda lawsuit, there were no guidelines by which schools could evaluate their English language instructional programs. Today any school or district seeking to ensure a quality educational program for their English language learners can operate by the Castañeda Test. The Castañeda Test stipulates:

1. The instructional program must be based on sound educational theory.
2. The program must be implemented with adequate resources and personnel.
3. Over time, the program must demonstrate effectiveness in overcoming language barriers (Crawford, 1999; Ovando, 2003).

Despite the significance of the Castañeda case, the story behind the lawsuit remained silenced. Only a few court documents provided a dim window into the lives of the Castañeda family. Questions remained unanswered regarding the intent of the lawsuit as well as the larger social context of the case. Was the educational environment influenced by a culture of hegemony? Was there a power holding group utilizing the

schools for reproducing this system of hegemony? Could the Castañeda family have had goals of personal benefit or was this lawsuit truly an act of resistance as defined by Henry Giroux (2001). Giroux (2001) suggests resistance should have “specific intent, consciousness, meaning of common sense and the nature of value of non-discursive behavior” (p. 108). The court document’s account of the educational environment the Castañeda family endured is nonspecific and written in legal jargon. The day to day injustices that the family experienced, the sentiments behind pursuing the lawsuit, and the reaction to successfully prevailing over inequality are elements of the story that have not been told.

#### *Statement of the Problem*

At the present time it is imperative to hear the voices of individuals who have fought against educational injustice. In recent years there have been several movements that have attempted to dismantle the progress made in the field of bilingual education. The English only movement has been successful in abolishing bilingual education in California, Arizona, and Massachusetts (Baker, 2011). Likewise, in 2001 the No Child Left Behind Act (NCLB) repealed and replaced the Bilingual Education Act (BEA) (Baker, 2011). Previously, Title VII of the BEA employed the word “bilingual” within the federal policy title. NCLB’s Title III replaces Title VII with the “English Language Acquisition, Language Enhancement, and Academic Achievement Act” (Menken, 2009). Although this wording is subtle, advocates of language minority students and proponents of bilingual education are weary of such language change. Evans and Hornberger (2005) describe the language utilized within NCLB as a “shift away from a view of

multilingualism as resource and toward the imposition of monolingual English-only instruction in U.S. schools” (p. 92).

Adding fuel to English only movements and national policy changes is the recent wave of anti-immigrant laws that affect the public education of language minority students. Alabama’s House Bill 56 targets immigrant populations and indirectly impacts ELLs (Beason-Hammon Alabama Taxpayer and Citizen Protection Act, 2011). House Bill 56 requires “public schools to determine the citizenship and immigration status of students enrolling; to require school districts to compile certain data and submit reports to the State Board of Education” (Beason-Hammon Alabama Taxpayer and Citizen Protection Act, 2011, p. 3). It should be noted ELLs are not synonymous with being undocumented. Nonetheless laws like HB 56 have created a hostile and unwelcoming environment for students and families that may come under suspicion based on their English language capabilities. An educational environment that permits discriminatory linguistic profiling is much like the school environment the Castañeda family experienced years ago. As the nation struggles with its attitude towards immigrant populations, waivers on language policy in education, and implements regressive instructional practices for language minority students, the 30th anniversary of the Castañeda case continues to be overlooked and unacknowledged. As to not repeat historical injustices, it is significant to investigate and revisit past struggles of immigrant communities and language minority populations.

### *Purpose of the Study*

The purpose of this narrative study was to magnify and gain understanding of the Castañeda family’s personal experiences of injustice and legal rectification. In

documenting their story, the researcher in this body of research provides a voice for language minority students both past and present. Narrative research gives voice to those whose stories have not been heard in educational research (Creswell, 2007). Through this study, the Castañeda family was provided the opportunity to express themselves and to share their account of the happenings that took place 30 years ago. By providing a means by which the Castañeda family could share their experiences, insights to the past, present, and future of language minority education was gained. According to Clandinin and Connelly (2000), these lived experiences are “key in our thinking about education because as we think about a child’s learning, a school, or a particular policy, there is always a history, it is always changing, and it is always going somewhere” (p. 2). In this case, it is the hope of the researcher this story functions as a reminder of the educational battles and progress that has been made specifically in the areas of English as a Second Language (ESL) as well as in Bilingual Education. With this newly gained knowledge, the educational community can then utilize the past to examine the present and knowledgeably plan and make instructional decisions that will be employed with language minority students in the future.

In order to accomplish the above stated purpose, the following overarching question guided this study: What were the lived experiences of the Castañeda family members? To address the overarching question the following sub-questions were formulated:

- 1) What were the Castañeda family’s everyday experiences in relation to the RISD educational environment?

- a) What were their experiences in relation to the use of English and/or Spanish?
- b) What were their experiences in relation to their ethnicity?
- 2) What meaning has each family member applied to their own experience in relation to the lawsuit?
- 3) What aspects, if any, of the Castañeda family story reflect Giroux's concept of resistance?
  - a) What was the catalyst for pursuing the lawsuit?
  - b) What was the purpose of pursuing the lawsuit?

#### *Significance of the Study*

Thirty years ago the United States' court system found the lived experience of the Castañeda family to be significant enough to change the status quo. By re-examining and capturing the lived experiences of the Castañeda family members, the educational community has the opportunity to yet again seek change and improvement to current practices. According to Creswell (2007), "the strongest and most scholarly rationale for a study comes from the scholarly literature: a need exists to add to or fill a gap in the literature or to provide a voice for individuals not heard in the literature" (p. 103). Because no previous study has ventured to tell the personal experiences of these individuals, it is of particular significance to have captured the plight of the Castañeda family and their effort towards justice in the classroom.

### *Theoretical Framework*

The premises of critical pedagogy steered this research. Giroux (2010) describes critical pedagogy as an educational movement, guided by passion and principle, to help students develop consciousness of freedom, recognize authoritarian tendencies, and connect knowledge to power and the ability to take constructive action. Like critical pedagogy this study was rooted in the examination of power and privilege in education. The notions of hegemony and resistance within an educational setting are fundamental aspects of the Castañeda family narrative.

Gramsci (1971) delineates the concept of hegemony in the *Prison Notebooks*. He asserts hegemony takes place when a society's dominant; power-holding group imposes their moral, political, and cultural values on the society's subordinate group. These ideologies are impressed upon the subordinate group through its moral leaders, which can include educators. According to Darder, Baltodano, and Torres (2009), hegemony takes place within the school system when daily implementation of specific norms, expectations, and behaviors conserve the interests of those in power. Giroux (1981) further explains the phenomenon of hegemony within the context of schools by outlining four areas where hegemonic influences can be observed:

1. selection of culture deemed as socially legitimate;
2. categories used to classify certain cultural content and form as superior or inferior;
3. selection and legitimization of school and classroom relationships;
4. distribution of and access to different types of culture and knowledge by different social classes. (p. 94)

In contrast, counter-hegemony “refers to those intellectual and social spaces where power relationships are reconstructed to make central the voices and experiences of those who have historically existed at the margins of public institutions” (Darder et al.,

2009, p. 12). However, according to Giroux (2001), not all forms of oppositional behavior truly challenge the dominant structures. Giroux (2001) suggests resistance should have “specific intent, consciousness, meaning of common sense and the nature and value of non-discursive behavior” (p. 108). In addition, Giroux (2001) emphasizes a significant aspect of resistance is its ultimate purpose aims for self-emancipation or social emancipation. Solorzano and Delgado Bernal (2001) provide clarity when summarizing Giroux’s definition of resistance as having “two intersecting dimensions” (p. 316). First, acts of resistance “must have a critique of social oppression” and “must be motivated by an interest in social justice” (Solorzano et al., 2001, p. 316). Based on Giroux’s definition of resistance and Solorzano and Delgado Bernal’s interpretation, a matrix for the purpose of analysis was applied to the Castañeda story in an a priori search for language characteristic of a true act of resistance (see Table 1).

#### *Role of the Researcher and Experience*

As the principle investigator, it is necessary to position myself within this study. It was while pursuing a master’s degree that I came across the Castañeda case in an article I was reading. I was intrigued by the case for several reasons. First, the case occurred in Rio Grande Valley, a place that I call home. Second, despite the fact I am familiar with civil rights efforts that affect the instruction of language minority students, I had no recollection of this particular case. It was then I began to wonder why I had not heard more of the Castañeda story. Later as a doctoral student, my cultural background and my research interests drew me to this case once again.

Table 1

*Matrix Used for Analysis*

	Language that indicates	Participant				
		A	B	C	Snowball A	Snowball B
CONSCIOUSNESS	awareness of oppression					
	awareness of structures of domination					
	NO critique of oppression and/or structures of domination					
INTENTIONALITY	self-emancipation					
	social-emancipation					
	OTHER motivating factors					

*Note.* Adapted from Solorzano and Delgado Bernal (2001) and Henry Giroux (2001) concepts of resistance

Creswell (2007) states that a good qualitative study “reflects the history, culture, and personal experiences of the researcher” (p. 46). As the researcher, I possess extensive experience with both the environmental context of the Castañeda case as well as the subject matter. The Castañeda case took place in the city of Raymondville, TX. I was born and raised in Harlingen, which is located approximately 21 miles from Raymondville. Harlingen and Raymondville are both situated in the southern region of Texas known as The Rio Grande Valley. Because I am from *The Valley* I share historical and cultural heritages with the participants of this study.

Consistent with Creswell's definition of reflexivity, I am "conscious of the biases, values and experiences" that I bring to this study (p. 243). As a product of the Rio Grande Valley I grew up listening to my parents share their stories of injustice and what they believed to be discrimination. As children my parents, who are Mexican-American, attended Valley schools where their ethnic and cultural identities were not embraced or appreciated. I can recall my parents talking about how they were embarrassed to eat their packed lunches that consisted of tacos. They were not encouraged to use their native language of Spanish while at school because it was a punishable behavior. Perhaps the most influential story that I can recall is that of my mother. She was retained in the first grade for her inability to speak in English. These stories influenced and propelled me into becoming a bilingual teacher and have now motivated my interest in this study.

In addition to having a contextual understanding of the environment in which this lawsuit took place, I am also proficient in the subject matter of bilingual education and in the instruction of ELLs. It is significant to note that my undergraduate degree is in bilingual/bicultural education. In the process of acquiring this degree, I became familiar with the history of language policy within the United States school system as well as developed an understanding of best teaching practices for ELLs. After obtaining my undergraduate degree, I became a bilingual teacher and taught for seven years. During that seven-year period, I grew to identify myself as both a teacher but also as an advocate for linguistically and culturally diverse learners (LCDL).

The very experiences that allow me to have a firm grasp on this investigation may also be experiences that can affect the study through researcher bias. As the principal investigator I am aware sharing the same cultural background and having a clear

understanding of the varied instructional methods utilized with ELLs may bias the research through already “preconceived notions” about the lawsuit and the participants’ stories (Yin, 2009, p. 69). In order to counter any bias in the collection and/or interpretation of the data, I depended on member checking. This technique involved “taking data, analyses, interpretations, and conclusions back to the participants so that they can judge the accuracy and credibility of the account” (Creswell, 2007, p. 208).

### *Methodology*

The Castañeda lawsuit can be explored from many different angles. However, after researching the options, it became clear a narrative inquiry design would best suit this study and would yield the most valuable insights about the Castañeda case. According to Clandinin and Connelly (2000), narrative research is best for capturing the detailed stories of life experiences of a single life or the lives of a small number of individuals. In this description, Clandinin and Connelly (2000) charge narrative researchers to apply a narrow sample size. In addition, when selecting participants Merriam (1998) suggests purposeful sampling. According to Merriam (1998), “purposeful sampling is based on the assumption that the investigator wants to discover, understand, and gain insight and therefore must select a sample from which the most can be learned” (p. 61). Through purposeful sampling the participants for this narrative study were identified and limited to the immediate members of the Castañeda family.

As stated by Creswell (2007), it is crucial for a qualitative researcher to “establish rapport with participants so that they will provide good data” (p. 118). Because I share a similar cultural background and am familiar with the subject matter of this case, the Castañeda family was comfortable in sharing their experiences with me. As commonly

practiced in qualitative research, I served as the primary instrument for data collection. According to Merriam (1998), “data are mediated through the human instrument, the researcher, rather than through some inanimate inventory, questionnaire, or computer” (p. 7).

Data were collected by spending considerable time with the participants gathering their stories through multiple types of information (Creswell, 2007, p. 55). Primary documents, archival material, and interviews were utilized for data collection. However, given there was no existing research of this type on the Castañeda case, interviewing served as the primary source for retrieving the initial story of the individuals involved in the lawsuit. The family members were interviewed several times with the application of both semi-structured and unstructured interviews. All interviews were guided by an interview protocol (see Appendix A). Furthermore, with the consent of participants all interviews were tape recorded and transcribed (see Appendix B). Once the data were collected and transcribed, each narrative was analyzed for emergent themes and through the process of constant comparison categories were developed (Denzin & Lincoln, 2000; Merriam, 1998). The individual narratives were restoried into one cohesive account of the Castañeda family story and analyzed through the theoretical framework for distinctive qualities resistance.

### *Limitations*

This study centered on the Castañeda family members as specific participants and it focused on their particular stories within the context of the RISD educational environment. Because of the narrowness of the inquiry, the research may not be generalizable to all lawsuits dealing with LCDLs. However, this study depends on reader

or user generalizability. According to Merriam (1998), this “involves leaving the extent to which a study’s findings apply to other situations up to the people in those situations” (p. 211). It is up to the reader to ask, “What is there in this study that I can apply to my own situation, and what clearly does not apply?” (Walker, 1980, p. 34). In order to maximize user generalizability, rich and thick descriptions have been provided “so that readers will be able to determine how closely their situations match the research situation, and hence, whether findings can be transferred” (Merriam, 1998, p. 211).

### *Conclusion*

The current debate over how best to teach language minority students has plagued the United States for years. There are advocates of English only pedagogy and likewise there are avid believers of bilingual education. Both are presently fighting to pass legislation to make their philosophies the law and implemented in the classroom. It is crucial to look back on historical events, such as the *Castañeda v. Pickard* (1981) lawsuit, to better understand the issues of injustice and battles that have already been fought and tried. This study was guided by the tenets of critical pedagogy and implemented a narrative inquiry research design.

The purpose of this study was to magnify the Castañeda family story and to better understand how each member of the Castañeda family experienced injustice and legal rectification. By providing this family a voice, insight to the current debate over language policy has been gained. The following chapters cover a review of the literature (Chapter Two), a description of the research methodology (Chapter Three), the presentation of the results (Chapter Four), and a discussion of the findings (Chapter Five).

### *Definition of Key Terms*

*Additive Bilingual Programs* – “refers to a bilingual program where the addition of a second language and culture is unlikely to replace or displace the first language and culture” (Baker, 2011, p. 71).

*Bilingual Education* –

refers to programs designed for language minority students. This should include instruction designed to teach English, instruction delivered in English designed to teach other subjects, literacy instruction in the home and second languages of the students, and instruction in content areas provided through the home language. (Feinberg, 2002, p. 1)

*Bilingual Education Act* – “an amendment to the Elementary and Secondary Education Act that provided funding to establish bilingual programs for students who did not speak English and who were economically poor” (Baker, 2011, p. 196).

*Counter-Hegemony* – “is used within critical pedagogy to refer to those intellectual and social spaces where power relationships are reconstructed to make central the voices and experiences of those who have historically existed at the margins of public institutions” (Darder et al., 2009, p. 12).

*Critical Pedagogy* – an “educational movement, guided by passion and principle, to help students develop consciousness of freedom, recognize authoritarian tendencies, and connect knowledge to power and the ability to take constructive action” (Giroux, 2010, B15).

*EEOA* – Equal Education Opportunity Act (González, 2008).

*ELL* – English Language Learner (Feinberg, 2002, p. 6).

*English only movement* – a movement in which activists lobby for the English language to have a dominant place in law, society, and education (Baker, 2011).

*ESL* – English as a Second Language (Feinberg, 2002, p. 6).

*ESOL* – English for Speakers of Other Languages (Feinberg, 2002, p. 6).

*Hegemony* – “refers to a process of social control that is carried out through the moral and intellectual leadership of a dominant sociocultural class over subordinate groups” (Darder et al., 2009, p. 12).

*Language minority students* – “students whose home languages are not English are national origin minority students whether they are immigrant or native born” (Feinberg, 2002, p. 5).

*LCDL* – Linguistically and Culturally Diverse Learner (Feinberg, 2002, p. 6).

*LEP* – Limited English Proficient student (Feinberg, 2002, p. 6).

*LRUP* – La Raza Unida Party (Acuña, 1972).

*MAYO* – Mexican American Youth Organization (Acuña, 1972).

*META* – Multicultural Education, Training, Advocacy Inc. (Crawford, 1999).

*OCR* – Office of Civil Rights (González, 2008).

*Resistance* – An act of oppositional behavior with “specific intent, consciousness, meaning of common sense and the nature and value of non-discursive behavior” which aims for self-emancipation or social emancipation (Giroux, 2001, p. 108).

*Subtractive bilingual programs* – refers to a bilingual program where the second language and culture are acquired with pressure to replace or demote the first language (Baker, 2011, p. 72).

## CHAPTER TWO

### Literature Review

Chapter One provided a background and purpose for the current research. The nature of this study was to utilize a narrative inquiry research design to capture the story of the *Castañeda v. Pickard* (1981) case. Chapter 2 provides three essential facets of literature pertinent to the current research; the historical context of language policy within the United States, the narrative inquiry research design, and the theoretical framework for resistance.

#### *Historical Context of Language Policy*

In examining a specific educational policy or practice it is easy to isolate the issue from its historical context. However, in order to truly understand the relevance of the *Castañeda v. Pickard* (1981) case it must be linked to its “wider social, economic, educational, cultural and political framework” (Baker, 2011, p. 184). The battle for civil rights and against racial discrimination is well known to the American public. The plights of minorities seeking equality in politics, the work place, and in education have been well publicized by the media. According to Donato (1997), the historical memory of the United States tends to focus on the African American crusade for equity. Yet, other minority groups in the United States have also actively resisted discriminatory practices and sought social change. Donato (1997) states, “Mexican American communities have been actively protesting discriminatory educational practices throughout the Southwest since the early twentieth century” (p. 2). Of particular interest

to this study are the rights pursued in public education that specifically affected language minority student populations. A brief historic overview of the United States' social and political climate and its implications on language usage in the classroom are discussed. Efforts in gaining rights that significantly influenced educational practice for language minority students are highlighted and particular attention is given to positioning and discussing the *Castañeda v. Pickard* (1981) case within this overview.

### *Restrictive Period*

My mother, Eloisa, entered the Harlingen, Texas public school system in 1953. She was an America-born daughter of a Mexican immigrant and she only spoke Spanish. The language of instruction in her classroom was English. Due to Eloisa's language barrier she was unable to master the subject matter content in her first year of school and was provided with the opportunity to repeat the same grade level in her second year of public education. When asked to recall her overall feelings about her early education, this was the sentiment that she shared. "I remember being afraid and thinking that I would really rather be at home" (E. Padrón, personal communication, November 14, 2008). These early feelings of fear and aversion towards school were induced by the educational climate of the time period. Similar to the Castañeda family members, Eloisa attended school in the Rio Grande Valley during what Baker and Jones (1998) have identified as the Restrictive Period of language policy in the U.S.

The Restrictive Period in language policy transpired between the 1880s and the 1960s (Ovando, 2003). During the Restrictive Period, the use of a foreign language as the mode of instruction was limited. According to Blanton (2004), these limitations in

Texas were a result of southern Progressivism and the Americanization movement that took place at the turn of the century. The progressive education movement

sought to make the schools more practical and realistic. It sought to introduce humane methods of teaching, recognition that students learn in different ways, and attention to the health of children. It sought to commit the schools more to social welfare than to academic studies. (Ravitch, 2000, p. 54)

John Dewey (1990), frontrunner of progressivism, stressed education should change as the needs of society change. In terms of teaching methodologies, bilingual education and the progressive movement are not typically seen as being in complete opposition to each other. Bilingual educators, much like the progressive educators of the early 1900s, advocate for teaching practices that include experiential learning, cultural relevancy, an integrated curriculum, and cooperative learning (Calderón, 1991; Calderón, Slavin, & Sánchez, 2011; Cummins, 1996; González, Moll, & Amanti, 2005; Krashen & Terrell, 1983). However, the contextualization of Dewey's (1990) cultural relevancy at the turn of the century materialized into the preparation of students to join the larger social, economic, and political scene of industrialized America. Blanton (2004) stated in the south Progressives focused on educational governance and weakened the bilingual tradition in Texas in several distinct ways:

First, the Progressive reform of school reorganization indirectly suffocated bilingual education by eliminating the general organizational schemes that allowed ethnic communities a high degree of local autonomy in which to practice it; second, English-Only pronouncements gradually infiltrate educational legislation on teacher certification and also cropped up as instructional mandates; third, there was a significant increase in nativism by the turn of the century that accompanied the Texas Progressive agenda. (p. 43)

During this time period Americans felt threatened by the influx of European immigrants. They viewed these foreigners unfavorably if they did not assimilate into the mainstream of society. Americans were compelled to unify the nation by promoting a

common culture and a common identity. In an effort to expedite and guarantee the assimilation process took place, the Americanization movement materialized in the church, workplace, and in schools. Immigrants were inculcated in the schools and taught to conform their identities and their lifestyles to that of the majority in the United States (Blanton, 2004, p. 59). President Theodore Roosevelt (1917) captured the spirit of the nation when he stated,

We must have but one flag. We must also have but one language. That must be the language of the Declaration of Independence, of Washington's farewell address, of Lincoln's Gettysburg speech and second inaugural. We cannot tolerate any attempt to oppose or supplant the language and culture that has come down to us from the builders of this Republic with the language and culture of any European country. The greatness of the nation depends on the swift assimilation of the aliens she welcomes to her shores. Any force which attempts to retard that assimilation process is a force hostile to the highest interest of our country. (as cited in Crawford, 1992, p. 85)

Although Roosevelt specifically identified European immigrants as those in need of Americanization, this movement was felt among other immigrant groups as well. Americanization reached as far south as the Rio Grande Valley in Texas. There, the public school system perceived the Mexican American community as resistant towards relinquishing their culture and their language. The public schools set out to indoctrinate the Mexican American community with the expressed objective of producing citizens suitable for America (Blanton, 2004). Mrs. J. T. Taylor, a principal of a Harlingen *Mexican school*, encapsulates this perspective when she noted, "certainly Americanization and citizenship cannot be separated-therefore, it would follow that education and Americanization are working toward the same end" (as cited in Blanton, 2004, p. 70).

The process of Americanization involved teaching all immigrants across the nation about American history, culture, values, and the instruction of the English language. Children were immersed in this process through their textbooks and environment. School readers provided lessons on the American Flag, The Star Spangled Banner, George Washington, and the importance of Americanism. Ellwood Griscom (1920), a former professor at The University of Texas and author of *Americanization: A School Reader and Speaker* suggested that the Americanization movement aimed to assist the immigrant and “to help him know our national life; help him make our traditions, heroes, and ideals his; to inspire him a love for America and what it stands for; to win his heart to the things we love” (p. 230).

#### *Permissive Period*

The teaching of the English language was no doubt on the forefront of the Americanization movement. However, prior to and during the initial years of the movement, bilingual education was a tool for accomplishing the same objective. During the Permissive Period, there existed openness towards the use of a native language within classroom instruction (Baker & Jones, 1998). From the 1700s through the 1880s, public schools commonly utilized the language of the community to teach subject matter content as well as to teach the English language. According to Crawford (1999), the framers of the United States Constitution believed that in a democratic government language choice should be left to the people. Crawford (1999) also stated leaders were more concerned with political liberty than with linguistic homogeneity and for a time period, the United States had “a policy not to have a policy on language” (p. 22). Furthermore, González (2008) reasons

in the latter part of the 19th century this openness to languages other than English was motivated by the competition between public and private schooling, benevolent administrators, the isolation of schools in rural areas, and the concentration of ethnic groups in a given area. (p. 545)

These ethnic enclaves embraced the use of their native language. One such example can be found in the “German-English schools that were prevalent in Baltimore, Cincinnati, Cleveland, Indianapolis, Milwaukee, and St. Louis” (Crawford, 1999, p. 23). Similarly, in the state of Texas, “The idea of Americanization was not viewed as incompatible with the use of Spanish in the classroom” (Blanton, 2004, p. 30). Blanton (2004) recounts the Nueces county judge, Joseph FitzSimmons’ (1988-89) statement.

The majority of Scholars being of Mexican extraction outside of the city of Corpus Christi requires that the teacher speak the Spanish language-the children however, are rapidly acquiring a taste for our language and are being gradually evolved [sic] to American ideas. (as cited in Blanton, 2004, p. 30)

Although during this time period native language instruction was either due to what Ovando (2003) refers to as “benign neglect” or for the purpose of enhancing the Americanization process, it still represented a form of tolerance towards bilingual education (p. 4). Eventually the Americanization movement would prevail and this acceptance would dissipate resulting in English-only pedagogy seen in the Restrictive Period.

Non-English speaking students across the United States were subjected to a sink or swim method. Children like Eloisa entered schools and did not have the English language capabilities to master content knowledge. The priority of Americanization became teaching the English language. “English-speaking ability was considered more important than any scholastic aptitude in Spanish; all subjects were sacrificed to the unfortunate notion that one’s command of English represented the only avenue for

learning” (Blanton, 2004, p. 70). English-only education was extended outside of the classroom environment. Children were unable to use their native language in the classroom and in some instances were prohibited and punished for using it in the hallways or on playgrounds. Students understood that their language and culture was not valued at school and many students often felt “shameful of his language and heritage, preferring English over Spanish, sandwiches over tacos” (Flores & Murillo, 2001, p. 186). According to San Miguel (1999), this approach to language instruction and Americanization involved a process by which a new language and identity is developed, while the old identity and language is subtracted from the individual. Children of this time period adjusted to these circumstances and learned to separate their home identity from their school identity. They developed what Flores and Murillo (2001) called a “bifurcated reality” (p. 186).

The practice of English-only instruction would persist well through the 1950s and 1960s. The English-only trend began to lose momentum when the United States engaged in the space race with the Soviet Union while simultaneously publicizing research on bilingualism and intelligence. In addition, minority groups began to challenge the American educational system. Shadowing these events, Lyndon B. Johnson passed legislation that would influence the education of minority and immigrant children. This new Opportunist tone of the nation would result in a preliminary shift from Flores and Murillo’s (2001) bifurcated realities towards an educational environment in which students would begin to witness their culture and native language infused into the curriculum. Between the 1960s and the 1980s the needs of language minority students

were given unprecedented attention and national recognition. It was during the latter part of the Opportunist Period the *Castañeda v. Pickard* (1981) case emerged.

### *Opportunist Period*

During the Opportunist Period foreign relations with the Soviet Union and Cuba altered the long time practice of muffling ethnic minority native languages. Two key events contributed to the increased usage of foreign languages in the American public school system. After the Soviet Union successfully launched the infamous satellite Sputnik into space, the United States realized the importance of being able to compete with other foreign powers in a global society. As a result, the National Educational Defense Act (NDEA) of 1958 encouraged foreign language instruction at all levels of American education (Blanton, 2004; Crawford, 1999; González, 2008). Although the NDEA persuaded Americans to be more accepting of languages other than English, it did so within a dysfunctional system. According to Ovando (2003), the United States promoted foreign language instruction for monolinguals while concurrently “destroying through monolingual English instruction the linguistic gifts that children from non-English language backgrounds bring to our schools” (p. 7). The final thrust in the legitimate establishment of a bilingual program came from unexpected circumstances with Cuba. When middle class exiles fled Fidel Castro’s communist Cuba they took refuge in Dade County, Florida. Both the United States and the Cuban refugees believed that their stay would be temporary. With this perspective in mind, the Dade County Schools and the Cuban expatriates thought it valuable to maintain their native language and culture, thereby instituting a dual language program at Coral Way Elementary School (Blanton, 2004; Crawford, 1999; González, 2008; Ovando, 2003). The Coral Way

program educated both monolingual English speakers as well as monolingual Spanish speakers. It was successful in that “both language groups did as well as or better than their counterparts in monolingual English schools, and the Cuban children achieved equivalent levels in Spanish” (Crawford, 1999, p. 36). Aside from being academically successful, one of the most significant outcomes of this program was for the first time native language instruction was not utilized in a compensatory manner but with an additive bilingual perspective (Crawford, 1999).

Furthering Dade County’s contributions, new research regarding bilingualism and intelligence surfaced during the same time period (Blanton, 2004; San Miguel, 2004). Blanton (2004) argued this research was an aspect of the bilingual movement often overlooked by historians. San Miguel (2004) concurred on the significance of this research when he stated, “in the early 1960’s a gradual shift occurred in this literature. Scholars found that bilingualism was an asset to learning in the schools and that it played a positive role in intelligence” (p. 6). Researchers began to consider socioeconomic and behavioral factors in relation to language minority student achievement. In addition, more accurate measures for assessing the correlation between bilingualism and IQ were developed (Blanton, 2004). Prior to these new studies, bilingualism was viewed negatively and often associated with an intellectual or educational deficiency. The seminal work of Peal and Lambert (1962) exemplifies this enlightened evolution. Peal and Lambert (1962) studied French-English speaking children in Montreal, Canada. According to Baker (2011), this study revealed that bilinguals maintain:

greater mental flexibility; the ability to think more abstractly, and more independently with words, providing superiority in concept formation; that a more enriched bilingual and bicultural environment benefits the development of IQ; and

that there is a positive transfer between a bilingual's two languages, facilitating the development of verbal IQ. (p. 145)

Although the dissemination of this kind of research did not overwhelmingly transform the minds of the general public, the findings nonetheless triggered a significant shift in language research thereby casting an optimistic perspective on the use of native language instruction.

While the United States dealt with foreign relations and language scholars' improved research, ethnic minority nationals increasingly grew disenfranchised. This discontentment triggered activism from marginalized American populations and consequently the passing of a series of civil rights and social legislation. This turbulent time in U.S. history would eventually contribute in the temporary dismantling of the English-only pedagogy that had for so long been applied in American public schools (Blanton, 2004; Crawford, 1999; González, 2008; Ovando, 2003; San Miguel, 2004).

Although the needs of linguistically diverse students were well known to those individuals living out the sink or swim method of instruction, the issue of inequity did not become publically questioned and contentious until after the Civil Rights Act of 1964. Following *Brown v. Board of Education* (1954), African American activists increased the pressure for the United States government to stop funding segregated entities and as a result "Title VI of the Civil Rights Act was the formal entrance of the U.S Congress into the civil rights struggle" (González, 2008, p. 135). As a part of the Civil Rights Act of 1964, Title VI states:

No person in the United States shall, on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program receiving Federal financial assistance. (as cited in González, 2008, p. 135)

This initial step toward providing equity for the nation's marginalized primarily focused its efforts on the African American population. However, the government would soon acknowledge the plight of other marginalized populations, including linguistically and culturally diverse students.

The unfavorable circumstances of language minority students were recognized by two specific federal actions. First, as a part of Lyndon B. Johnson's War on Poverty the 1965 Elementary and Secondary Education Act (ESEA) was established. According to González (2008), the ESEA provided funding to meet the needs of educationally deprived children. As a young teacher in Cotulla, TX not only did Johnson have first-hand experience with English-only pedagogy but he also witnessed the dismal school environments provided to language minority students (Blanton, 2004). Johnson specifically worked at a Mexican American school and described the experience in the following manner:

We had only five teachers here in the Welhausen public school. We had no lunch facilities. We had no school buses. We had very little money for educating people of this community. We did not have money to buy our playground equipment, our volleyball, our softball bat. I took my first month's salary and invested in those things for my children. (Johnson, 1966, para. 4)

Blanton (2004) recognizes Johnson as "the only United States president with experience teaching non-English-speaking children" (p. 83). With this understanding and as part of the ESEA, Johnson signed into law The Bilingual Education Act (BEA) of 1967 (1968). The BEA is often mistaken for legislation that mandated schools to use a language other than English but rather it was an initiative that "authorized resources to support educational programs, to train teachers and aides, to develop and disseminate instructional material, and to encourage parental involvement" specifically aiming to

support students that were “educationally disadvantaged because of their inability to speak English” (Crawford, 1999, p. 40). According to San Miguel (2004), the purpose of the BEA was:

- 1) to encourage the recognition of the special educational needs of limited English speaking children and
- 2) to provide financial assistance to local educational agencies to develop and carry out new and imaginative public school programs designed to meet these special educational needs. (p. 17)

Shortly after the ESEA, the Department of Health, Education, and Welfare also aided in drawing attention to the educational needs of language minority populations.

As a part of the Civil Rights Act of 1964, the Office of Civil Rights (OCR) was established to enforce laws that prohibit discrimination in programs or activities that receive federal financial assistance (U.S. Department of Education, Office for Civil Rights, 2012). In 1970 the OCR’s director, J. Stanley Pottinger sent out a memorandum that essentially extended the Civil Rights Act to include issues of discrimination based on language (Crawford, 1999; González, 2008). As stated by González (2008), this memorandum known as the May 25th Memo articulated the following:

Where the inability to speak or understand the English language excludes national origin-majority group children from effective participation in the education program offered by a school district, the district must take affirmative steps to rectify the language deficiency in order to open its instructional program to these students. (p. 136)

The combination of the ESEA and the May 25th Memo provided language minority populations sufficient leverage in voicing their educational struggles in the United States courthouses. The first of these battles would be the *Lau v. Nichols* (1974) case.

The landmark case, *Lau v. Nichols* (1974), was a class-action lawsuit brought against the San Francisco public school system. In this case, the parents of 1,789

Chinese-American students charged that the school district denied their children access to educational content by neglecting to provide special language instruction services (Crawford, 1999; Lyons, 1990). According to Crawford (1999) and Moran (2009), Edward Steinman, a poverty lawyer in San Francisco, filed suit on March 23, 1970, on behalf of Kenney Lau when he learned his client “was not doing well in school due to the inability to understand the language of instruction, English” (p. 44). The story behind this particular case, and glimpses into the Asian Americans involved in this case, can be examined in *The Story of Lau v. Nichols: Breaking the Silence in Chinatown* (Moran, 2009). Moran (2009) details how the lawsuit came about and provides background of the Lau lawsuit experience. Moran (2009) notes in the case of the Lau family, the Lau’s did not initially instigate and seek out the lawsuit in San Francisco. Rather, they were one of many families seeking free legal aid from Steinman and his associates. The Lau family sought help in a landlord dispute and while meeting it became apparent to Steinman they shared a common struggle with many other clients. Their children were not doing well in the U.S. educational school system due to the English-only pedagogy in which the students were being subjected. After years of litigation, the case finally reached the Supreme Court where it was determined that under the California state imposed standards:

. . . there is no equality of treatment merely by providing students with the same facilities, textbooks, teachers, and curriculum; for students who do not understand English are effectively foreclosed from any meaningful education.

Basic English skills are at the very core of what these public schools teach. Imposition of a requirement that, before a child can effectively participate in the educational program, he must already have acquired those basic skills is to make a mockery of public education. We know that those who do not understand English are certain to find their classroom experiences wholly incomprehensible and in no way meaningful. (Justice Douglas, *Lau v. Nichols*, 1974)

Moran (2009) states that the Supreme Court’s decision protects “English language learners from discrimination in education” (p. 111). Crawford (1999) further interprets the Lau ruling when he explains,

Sink-or-swim was no longer acceptable. The ruling invoked no Constitutional guarantees; or in legal parlance, it did not reach the equal protection clause of the Fourteenth Amendment. Title VI, whose implications were spelled out by Pottinger’s memorandum, was sufficient basis for requiring extra help for children with limited English skills. (p. 45)

Although the Lau ruling has been critiqued for not mandating bilingual education but rather allowing for alternative forms of special services to be offered to language minority students that might include bilingual education, it nonetheless made a significant impact on the instructional practices for language minority students both in San Francisco and across the nation (Blanton, 2004; Crawford, 1999; González, 2008).

Language policy experts agree that the Lau case is symbolic of the United States immigrant’s struggle in the United States to secure language policy rights (Crawford, 2004; Hakuta, 1986; Lyons, 1990). According to Teitelbaum and Hiller (1977), the Lau case raised the “nation’s consciousness of the need for bilingual education” (p. 139). The consensus among language minority advocates is this case was successful; it validated the OCR’s May 25th Memo and resulted in the San Francisco school district adopting a transitional bilingual program for Chinese, Filipino, and Hispanic children (Crawford, 1999; González, 2008). Furthermore, the Lau case is significant to the *Castañeda v. Pickard* (1981) case in two specific ways. First, San Miguel (2004) states reaffirmation of the May 25th Memo referenced “children who were culturally and linguistically different” and it remedied “the absence of Mexican Americans in federal programs” where previously “all existing anti-discrimination laws applied to African Americans” (p.

36). Secondly, the codification of the Lau ruling resulted in the passing of the Equal Educational Opportunity Act (EEOA) of 1974 (González, 2008). It was on the basis of the EEOA the Castañeda family sued the Raymondville Independent School District.

Under the EEOA,

No state shall deny equal educational opportunity to an individual on account of his or her race, color, sex, or national origin, by . . . the failure of an educational agency to take appropriate action to overcome language barriers that impede equal participation by its students in its instructional programs. (Lyons, 1992, p. 10)

It is with the EEOA and within the historical backdrop of Raymondville, TX the *Castañeda v. Pickard* (1981) case emerged.

Much like the students Lyndon B. Johnson taught in Cotulla, TX, Mexican immigrants and Mexican Americans in Raymondville, TX faced long standing discriminatory practices within the public school system. Herschel T. Manuel (1930) captured the bleak state of life for most Mexican students when he stated:

Mexican children in Texas come from homes representing all degrees of economic and social status from the highest to the lowest. The prevailing picture, however, is one of underprivilege--often extreme. Nearly half of the Mexican children in the school have parents classified as unskilled laborers, and among these wages are often pitifully low and employment distressingly unsteady. While many Mexicans are regarded with respect and consideration in their own communities, there is a tendency on the part of other whites to treat the Mexican as socially inferior. The attitude of Mexicans toward this treatment as inferior varies from apparent acquiescence to bitter resentment. (p. 21)

This treatment of inferiority was evident in the school housing practices utilized by the Texas public school system.

Little (1944) conducted an exploratory study in which he documented the educational practices employed with Spanish speaking children in South Texas and found, "Separate housing for Spanish-speaking children is a fixed practice in many

school systems in Texas” (p. 59). Manuel (1930) revealed “in the cities of Crystal City, Edinburg, Harlingen, Kerrville, McAllen, Mercedes, Mission, Pharr-San Juan, Raymondville, Uvalde, and Weslaco schools segregated Mexican children in grades 1-4 or grades 1-5” (p. 75). When Little (1944) questioned the reasoning behind separate school housing of these students many of the superintendents of these school districts responded with the following justifications:

We think that in the elementary schools we can give them better opportunities to learn English and other fundamentals so difficult to get otherwise. Evidently the Latin-American parents here thought likewise for they wanted their own school for their elementary youngsters.

Local prejudice and inability to speak English.

Conditions arising from irregular attendance.

Latin-Americans favor the plan; children are much more at ease and they will naturally segregate anyway. They are not at the disadvantage of being graded in English on the same standards as Anglo-Americans who are speaking their native tongue.

Public opinion.

Since other school is crowded the present arrangement seems most practical.

The school board has had this arrangement for several years and does not want to change the plans.

Children with language difficulty can be given special treatment and special methods in teaching may be employed.

Language handicap is the reason in the school minutes.

Children with reasonable English proficiency are enrolled in the Anglo-American school.

Children cannot speak English, and are very irregular in attendance.

These children in the lower grades cannot advance as fast as the Anglo-American due to language difficulties. Hence in the lower grades we find it advisable to separate them into different schools.

Lack of room in other building.

So many in the first grade and need cleaning up to be taught. Lack of English language knowledge.

We have the primary department separate for the benefit of the Mexican children. More individual time can be given to overcoming language difficulty.

School board is antagonistic toward housing in the same building.

These children need five or six years of Americanization before being placed with American children. Their standard of living is too low-they are dirty, lousy, and need special teaching in health and cleanliness. They also need special teaching in the English language. (p. 60)

Sanchez (1956) adds, “during the 1950’s about eighty percent of non-English speaking Tejanos spent two years in the first grade due to supposed language handicap” (as cited in Blanton, 2004, p. 111). Moreover, Sanchez (1956) states, “roughly twenty five percent reached the eighth grade while less than ten percent reached the twelfth grade” (as cited in Blanton, 2004, p. 111). By the late 1960s it was unmistakable that the United States public school system was failing to meet the needs of its linguistically and culturally diverse student populations.

In 1966 the National Education Association released a report suggesting, “Traditional school policies and practices such as rigid Anglicization practices, English-only policies, no-Spanish rules, and cultural degradation led to damaged self-esteem, resentment, psychological withdrawal from school and underachievement” (as cited in San Miguel, 2004, p. 12). According to Garcia (1984), a series of six similar types of reports indicated the American public school system

was guilty of undermining the culture, history, and language of Mexican American students [specifically] southwestern schools where Chicanos and Chicanas experience segregation, low rates of retention, underachievement in reading skills, a greater recurrence of grade repetition and overageness, underrepresentation in terms of faculty, counselors, and administrative personnel, and attendance in districts that were funded at lower levels than ones predominantly enrolling Anglo students. (p. 87)

Considering the severity of the segregation practices and the lack of educational opportunities offered to non-English speaking children in Texas, it is not surprising this is where Mexican American activists would bring national attention to the injustices taking place within their cities.

Similar to the African American Civil Rights Movement, Mexican Americans began to voice their dissatisfaction with the social, political, economic, and educational

inequities they faced daily. Although the Chicano Movement “concerned itself with larger issues of social justice, many focused their attention on the quality of their schools” (Donato, 1997, p. 58). According to Donato (1997), activists were “convinced that social justice was linked to the extent to which their children were able to acquire a good education” (p.58). Chicano activists in Texas adhered to this tenet, which resulted in the transformation of the school experiences held by Mexican American students within the cities of Edcouch-Elsa and Crystal City.

According to Valencia (2011), Edcouch-Elsa is “located in the lower Rio Grande Valley, about 15 miles from the Texas-Mexican border” (p. 44). The history of discriminatory practices within the Edcouch-Elsa Independent School District was well documented by Carlos I. Calderón’s (1950) descriptive studies focused on the quality and quantity of the facilities offered to the Mexican and White children within their respective schools (Valencia, 2011). Through observation and photography Calderón (1950) brought light to the inherent inequities that existed between the “Mexican schools” and the “White schools.” After years of enduring these inequities the Mexican American student population decided they could no longer tolerate the status quo. In 1968 with the assistance of Mexican American Youth Organization (MAYO) member Jesús Ramírez, students from Edcouch-Elsa presented a list of grievances and demands to their school board requesting numerous changes take place in their every day school experiences. Among these 15 demands were, “the right to speak their mother tongue, Spanish, freely on school grounds; blatant discrimination against Mexican-American students at school cease immediately; and new courses introduced as a regular part of the curriculum to reflect the contributions of Mexicans and Mexican-Americans to the state

and the region” (Barrera, 2001, p. 32). When school board members failed to acknowledge their requests, Javier Ramírez, Raúl Arispe, José Luis Chávez, and Mirtala Villarreal successfully lead a school walk out in which 192 Chicano students made their voices known (Barrera, 2001). According to Barrera (2001), this localized activism contributed to the hiring of more Mexican-American teachers and administrators. Furthermore, in the years to follow increased attention was given to the needs of Mexican-American students through the addition of a Title I migrant counselor, and a bilingual education director.

Just as the Chicano students in Edcouch-Elsa voiced their concerns and triggered change within their own school system, students in Crystal City, TX would soon after participate in a similar uprising lead by one of the Chicano Movement’s most prominent activists. According to Acuña (1972), the Chicano Movement differed from the African American Civil Rights Movement in that aside from Cesar Chávez it did not have “national leaders with large organizations with efficient staff” but rather its leadership pattern “closely resembled the pattern of the Mexican Revolution, where revolutionary juntas and local leaders emerged” (p. 234). The United States began to see individual leaders rise up within their local communities where they “took care of their home bases” and inspired “intense loyalty” from their followers (Acuña, 1972, p. 234). Among these leaders were individuals such as José Angel Gutiérrez in Crystal City.

Gutiérrez was the founder of MAYO and the co-founder of La Raza Unida Party (LRUP). He established MAYO while attending St. Mary’s College in San Antonio, TX. Acuña (1972) stated the organization sought “to take control of the political, economic, and education institutions that managed the Chicano’s lives” (p. 234). With this purpose

in mind, Gutiérrez strategized in Crystal City, TX where 85% of the population was Chicano. The Mexican-American population in Crystal City faced many of the same challenges the students in Edcouch-Elsa encountered. Crystal City schools maintained a no-Spanish rule while on school grounds and there were discriminatory policies in place that prevented Mexican American students from holding leadership positions on campus (Acuña, 1972). In addition, the Mexican American students in Crystal City were not achieving academically. An astounding 70% of Chicano students dropped out of the local high school. Due to these circumstances, Gutiérrez assisted the students in organizing their efforts to make their concerns known to the school board. Similar to the activism in Edcouch-Elsa, the students in Crystal City created a list of grievances and demands and presented them to the school board. Again, just as in Edcouch-Elsa, the school board disregarded their requests and in the fall of 1969, 1,700 Chicano students held a walk out (Acuña, 1972). The students along with their families then decided to gain control of their school board elections in the spring. These organized efforts resulted in winning four of the seven seats on the Crystal City school board, the hiring of Chicano teachers and counselors, and the establishment of bilingual and bicultural curricula (Acuña, 1972). The efforts in Crystal City and Edcouch-Elsa were successful in altering the school experiences for the Mexican American students within their communities and are deemed significant by historians (Acuña, 1972; Barrera, 2001).

The students in these small Texas towns forced their local school boards to both acknowledge their presence as well as their specific educational needs. They made it possible for their native language to be used within their own school and influenced the establishment of a more inclusive curriculum, which included bilingual education. Both

occurrences were covered by national news media and communicated to the rest of the nation that the Chicano community would no longer tolerate discrimination and marginalization. In addition, these acts represented a model for others to follow and left school districts wary of a possible uprising within their own communities. The Chicano activism in Crystal City was particularly influential in that Gutierrez and the LRUP advanced the overall agenda of the Chicano Movement as well as empowered Mexican Americans on a national level. These efforts were extremely successful in addressing the larger social issues of the Chicano Movement. However, how these efforts specifically addressed the rights of language minority students on a national scale is unclear. It is also uncertain how and if their actions influenced the Castañeda family. Yet, it would not be very long afterwards that the *Castañeda v. Pickard* (1981) case would surface.

### *Dismissive Period*

The Castañeda case emerged toward the end of the Opportunistic Period and the courts ultimately ruled on the case at the beginning of what experts refer to as the Dismissive Period (Baker & Jones, 1998; González, 2008; Ovando, 2003). The transition into the Dismissive Period occurred in the early 1980s and language policy is still operating under this period's historical umbrella (Ovando, 2003). Scholars agree that during the Dismissive Period bilingual education faced new opposition that hindered programs and prevented many from flourishing (Crawford, 1999; González, 2008; Ovando, 2003; San Miguel, 2004). The newly appointed Reagan administration was a catalyst for this new era of hostility towards bilingual education (Crawford, 1999; González, 2008; Ovando, 2003; San Miguel, 2004). Similar to the early 1900s, once again the United States would hear its nation's leader express negative rhetoric regarding

native languages and the acquisition of English. However, in this instance the rhetoric would sow the seeds of misconceptions over bilingual pedagogical methods that would carry well into the present day debate (Crawford, 1999; González, 2008; Ovando, 2003; San Miguel, 2004). In March of 1981, President Reagan was quoted in the New York Times stating,

It is absolutely wrong and against the American concept to have a bilingual education program that is now openly, admittedly, dedicated to preserving their native language and never getting them adequate in English so that they can go out into the job market. (as cited in González, p. 549)

This hostility towards native language instruction would manifest itself through Reagan's newly appointed head of the Department of Education, William J. Bennett (San Miguel, 2004).

Once in office, Bennett took very distinct actions against native language instruction. Bennett first “developed new regulations aimed at promoting local flexibility in bilingual program design and at eliminating the use of non-English language instruction in these programs” (San Miguel, 2004, p. 66). According to Gonzalez (2008), there was an increase in federal funding for monolingual programs where their native language was not utilized in instruction (p. 549). In addition, Bennett reduced the budget and staff of the OCR and specifically “reduced the funding for enforcement compliance, decreased the number of investigations of school districts with inadequate bilingual programs, and failed to investigate complaints of discrimination (San Miguel, 2004, p. 67). He also discontinued funding allocated to the National Clearing House on Bilingual Education and instead contracted another agency less committed to the bilingual agenda. Furthermore, he “appointed persons known to be antagonists of bilingual education to the National Advisory and Coordinating Council on Bilingual Education” (San Miguel, 2004,

p. 68). The implications of the Reagan administration's assault on bilingual education and how the onset of the Dismissive Period might have affected the Castañeda case, is discussed in Chapter Five.

Resembling the towns of Edcouch-Elsa and Crystal City, Raymondville is a small rural town in South Texas that suffered documented segregation and discriminatory policies aimed at its Mexican American population (Little, 1944; Manuel, 1930). After many years of enduring these challenges, the Castañeda family along with five other families filed grievances against the Raymondville Independent School District (RISD). Although the Castañeda case shared similar motivating factors with the Mexican American populations in Edcouch-Elsa and Crystal City, it diverges in that the Raymondville families did not speak out against the school district through walk outs and protest. Instead, like the *Lau v. Nichols* (1974) case, they organized their efforts within the United States court system.

#### *Castañeda Case*

According to the United States Court of Appeals, Fifth Circuit (1981), the Castañeda family's grievances against the Raymondville Independent School District (RISD) were:

. . . the school district unlawfully discriminated against them by using ability grouping system for classroom assignments which was based on racially and ethnically discriminatory criteria and resulted in impermissible classroom segregation, by discriminating against the Mexican-Americans in the hiring and promotion of faculty and administrators, and by failing to implement adequate bilingual education to overcome the linguistic barriers that impede the plaintiffs equal participation in the educational program of the district. (p. 1)

Initially the case was tried in June of 1978 and in August of the same year the courts sided in favor of the RISD. The Castañeda family then appealed the district court's

judgment and as a result, in 1981 the United States Court of Appeals, “Fifth Circuit court overruled the previous decision and mandated the district to adopt appropriate educational programs for English learners” (Valencia, 2011, p. 146). The court’s decision established a three-prong assessment, known as the Castañeda Test or Castañeda Standard, for determining how programs for language minority students are responsibly meeting the requirements of the Equal Educational Opportunities Act (EEOA) passed by Congress in 1974 (Crawford; 1999, González, 2008; Valencia, 2011). The Castañeda Test stipulates: 1) The instructional program must be based on sound educational theory. 2) The program must be implemented with adequate resources and personnel. 3) Over time, the program must demonstrate effectiveness in overcoming language barriers (Crawford, 1999; González, 2008; Ovando, 2003; Valencia, 2011). This standard is one of several reasons why the Castañeda case has had a profound and lasting impact on language minority student populations across the United States.

The Castañeda case clearly contributed in securing the rights of language minority students through the three-prong standard. Prior to the Castañeda lawsuit, there were no guidelines by which schools, parents, or advocacy groups could evaluate English language instructional programs. Today any school or district seeking to ensure a quality educational program for their English language learners can operate by the Castañeda Test. Additionally, although the Castañeda Test originally concerned itself with Mexican American families, it is not exclusive to Mexican Americans or the Spanish language. Rather, similar to the Lau case, it is inclusive of other ethnic language minority groups and can be applied to a range of English acquisition programs. Furthermore, there are aspects of the Castañeda case that are often over looked. The court rulings aided in

further defining protection under the Civil Rights Act of 1964 (González, 2008).

According to González (2008), “LEP students must be provided not only the opportunity to learn English but also the opportunity to have access to the school district’s entire educational program” (p. 138). González (2008) adds that school districts were given flexibility in the following manner:

The sequence and manner in which LEP students tackle this dual challenge so long as the schools design programs which are reasonably calculated to enable these students to attain parity of participation within a reasonable length of time after they enter the school system. (p. 138)

The Castañeda Test and its critical components inarguably can be applied to a range of language minority programs within the current day school system.

Since the Castañeda Test’s debut, it has been utilized to measure programs in and out of the court system. As stated by Crawford (1999), in 1983 the Denver school system found itself in litigation for not providing its language minority students an adequate transitional bilingual education program. Multicultural Education, Training, Advocacy Inc. (META) lawyers argued against the program by applying the Castañeda Test. The federal court “ordered Denver to adopt sweeping changes, including criteria for evaluating staff qualifications, better training of teachers and aides, and improvements in language assessment” (Crawford, 1999, p. 59). Despite this initial triumph, the Castañeda Test has not been successful in the court system thereafter. Crawford (1999) postulates this decline in usefulness is because “federal judges have become more conservative” (p. 59). Although the Castañeda Test has fluctuated in its effectiveness in the courts over the years, it is still in operation today.

Nearly 10 years after the Castañeda court decision, the OCR adopted the Castañeda Test in 1991 as its standard for enforcing Title VI of the EEOA (Crawford,

1999; González, 2008). The threat of losing federal funding can lead a school district into a “negotiated settlement that can, if adequately monitored, result in improved services” for English language learners (González, 2008, p. 138). A significant facet of the Castañeda standard and its adoption by the OCR is the power to invoke a Title VI investigation is left in the hands of the individuals most affected by inequitable programs. “The individual can be a parent, student, teacher, or advocacy organization; indeed, anyone can file a complaint” (González, 2008, p. 138). According to González (2008), filing a complaint:

. . . need not be a formal process and may be done in a parent’s home language. Complaints can be filed online or simply by letter setting forth the contentions that a school or district is not providing an adequate program to LEP students. This is sufficient to trigger OCR review. The greater the detail, the larger the number of complainants involved; or the involvement of advocacy organizations often enhances the likelihood of the OCR taking the complaint seriously. (p. 138)

As a result of the Castañeda case, language minority populations are empowered in securing their rights to an equitable educational experience. The Castañeda lawsuit made undeniable strides in protecting the rights of language minority students and yet the story behind the lawsuit remains silenced.

Unlike *Lau v. Nichols* (1974) and the Chicano activism in Edcouch-Elsa and Crystal City, little was known about the *Castañeda v. Pickard* (1981) case. Only a few court documents provided a dim window into the lives of the Castañeda family. The court documents’ account of the educational environment the Castañeda family endured is nonspecific and written in legal jargon. The day to day injustices the family experienced, the sentiments behind pursuing the lawsuit, and the reaction to successfully prevailing over inequality are elements of the story told in Chapter Four. Donato (1997) emphasizes, “there still remains a large void in the literature” regarding the “Mexican

American struggle for equal schools” (p. 3). Donato (1997) specifically calls for more documentation of how “Mexican American parents negotiated their fates with white educational power structures” (p. 3). “One way of gaining insights into how Mexican Americans interacted with their schools is to examine specific settings” (Donato, 1997, p. 3). Due to the lack of information about the Castañeda case and the established lack of literature regarding the overall Mexican American experience, the Castañeda case was documented utilizing narrative qualitative research methods.

### *Narrative Inquiry*

Narrative inquiry research is widely utilized across disciplines. It originates from fields such as literature, history, anthropology, sociology, and sociolinguistics (Chase, 2005). In recent years, narrative inquiry has gained acceptance within other fields of study such as medicine, psychology, and education (Chase, 2005; Clandinin & Connelly, 2000; Creswell, 2007; Polkinghorne, 2007). A brief overview of how scholars define narrative research is provided. Emphasis is placed on how Clandinin and Connelly (2000) define narrative inquiry with particular attention given to three-dimensional narrative space, field texts, and research texts. In addition, a brief description of how the current research is well suited for this type of research design is shared.

According to Reissman (1993), narrative inquiry can be described as storytelling. Documented personal stories, “refers to organized consequential events. A teller in a conversation takes a listener into a past time or world and recapitulates what happened then to make a point, often a moral one” (p. 3). Reissman (1993) adds narrative inquiry allows for a “systematic study of personal experiences and meaning: how active subjects have constructed events” (p. 78). Similarly, Czarniawska (2004) likens narrative inquiry

to organized storytelling, but emphasizes stories should not be viewed as objects to be gathered.

Czarniawska (2004) defines narrative inquiry as “spoken and written text giving an account of an event/action or series of events/actions, chronologically connected” (p. 17). Czarniawska (2004) warns against the idea that narrative inquiry is a form of “story collecting” but rather adheres to the perspective that stories are “waiting to be discovered by a researcher” (p. 38). In addition, Czarniawska (2004) cautions researchers from “writing the one true story of what really happened in a clear, authoritative voice” but rather suggests that researchers “make up a consistent narrative out of many partly conflicting ones, or out of an incomplete or fragmented one” (p. 61). “Czarniawska (2004) logically applied this perspective as an organizational researcher in the study of institutional transformations” (as cited in Clandinin & Connelly, 2000, p. 10). A similar perspective is shared by Polkinghorne (1988) and applied in the field of psychology.

Polkinghorne (1988) defines narrative as “any spoken or written presentation” and places particular value on the plot of a narrative (p. 13). Czarniawska (2004) provides a summary of Polkinghorne’s perspective when she states, “plot is the basic means by which specific events, otherwise represented as lists or chronicles, are brought into one meaningful whole” (p. 7). Polkinghorne (2010) adds, “Spoken and written narratives are expressions of narrative thinking. They articulate the flow of events and actions through time and the effect of these actions in practice process” (p. 396). According to Polkinghorne (2007), “narrative researchers study stories they solicit from others: oral stories obtained through interviews and written stories through requests” (p. 471).

Polkinghorne is the most recent of scholars to inform the work of Clandinin and Connelly (2000).

The current research employed Clandinin and Connelly's (2000) perspective and application of narrative inquiry. Clandinin and Connelly (2000) explain narrative inquiry is a way of understanding experience. Narrative inquiry "is stories lived and told" (Clandinin & Connelly, 2000, p. 20). When the researcher attempts to understand another's experience, this simple statement takes on a more complex meaning. Clandinin and Connelly (2000) elaborate by stating:

It is a collaboration between researcher and participants, over time, in a place or series of places, and in social interaction with milieus. An inquirer enters this matrix in the midst and progresses in this same spirit, concluding the inquiry still in the midst of living and telling, reliving and retelling, the stories of the experiences that make up people's lives, both individual and social. (p. 20)

Clandinin and Connelly (2000) utilize this perspective within the fields of education and social science.

When narrative inquiry is applied within these disciplines, it is generally exercised to improve the professional practice. According to Pushor and Clandinin (2009) a relationship exists between narrative inquiry and action research. "Practitioners gain insights into what they are doing and why they are doing it" through the inquiry process and telling of stories (Meier & Stremmel, 2010, p. 2). Narrative design within educational research typically stems from either gathering stories of teacher experiences or from teachers gathering stories from their own students. Both inquiry processes are utilized to reflect and change teaching and "elevate stories to the level of teacher growth and educational change" (Meier & Stremmel, 2010, p. 1). Within the context of the present research, narrative inquiry was implemented to uncover the stories and individual

personal experiences of the Castañeda family members with the foremost purpose of understanding past experiences as members of a culturally and linguistically diverse population. With this newly gained knowledge, the educational community can utilize their past experiences to examine the present state of education for culturally and linguistically diverse students and knowledgeably plan and make improved instructional decisions for the future. In utilizing Clandinin and Connelly's (2000) methodologies to unearth the Castañeda family story and personal experiences, the current research was indirectly influenced by the underpinnings of Deweyism.

Influenced by John Dewey, Clandinin and Connelly (2000) stress that, "experience is the key term" between diverse inquiries (p. 2). Dewey (1938) philosophized that the educational experience should not be separate from its context but that it was interactive and is both a personal and a social endeavor. Likewise, Dewey (1938) believed in the concept of continuity. According to Clandinin and Connelly (2000), the concept of continuity suggests that "experiences grow out of other experiences, and experiences lead to further experiences" (p. 2). The current research continuity is significant because it suggests that the educational experiences held by the Castañeda family in the 1970s and 1980s result from the educational experiences in the past, and lead to educational experiences in the future. Clandinin and Connelly (2000) state, "This too is key in our thinking about education because as we think about a child's learning, a school, or a particular policy, there is always a history, it is always changing, and it is always going somewhere" (p. 2). The notion educational experiences are interactive while residing in continuity within a specific context is apparent in Clandinin and Connelly's (2000) three-dimensional inquiry space.

According to Clandinin and Connelly (2000), when researchers engage in narrative inquiry they should consider “the personal and social (interactive); past, present, and future (continuity); combined with the notion of place (situation) within the research endeavor” (p. 50). Studies that utilize this three-dimensional narrative inquiry space “have temporal dimensions and address temporal matters; they focus on the personal and the social in a balance appropriate to the inquiry; and they occur in specific places or sequence of places” (p. 50). Polkinghorne (2010) elaborated on an example narrative inquiry study where three-dimensional space was applied. In the study the reader followed the researcher’s,

. . . entry into the life space of the school that is the focus of her study. There she spends time (temporality), engages with the people whose actions are carried out in that space (the personal-social dimension), and learns about the geographic, historical, and cultural influences that function across the space (place). (p. 392)

Clandinin and Connelly (2000) suggest as a part of this three-dimensional space narrative, inquirers should look inward and outward, backward and forward. Looking inward would entail examining such things as “feelings, hopes, aesthetic reactions, and moral dispositions” (p. 50). Observing the outward means considering “the existential conditions, that is, the environment” (P. 50). Focusing on the backward and forward refers “to temporality-past, present, and future” (p. 50). Clandinin and Connelly (2000) indicated field texts are essential in facilitating this inward, outward, backward, and forward movement.

As stated by Clandinin and Connelly (2000), field texts can range from “teacher stories; autobiographical writing; journal writing; field notes, letters; conversation; research interviews; family stories; documents; photographs, memory boxes, and other personal-family-social artifacts; and life experience” (p. 93). When in the field collecting

texts, inquirers should not consider themselves completely separate from what is being recorded but rather acknowledge that they too are experiencing the inquiry they set out to explore (Clandinin & Connelly, 2000, p. 81). Clandinin and Connelly (2000) discussed the narrative researcher must constantly balance the tension between being fully involved “with their participants, yet they must also step back and see their own stories in the inquiry, the stories of the participants, as well as the larger landscape on which they all live” (p. 81). This balance is maintained with the writing of field texts. According to Clandinin and Connelly (2000), field texts prevent the researcher from crossing the line and becoming too involved with participants. If the researcher is “diligently, day by day, constructing field texts, they will be able to slip in and out of the experience being studied” (Clandinin & Connelly, 2000, p. 82). When transitioning these field texts into research texts it is vital for the narrative researcher to contemplate specific aspects of their potential final product.

When trying to fit together various field texts into one overall narrative text, the researcher needs to consider voice, signature, audience, and narrative form (Clandinin & Connelly, 2000). The voice of the final product should have a balance between “expressing one’s own voice in the midst of an inquiry designed to tell of the participants’ storied experiences and to represent their voices, all the while attempting to create a research text that will speak to, and reflect upon the audience’s voice” (Clandinin & Connelly, 2000, p. 147). As a function of voice Clandinin and Connelly (2000) articulate, “we need to be prepared to write ‘I’ as we make the transition from field texts to research texts” (p. 122). Although Clandinin and Connelly (2000) caution narrative researchers against cold and depersonalized writing, they also discourage writing in

which words such as “I” and “we” are utilized in a way that excludes and isolates the audience (p. 149). In terms of signature, authors are advised to “put their own stamp on the work” (p. 148). According to Clandinin and Connelly (2000), the writing should contain a sense of rhythm, cadence, and expression, which are the moniker of a given author. All the while authors need to maintain “a sense of audience peering over the writer’s shoulder” (Clandinin & Connelly, 2000, p. 149). This sense of audience is necessary to produce text that is both meaningful and valuable for the reader. In regards to narrative form, Clandinin and Connelly (2000) express writers should not over specify or limit their writing, and do need to think about the shape of their final narrative text. This narrative text can take the form of “good fictional literary text with well-developed characters, plot, and scene” (Clandinin & Connelly, 2000, p. 153). Yet the narrative form can vary and is ultimately discerned based upon the author’s ability to balance the tensions between voice, signature, and audience. Indeed, “there are imaginative possibilities in constructing research text forms” (Clandinin & Connelly, 2000, p. 154).

While Clandinin and Connelly (2000) have a distinct perspective on narrative inquiry research, Creswell (2007) further clarifies the common characteristics of studies well suited for this particular research design. Creswell (2007) asserts there is no lock-step approach to conducting narrative inquiry research. Rather, he underscores the common traits of narrative studies.

1. Narrative research is best for capturing the detailed stories or life experiences of a single life or the lives of a small number of individuals
2. In narrative research data are collected by spending considerable time with the participants.
3. The narrative researcher takes the time to collect information about the context of the stories.
4. The participant’s accounts are analyzed and then “restored.”
5. The researcher collaborates and actively involves the participants. (p.56)

As articulated by Creswell (2007), this study captured the detailed stories of the Castañeda family members. These stories were shared by spending time with each family member in in-depth interview sessions. Furthermore, special attention was given to the environmental context in which these stories took place. The city of Raymondville, the school district, and the Castañeda family's cultural and ethnic identities were considered when collecting and analyzing data. Once the Castañeda stories were revealed, their stories were analyzed for themes and categories and then, with collaboration from the family members themselves, their accounts were *restoried*.

In terms of analysis, Creswell (2007) states narrative researchers take into account chronology while other times “might detail themes that arise from the story to provide a more detailed discussion of the meaning of the story” (p. 56). Reissman (2003) delineates a typology for narrative analysis and validates a thematic analysis for narrative inquiry research. Reissman (2003) states in thematic analysis there is value placed on “what” is said more than “how” it is said (p. 2). Reissman (2003) likens narrative researchers utilizing a thematic analysis to grounded theorists in that they “collect many stories and inductively create conceptual groupings of data” (p. 2). The current research took this inductive, thematic approach in the analysis of each Castañeda family member's personal experiences. However, in examining the overall *restoried* narrative of the Castañeda lawsuit, a less inductive approach was taken by applying a theoretical framework based on the theory of resistance.

### *Resistance*

Grounded in the principles of critical theory, the Castañeda case was examined through Henry Giroux's (2001) notion of resistance. In utilizing this lens the concepts of

power, privilege, hegemony, and oppositional behavior were explored. In order to understand Giroux's (2001) construct of resistance, a brief overview of the scholarship contributions made by Gramsci, Adorno, Horkheimer, and Marcuse as the foundations of critical theory is discussed. A detailed explanation of how Giroux (2001) defines a true act of resistance and an analytical matrix that was applied to the Castañeda case will be presented.

A fundamental concept to critical theory can be attributed to Antonio Gramsci's thoughts on hegemony. Gramsci publicly rejected fascism, was a member of the communist party, and was imprisoned by Mussolini during World War II (Darder et al., 2009). Darder et al. (2009) stated Gramsci was "deeply concerned with the manner in which domination was undergoing major shifts and changes within advanced industrial Western societies" (p. 6). According to Arce (2004), Gramsci's concept of hegemony was a "major contribution toward understanding power relationships between the dominant and subordinate classes (p. 230). Influenced by the social, political, and historical events of the time, Gramsci (1971) delineates the concept of hegemony in *The Prison Notebooks*. He asserts hegemony takes place when a society's dominant, power-holding group imposes their moral, political and cultural values on the society's subordinate group. These ideologies are impressed upon the subordinate group through its moral leaders, which can include educators. Giroux (1981) summarizes Gramsci's perspective on hegemony by stating that it

refers to the successful attempt of a dominant class to utilize its control over the resources of state and civil society, particularly through the use of the mass media and the educational system to establish its view of the world as all inclusive and universal. (p. 23)

According to Darder et al. (2009), hegemony takes place within the school system when daily implementation of specific norms, expectations, and behaviors conserve the interests of those in power. Giroux (1981) further explained the phenomenon of hegemony within the context of schools by outlining four areas where hegemonic influences can be observed:

1. selection of culture deemed as socially legitimate;
2. categories used to classify certain cultural content and form as superior or inferior;
3. selection and legitimization of school and classroom relationships;
4. distribution of and access to different types of culture and knowledge by different social classes. (p. 94)

Giroux (1981) articulates hegemony can manifest itself within school texts, films, in official teacher discourse as well as in experiences that do not require discourse at all. He maintains there is significance in “the message of which lingers beneath a structured silence” (p. 24). Just as Gramsci’s notion of hegemony is an underpinning of Giroux’s current philosophy, the efforts made by Adorno, Horkheimer, and Marcuse are a significant influence on the concept of resistance.

Giroux (2001) attributes much of his scholarship to the contributions made by the Frankfurt School. Under the leadership of Max Horkheimer, and with the assistance of Theodor Adorno and Herbert Marcuse, the Frankfurt School established in Germany in 1923 philosophized and began conceptualizing critical theory (Darder et al., 2009). According to Darder et al. (2009), “the Frankfurt theorists were primarily concerned with the analysis of bourgeois society’s substructure, but with time their interest focused upon the cultural superstructures” (p. 7). Giroux (2001) asserts “critical theory refers to the nature of self-conscious critique and to the need to develop a discourse of social transformation and emancipation” (p. 8). In addition, these critical theorists “argued that

it was in the contradiction of society that one could begin to develop forms of social inquiry that analyzed the distinction between what is and what should be” (Giroux, 2001, p. 9). The Frankfurt School stressed the purpose of critical thinking should result in transformative action and social change for the purpose of creating a more just society (Giroux, 2001). When these foundational tenets of critical theory are applied to education, it is referred to as critical pedagogy or radical pedagogy (Giroux, 2001).

Giroux (2010) described critical pedagogy as an educational movement; guided by passion and principle, to help students develop consciousness of freedom, recognize authoritarian tendencies, and connect knowledge to power; and the ability to take constructive action. Darder et al. (2009) emphasized there is no scripted formula for implementing critical pedagogy but rather there exists a collective set of principles of this philosophy. Critical pedagogy necessitates radical educators consider cultural politics, political economy, historicity of knowledge, dialectical theory, ideology and critique, hegemony, resistance and counter-hegemony, and praxis (Darder et al., 2009). Giroux (2001) highlights the principle of resistance and counter-hegemony and discusses the concept of resistance in depth.

Counter-hegemony “refers to those intellectual and social spaces where power relationships are reconstructed to make central the voices and experiences of those who have historically existed at the margins of public institutions” (Darder et al., 2009, p. 12). These counter-hegemonic spaces are achieved through acts of resistance. Resistance “begins with the assumption that all people have the capacity and ability to produce knowledge and resist domination” (Darder et al., 2009). According to Giroux (2001), resistance “provides new theoretical leverage for understanding the complex ways in

which subordinate groups experience educational failures, and directs attention to new ways of thinking about and restructuring modes of critical pedagogy” (p. 107). Giroux (2001) insists motivation and impetus, for acts of oppositional behavior, determine if the act is truly resisting against the dominant group or simply conformity.

According to Giroux (2001), not all forms of oppositional behavior are truly challenging the dominant structures. Giroux (2001) maintains at times oppositional behavior may suppress social contradictions and merge rather than challenge the ideological domination. When this occurs, oppositional behavior can be categorized not as resistance at all but rather as conformism. Giroux (2001) argued acts of oppositional behavior need to be examined by the “intent it embodies” (p. 110). Giroux (2001) contends oppositional behavior that can be categorized as true acts of resistance have very specific characteristics.

Giroux (2001) states resistance functions under several assumptions. First, individuals have human agency and are not passive recipients of oppression. Second, power can be exercised by or on people for the sake of domination but also in acts of resistance. Lastly, Giroux (2001) asserts resistance is an expressed hope for radical transformation. With these assumptions in mind, Giroux (2001) suggests true resistance should have “intentionality, consciousness, the meaning of common sense, and the nature and value of non-discursive behavior” (p. 108). In addition, Giroux (2001) emphasizes a significant aspect of resistance is its ultimate purpose aims for self-emancipation or social emancipation.

Solorzano and Delgado Bernal (2001) provide clarity when summarizing Giroux’s definition of resistance as having “two intersecting dimensions” (p. 316). First,

acts of resistance “must have a critique of social oppression” and “must be motivated by an interest in social justice” (Solorzano & Delgado Bernal, 2001, p. 316). Delgado Bernal (1997) developed a framework for categorizing various forms of oppositional behavior. As a part of this framework, Delgado Bernal (1997) based the category of transformational resistance on Giroux’s notion of critique. A critique of social oppression is defined as a “level of awareness and critique of her or his oppressive conditions and structures of domination” (Solorzano & Delgado Bernal, 2001, p. 319). Based on Giroux’s definition of resistance and Solorzano and Delgado Bernal’s interpretation, a matrix was developed and applied to the Castañeda story in an a priori search for language characteristic of resistance (see Table 1).

As stated in Chapter One, this study aimed to better understand the personal experiences of the Castañeda family members. Their story was documented through a narrative inquiry research design. Chapter Two provided an overview of the historical context of language policy in the United States, the narrative research design, and the concept of resistance. In Chapter Three, an explanation of the methodology employed to conduct the research is discussed.

## CHAPTER THREE

### Methodology

This study revisited a specific lawsuit that contributed to the progress of education for language minority students in the United States. This study focused on the *Castañeda vs. Pickard* case that was tried in 1978 and re-tried in 1981. In the Castañeda family's case against the Raymondville Independent School District (RISD), the court's ruling established a three-part assessment for determining how programs for language minority students would be held responsible for meeting the requirements of the Equal Educational Opportunities Act of 1974. The criteria are: 1) The program must be based on sound educational theory. 2) The program must be implemented effectively with resources for personnel, instructional materials, and space. 3) After a trial period, the program must be proven effective in overcoming language barriers.

As noted, the focus of this study was on the Castañeda family's story. Of particular interest were the everyday experiences of injustice the family members encountered. In addition, this research sought to understand the family's motivation and purpose in pursuing the lawsuit against RISD. Their story was documented and provided a voice for language minority students past and present. This chapter outlines the research methodology implemented in this study. The research design, participants, data collection, data analysis, and validation strategies are discussed.

## *Research Design*

The nature of this study was best suited for a qualitative design. As stated in Chapter One, this study sought to provide a voice to the Castañeda family and to magnify their lived experiences. In doing so, insight and understanding was gained regarding the experiences of language minority students. In order to achieve this purpose this study was guided by the following overarching research question: What were the lived experiences of the Castañeda family members? To address the overarching question the following sub-questions were formulated:

- 1) What were the Castañeda family's everyday experiences in relation to the RISD educational environment?
  - a) What were their experiences in relation to the use of English and/or Spanish?
  - b) What were their experiences in relation to their ethnicity?
- 2) What meaning has each family member applied to their own experience in relation to the lawsuit?
- 3) What aspects, if any, of the Castañeda family story reflect Giroux's concept of true resistance?
  - a) What was the catalyst for pursuing the lawsuit?
  - b) What was the purpose of pursuing the lawsuit?

According to Creswell (2007) a qualitative design is appropriate when the exploration of a group or population allows others to hear silenced voices. Likewise he states it is necessary to conduct a qualitative study when the researcher seeks to provide a complex detailed understanding of an issue. In addition, qualitative research is best when

“we want to empower individuals to share their stories, hear their voices, and minimize the power relationships that often exist between a researcher and the participants in a study” (Creswell, 2007, p. 40). As the primary researcher, it was my desire to indeed empower the Castañeda family to share their story, provide a means for others to hear their voices, and maintain a sense of balance in power throughout the study.

Merriam (1998) provided a detailed description of common characteristics found in qualitative research.

1. The researchers are interested in understanding the meaning people have constructed, that is, how they make sense of their world and the experiences they have in the world.
2. The researcher is the primary instrument for data collection and analysis.
3. Qualitative research usually involves fieldwork.
4. Qualitative research primarily employs an inductive research strategy.
5. The product of a qualitative study is richly descriptive. (p. 8)

Like Merriam delineates, this study aimed to comprehend the Castañeda family experiences of injustice in the Rio Grande Valley as well as develop a better grasp for how they made sense of their world at the time. As outlined by Merriam (1998), I served as the primary data collection instrument. I collected data through, “examining documents and interviewing participants” (Creswell, 2007, p. 38). Consistent with Merriam’s (1998) description, this type of data collection required fieldwork. As the primary data collection instrument, I traveled to interview the participants in their natural settings. Creswell (2007) emphasized it is crucial “to collect data in the field at the site where participants’ experience the issue or problem under study” (p. 36). This study was highly dependent on the inductive process. Research findings were detailed in the form of themes and categories, none of which were known until the data were collected. Just as Merriam (1998) stated the product of this study was descriptive. “Words and pictures

rather than numbers” were used to explain what knowledge was gained about the Castañeda family experiences (Merriam, 1998, p. 8). The participants’ own words and direct quotes from documents were used to support findings of this research. After examining the nature of the current study, it is inherently qualitative.

The specific qualitative design applied in this study was the narrative inquiry approach. Clandinin and Connelly (2000) explained narrative inquiry is a way of understanding experience. Narrative inquiry “is stories lived and told” (p. 20). When the researcher attempts to understand another’s experience, this simple statement takes on a more complex meaning. Clandinin and Connelly elaborate by stating:

It is a collaboration between researcher and participants, over time, in a place or series of places, and in social interaction with milieus. An inquirer enters this matrix in the midst and progresses in this same spirit, concluding the inquiry still in the midst of living and telling, reliving and retelling, the stories of the experiences that make up people’s lives, both individual and social. (p. 20)

Creswell (2007) further clarifies the characteristics and procedures of conducting narrative research.

1. Narrative research is best for capturing the detailed stories or life experiences of a single life or the lives of a small number of individuals
2. In narrative research data are collected by spending considerable time with the participants.
3. The narrative researcher takes the time to collect information about the context of the stories.
4. The participant’s accounts are analyzed and then “restored.”
5. The researcher collaborates and actively involves the participants. (p. 56)

As articulated by Creswell (2007), this study captured the detailed stories of the Castañeda family’s members. These stories were uncovered by spending time with each family member in in-depth interview sessions. Once the Castañeda stories were unearthed, their stories were analyzed for themes and categories and then, with collaboration from the family members themselves, their accounts were *restored*.

Furthermore, special attention was given to the environmental context in which these stories took place. The city of Raymondville, the school district, and the Castañeda family's cultural and ethnic identities were considered when collecting and analyzing data. In capturing the Castañeda story, insight to their personal experiences were gained. In addition, their experiences in relation to their social context provided meaningful understandings of the everyday injustices a language minority student might have endured 30 years ago and quite possibly today.

Narrative inquiry research is widely utilized across disciplines. It originates from fields such as literature, history, anthropology, sociology, and sociolinguistics (Chase, 2005). In recent years, narrative inquiry has gained acceptance within other fields of study such as the professions of medicine and education. When narrative inquiry is applied within these disciplines, it is generally exercised to improve the professional practice. According to Pushor and Clandinin (2009), a relationship exists between narrative inquiry and action research. "Practitioners gain insights into what they are doing and why they are doing it" through the inquiry process and through the telling of stories (Meier & Stremmel, 2010, p. 2). Typically narrative design within educational research stems from either gathering stories of teacher experiences or from teachers gathering stories from their own students. Both inquiry processes are utilized to reflect and change teaching and "elevate stories to the level of teacher growth and educational change" (Meier et al., 2010, p. 1).

In this study, narrative inquiry was implemented to gather the stories of the Castañeda family. Their perspectives and experiences as students and parents once informed the practice and curriculum for language minority students. By utilizing

narrative inquiry to document and reexamine their experiences, their stories have the potential to once again cause change and action in the current trend toward regressive practices in the education of language minority students.

### *Selection of Site and Participants*

In narrative research the unit of analysis is typically small. As noted in Chapter One, narrative inquiry is best for collecting the stories of a single life or the lives of a small number of individuals (Creswell, 2007). When selecting participants, Merriam (1998) suggests purposeful sampling. In purposeful sampling there exists an underlying “assumption that the investigator wants to discover, understand, and gain insight and therefore must select a sample from which the most can be learned” (p. 61). Because the purpose of this study was to magnify, understand, and gain insight into the experiences of the Castañeda family, it was logical to believe they themselves were the most knowledgeable regarding their own educational and lawsuit experiences. Therefore, by relying on purposeful sampling, the participants for this narrative study were identified and limited to the immediate members of the Castañeda family.

### *Description of the Participants*

Creswell (2007) advises for a narrative study, “one needs to find one or more individuals to study, individuals who are accessible, willing to provide information, and distinctive for their accomplishments and ordinariness or who shed light on a specific phenomenon or issue being explored” (p.119). Based on purposeful sampling and Creswell’s (1998) criteria, the participants of this study were limited to the immediate members of the Castañeda family. At the time of the court case, the immediate family

members consisted of the late Mr. Roy Castañeda, Mrs. Flora Castañeda, Elizabeth Pamela Castañeda, and Katherine Castañeda. For this study, only Mrs. Castañeda and her daughters, Elizabeth and Katherine, were interviewed. All of the participants are female Mexican Americans. Mrs. Castañeda and her daughter Pamela still reside in Raymondville, TX. Katherine was a resident of Austin, TX and has recently moved out of state. These individuals are ideal for this study because not only were they accessible, they were willing to shed light on their personal experiences.

### *Description of Sites*

For a narrative study, an ideal method of data collection is eliciting stories through interviews (Czarniawska, 2004). This interviewing process dictated the location of the current research. Participants were interviewed at their convenience and necessitated interviewing participants both via phone and in person. The interviewing process of this research took place in the cities of Austin and Raymondville, TX. Austin was selected as a site for interviews simply because one of the participants resided there. However, Raymondville was of particular interest for this study because it is the location where the lawsuit took place. According to Clandinin and Connelly (2000), “In narrative thinking, context is ever present. It includes such notions as temporal context, spatial context, and context of other people. Context is necessary for making sense of any person, event or thing” (p. 32). The city of Raymondville is significant because it provides a setting for the narratives that were shared. Raymondville is located in South Texas, south of the King Ranch. It is known as the *Gateway to the Rio Grande Valley*. It is the county seat for Willacy County and according to the U.S. Census Bureau (2010) its population is approximately 11,284. In addition, 86.9 % of Raymondville’s residents are

Hispanic and 54.3% speak a language other than English at home (U.S. Census Bureau, 2010). The city of Raymondville has an agricultural history and is home to a holding facility for undocumented immigrants. The Raymondville Independent School District consists of two elementary schools, one middle school, and one high school.

### *Gaining Access*

Clandinin and Connelly (2000) suggest for narrative research, data can be collected from multiple sources such as autobiography, journals, field notes, letters, conversations, interviews, documents, photographs, and personal-family and/or social artifacts. This research depended on primary documents, social artifacts, and personal interviews. This translated into the need to have access to three different sources for data collection; government court documents, newspapers, and the Castañeda family members.

The court documents, detailing the facts surrounding the Castañeda case, were utilized as the foundation for gathering initial ideas for this study, and in identifying key elements to the Castañeda story. Fifth Circuit court documents are open to the public and accessible. The documents for the Castañeda case were available online and can be downloaded free of cost.

Any family or social artifact that surfaced during the research process was considered for this study. This included family photos and data collected from the local paper in Raymondville. Family members made photographs available and permission to utilize these photographs was given in the consent form (see Appendix B). The *Raymondville Chronicle* is distributed across Willacy County and is published weekly. This newspaper has served this area of the Rio Grande Valley since 1920 (*Raymondville*

*Chronicle News*, 2013). Although this newspaper can be accessed online, its archives do not go back as far as this particular court case. The office location and contact information were identified as 192 N. 4th Street Raymondville, Texas 78580, 956-689-2421. I contacted the *Raymondville Chronicle* office to inquire about how to access the archives. I was forthcoming in my intentions and explained the purpose of my research and I was in search of any articles dealing with the *Castañeda v. Pickard* (1981) case. The Raymondville Chronicle archives are open to the public and stored on location. I was graciously allowed access to the paper on Thursdays and Fridays of any given week.

The primary source of data collection was dependent on person-to-person interviews with each member of the Castañeda family. Due to the nature of this research, it was necessary to make preliminary contact with the Castañeda family. Through the use of modern technology and social media, I was able to obtain contact information for one of the potential participants, Katherine. In March of 2011, I contacted Katherine in writing and explained my interest in her family's story and inquired if she might be interested in participating in the study. In April of 2011 Katherine responded with enthusiasm and offered her phone number as well as her mother's contact information. In January of 2012, I attempted to contact Mrs. Castañeda via phone and was unable to reach her. Her daughter Pamela returned the phone call on her mother's behalf. Pamela had previously communicated with her sister Katherine and also expressed excitement over the study. Both Castañeda sisters initially provided verbal interest in participating in the research. According to Katherine and Elizabeth, their mother, Flora Castañeda was willing to participate as well. Interview sessions were scheduled with all family

members. Upon each initial interview session, all participants signed a full consent form (see Appendix B).

### *Data Collection*

In order to unearth the Castañeda story, person-to-person interviews were the primary method of data collection. An interview can be defined as a purposeful conversation between individuals with the intention of obtaining a special kind of information (Merriam, 1998). In this study, the personal experiences, thoughts, feelings, and stories the Castañeda family members hold, are these special kinds of information. The drawing out of this type of data is best elicited through the interview process. Patton (1990) clarifies:

We interview people to find out from them those things we cannot directly observe . . . We cannot observe feelings, thoughts, and intentions. We cannot observe behaviors that took place at some previous point in time. We cannot observe situations that preclude the presence of an observer. We cannot observe how people have organized the world and the meanings they attach to what goes on in the world. We have to ask people questions about those things. The purpose of interviewing, then, is to allow us to enter into the other person's perspective. (p. 196)

In qualitative research interviews are typically open-ended and less structured (Merriam, 1998). The Castañeda family was interviewed with this type of unstructured interview process. According to Merriam (1998), this type of interview is useful when the researcher seeks to initially explore the phenomenon. Essentially, the goal for the first Castañeda interview was to learn “enough about the situation to formulate questions for subsequent interviews” (Merriam, 1998, p. 75). However, in order to ensure that these unstructured interviews maintained a focus on their experiences in relation to their lawsuit an interview protocol was utilized as a guide (see Appendix A). This guide

consisted of “a list of questions or issues to be explored, and neither the exact wording nor the order of the questions is determined ahead of time” (Merriam, 1998, p. 74). From this initial interview, a semi-structured interview protocol was developed and follow up interviews were conducted. Each family member, Mrs. Flora Castañeda and her two daughters, Pamela and Katherine, were independently interviewed. In addition, out of convenience for the participants, Mrs. Castañeda and Pamela were interviewed together on two different occasions. Initial interviews with each participant were unstructured while follow up interviews were semi-structured. With permission from the participants all interviews were recorded and transcribed. It is important to note that while interview protocols were written and administered in English, at times the participants provided responses in Spanish. The transcription was written just as the conversation naturally occurred and I, the researcher, provided an English translation directly following all Spanish text.

In addition, reflective notes were written after each interview session and throughout the transcription process. According to Creswell (2007), initial jottings, daily logs or summaries, and descriptive summaries are commonly used in narrative research. These notes assisted in formulating follow up interview questions as well as served as a way to immediately write down thoughts on possible patterns emerging from the data for later theme development.

### *Data Analysis*

Data analysis took place throughout the data retrieval process. Once an interview was completed, reflective notes and transcription followed. During transcription and reflective note taking, an initial overview of the data occurred. As stated by Creswell,

(2007), “the processes of data collection, data analysis, and report writing are not distinct steps in the process—they are interrelated and often go on simultaneously in a research project” (p. 150). This simultaneous procedure is best represented as a spiral process. The researcher enters the spiral with data and exits with an account or a narrative. Between entering and exiting the spiral, “the researcher touches on several facets of analysis and circles around and around” (Creswell, 2007, p. 150).

In this study, the spiral process began with the data retrieved by interview. The interview data entered the spiral. The data were transcribed and managed through a computer filing system. Next, reading and memoing took place followed by describing, classifying, and interpreting themes and patterns (Creswell, 2007). The specific blueprint, for the analytic processes with the data, is further explained.

Each individual family member’s account was analyzed and coded. This process of *open coding* allowed for the identification of emergent themes (Denzin & Lincoln, 2000). Specific code names or labels were developed as the data were analyzed. According to Creswell (2007), code names may be “in vivo, names that are the exact words used by participants . . . or names the researcher composes that seem to best describe the information” (p. 153). Once the data were coded, through the process of constant comparison, categories were developed. In constant comparison data analysis, the researcher:

. . . begins with a particular incident from an interview, field notes, or document and compares it with another incident in the same set of data or in another set. These comparisons lead to tentative categories that are then compared to each other and to other instances. Comparisons are constantly made within and between levels of conceptualization until a theory can be formulated. (Merriam, 1998, p. 159)

Once categories were established, specific events and epiphanies the participants revealed were contextualized into a whole group narrative. In this portion of data analysis, the participants' accounts were *restoried*. The restorying process involved reorganizing the stories into some general type of framework with an emphasis on key elements of the story and with a focus on chronology (Creswell, 2007).

After the documentation and restorying of the Castañeda family experiences, the data entered into an interpretation phase where the greater meaning of their story was determined. It is within this phase of data analysis Giroux's concept of resistance served as an interpretive lens. The Castañeda story was examined for characteristics parallel to Giroux's description of resistance. Giroux (2001) suggested true resistance maintains a sense of "intentionality, consciousness, the meaning of common sense, and the nature and value of non-discursive behavior" (p. 108). In addition, Giroux (2001) emphasized a significant aspect of resistance is its ultimate purpose aims for self-emancipation or social emancipation. In an effort to further operationalize resistance, Solorzano and Delgado Bernal (2001) stated transformational resistance requires oppositional behavior to originate from "a critique of social oppression" and "must be motivated by an interest in social justice" (p. 316). Delgado Bernal (1997) stated a critique of social oppression is defined as a "level of awareness and critique of her or his oppressive conditions and structures of domination" (Solorzano & Delgado Bernal, 2001, p. 319). Based on Giroux's (2001) definition of resistance and Solorzano and Delgado Bernal's (2001) construct of transformational resistance, a matrix was developed and was applied to the Castañeda story in an a priori search for language characteristic of resistance (see Table 1). This matrix served to explore what aspects of the Castañeda family story reflect

Giroux's (2001) concept of resistance and to discover what the catalyst and purpose of the lawsuit was. Specifically, the matrix was utilized to categorize participant accounts as containing language that indicates awareness of oppression, structures of domination, or void of any level of critique. In addition, the matrix was employed to categorize participant accounts as containing language that indicates intent for self or social emancipation, and/or any other motivating factors for acts of resistance.

### *Trustworthiness*

This study adopted Lincoln and Guba's (1985) naturalistic perspective on validation strategies. In order to establish trustworthiness of a study, Lincoln and Guba (1985) use terms such as credibility, authenticity, transferability, dependability and confirmability in place of internal validation, external validation and reliability, and objectivity. In order to ensure trustworthiness, specific strategies were applied to the overall research process of the current study.

The research methodology, including data collection, analysis, and interpretation underwent peer review as an external check of the research process. Lincoln and Guba (1985) compared the peer review process to having a discussion with a devil's advocate. In this process, the individual plays the role of the peer debriefer asking questions regarding methods, meanings, and interpretations. This process provides an outside perspective to the research process and offsets possible oversights held by the primary researcher. For this study, two peers conducting similar qualitative research studies served as this clarifying outside perspective. A written account of the debriefing session can be found in Chapter Four.

In addition to the peer review session, credibility was established by conducting member checks with the participants. Member checking “involves taking data, analyses, interpretations, and conclusions back to the participants so that they can judge the accuracy and credibility of the account” (Creswell, 2007, p. 208). According to Lincoln and Guba (1985), this technique is “the most critical technique for establishing credibility” (p. 314). For this study, preliminary data interpretations, and conclusions were shared and discussed with the members of the Castañeda family. The member checking process is also accounted for in Chapter Four.

Furthermore, triangulation served as a means to authenticate the Castañeda story. In triangulation, multiple and different sources, methods, investigators, and theories are utilized to provide corroborating evidence (Creswell, 2007). For this study, the three participants’ accounts, in conjunction with court documents and articles found in the *Raymondville Chronicle*, functioned as these multiple sources. The three different data sources were utilized to substantiate dates, settings, and events. However, it is important to note narrative research involves investigating and devoting attention to the interpretations and meanings applied to these dates, settings, and events by the participants. These participant interpretations and meanings were not triangulated based on the supposition they are unique to each individual participant.

Lastly, the product of this research included rich thick descriptions. These rich and thick descriptions “allow the readers to make decisions regarding transferability” (Creswell, 2007, p. 209). According to Merriam (1998), this “involves leaving the extent to which a study’s findings apply to other situations up to the people in those situations” (p. 211). It is up to the reader to ask, “What is there in this study that I can apply to my

own situation, and what clearly does not apply?” (Walker, 1980, p. 34). In order to maximize user generalizability, rich and thick descriptions were provided “so that readers will be able to determine how closely their situations match the research situation, and hence, whether findings can be transferred” (Merriam, 1998, p. 211).

### *Conclusion*

As stated in Chapter One, the purpose of this study was to gain a better understanding of the personal experiences of injustice and motivating factors behind the Castañeda lawsuit against the RISD. Through a narrative, qualitative design each family member’s account was documented. Interviews served as the primary source for data collection and each interview was transcribed and analyzed for themes and patterns. The family member’s accounts were restoried together to formulate a holistic retelling of their experience. Then, their story was examined through Giroux’s (2001) standard for resistance and acts of oppositional behavior. In Chapter Four, results of the study are shared. This includes a basic outline of the events leading to the Castañeda lawsuit, individual narrative data analysis, as well as how the Castañeda case aligns with Giroux’s (2001) theory of resistance.

## CHAPTER FOUR

### Results

The purpose of this narrative study was to magnify and gain understanding of the Castañeda family's personal experiences of injustice and legal rectification. In documenting their story, this body of research provides a voice for language minority students both past and present. Through this study, the Castañeda family was provided the opportunity to express and share their account of the happenings that took place over 30 years ago. This study implemented a narrative inquiry research design to document the Castañeda family's lived experiences. The following overarching research question guided this study: What were the lived experiences of the Castañeda family members? To address the overarching question the following sub-questions were formulated:

- 1) What were the Castañeda family's everyday experiences in relation to the RISD educational environment?
  - a) What were their experiences in relation to the use of English and/or Spanish?
  - b) What were their experiences in relation to their ethnicity?
- 2) What meaning has each family member applied to their own experience in relation to the lawsuit?
- 3) What aspects, if any, of the Castañeda family story reflect Giroux's concept of true resistance?

- a) What was the catalyst for pursuing the lawsuit?
- b) What was the purpose of pursuing the lawsuit?

In this chapter, the results of this study are introduced with the application of Clandinin and Connelly's (2000) notion of voice. As a function of voice the researcher employed the use of first person. In addition, the researcher applied several analytic approaches and adopted Lincoln and Guba's (1985) naturalistic perspective on validation strategies. First, a narrative detailing the events that lead to the Castañeda lawsuit as well as the outcome of the lawsuit is shared. This narrative was written through the triangulation of participant interviews, newspaper articles, and court documents. Second, each participant's personal experiences related to the lawsuit are presented in three separate personal narratives. These narratives were restoried through the use of interview transcription. The researcher ensured trustworthiness through member checking. The researcher consulted with each participant and included the participant in the restorying process. Third, the research questions are answered through the application of inductive open coding. Categories and themes were derived from interview transcriptions. These categories and themes were subjected to two peer reviews where parallel patterns were found through the analysis of randomized transcription excerpts. Lastly, the Castañeda story was analyzed through the application of Giroux's (2001) concept of resistance. A matrix defining resistance was utilized to categorize transcription. The analysis of this data also underwent two peer reviews.

### *Introduction to Raymondville and the Castañeda Family*

Raymondville sits still in the heat of the South Texas sun. It is surrounded by cotton fields and isolated by a 20-mile stretch of highway from the rest of the Rio Grande

Valley. I lived in the Rio Grande Valley for the first 18 years of my life and never visited the city of Raymondville. After moving out of the Valley in 1995, I have driven through Raymondville at least twice a year for the last 18 years of my adult life. I have never been compelled to stop. Despite never having been to Raymondville before, upon driving into its downtown area, I had the overwhelming feeling of familiarity. The quintessential main street embodies small town America in many ways; only it is infused with the cultural influences and the socioeconomic status of the residents that live there. Similar to my own hometown, the area has a predominant Hispanic population and there are a significant number of families with low socioeconomic status. The population of Raymondville is estimated to be 11,284 people, with approximately 86.9% of those residents being of Hispanic or Latino origin. In addition, 52.8% of Raymondville residents speak a language other than English at home. The median household income between 2007-2011 was \$22,236 with 39.6% of these individuals living below poverty level (U.S. Census Bureau, 2010). Hidalgo Avenue, *the main street*, is lined with cars, appliance stores, pawn shops, local Mexican eateries, and vacant buildings. The street is split by railroad tracks a block before the local HEB grocery store. To the unsuspecting outsider, Hidalgo Avenue has functionality in that it channels traffic to and from Highway 77. However, to the Castañeda family in the early 1970s, Hidalgo Avenue served as one of the dividing lines between social and educational inequities that Mr. Roy Castañeda believed existed between the two elementary schools found in the Raymondville Independent School District (RISD) (F. Castañeda, H. Galindo, P. Leverett, personal communication, July 6, 2012). As I made my way down this street to the local newspaper I found myself feeling a bit detached from the environment itself.

Despite my comfort level with the atmosphere I was not there to be a part of my surroundings but rather to observe and understand the context of the Castañeda case.

The staff at the *Raymondville Chronicle* was very hospitable and provided access to all the hardcopy newspapers as well as microfiche that have survived the passing of time without being digitized. The *Raymondville Chronicle* has covered the Willacy County news since 1920 (Raymondville Chronicle News, 2013). It is located across the street from the Willacy County Courthouse and the Reber Memorial Library. Between the hand-assembled portfolios of newspaper clippings found at the library and what was made available to me at *The Chronicle*, I was able to develop a better understanding for the context of the Castañeda case. This small town newspaper covered news ranging from national headlines regarding new legislation and elections, to local hires and fires within the school district, honor roll award recipients, school board meeting minutes, livestock show winners, and onion and cotton harvest projections, as well as the fishing conditions at Port Mansfield. Considering the size of the town it was not surprising to find all the same names continuously reappeared in these articles – Calkins, Funk, Klostermann, Jacobs, Wetegrove. Little did I know at the time that these same names of prominent town leaders would resurface during my interviews with the Castañeda family.

I scanned the newspaper as best I could. I did not really know what I was looking for or even where to begin. None of the employees had ever heard of the *Castañeda v. Pickard* case and therefore could not direct my initial exploration. I considered asking the newspaper editor if he knew of the case as he had been with the *Raymondville Chronicle* for a substantial amount of time. He was interviewed and featured in the 2003 film, *The Valley of Tears* (Gonzalez & Hart, 2003). This documentary depicted the plight

of the onion field workers and their rebellion and protest against the local farmers in Raymondville. From this film I realized just how volatile the 70s had been for this town. Like much of the rest of the nation, race relations and issues of equity and social justice caused emotions to run high for all stakeholders involved in these issues. I became cognizant that many of the citizens featured in this film, like the newspaper editor, still live and work in Raymondville along with the now elderly Mrs. Castañeda and her daughter Pam. With this awareness I was hesitant to share too much information about why I was there and never spoke to the editor of the newspaper. I was cautious and tried to safeguard against possible negative effects of my research on the environment and on the participants of my study (Orb, Eisenhauer, & Wynaden, 2001). The last thing I wanted was to agitate members of the community and/or ignite new disputes for the Castañeda family. I did not mind getting acquainted with the city of Raymondville through a bit of newspaper wandering.

As I gleaned the paper and gained knowledge about how the town functioned I kept an eye out for any article on the Castañeda case or for the mention of any member of the Castañeda family. The first article I encountered that included Mr. Castañeda felt like cracking open a window that had been painted shut for years. It was like meeting Mr. Castañeda for the first time in a snapshot of Raymondville life in May of 1979. Although the article had nothing to do with the lawsuit against RISD, it did deal with another court case regarding a local farm worker, Luis Burciaga. Burciaga was requesting his case be tried outside of the city of Raymondville. Cathy Conley (1979) reported:

One of the first witnesses called to the stand was local businessman Roy Castañeda. Castañeda implied an alignment and feeling of racial prejudice prevailed in the community, discouraging a fair trial for Burciaga. "If the case is

tried out of here (Raymondville), the community would then come back together.” (p. 1)

While full vision of the Castañeda family and their case was still obstructed by pages and pages of black and white newsprint, this short statement opened the window enough for me to reach my arm just above the windowsill and through the threshold far enough to shake Mr. Castañeda’s hand. As the staff made sales calls and tended to patrons around me, I thought to myself, “Hello, Mr. Castañeda. I have read and heard about you. It is so nice to finally meet you.”

Before the day was over Mr. Castañeda’s name began to sprinkle the articles of the Chronicle more and more. Like rain, information regarding the Castañeda case and the family members began to pour out from the pages. Roy Castañeda was a native of Raymondville, Texas. He was one of 13 children and a graduate of Raymondville High School. He served two years in the U.S. Army and attended college at Texas A&I in Kingsville. He received a Bachelor of Business Administration in 1958 and married Flora Galindo, also of Raymondville and a graduate of San Perlita High School, in August of the same year (“Miss Flora Galindo,” 1958; “Castañeda announces,” 1972).

Although my initial visit to the newspaper did not reveal vast insights to the lawsuit itself, I still found it to be immensely fruitful in that it provided hard facts about the Castañeda family members. Many of these particulars confused and intrigued me. I did not anticipate the surprising complexity of the roles each of the family members once held. Mr. Castañeda had been a teacher and taught outside of the RISD. Unlike her husband, Mrs. Castañeda did work within the RISD as a teacher at L.C. Smith Elementary School. Their two daughters, Kathy and Pam, both attended Raymondville High School. Mr. Castañeda was a local business owner and was the proprietor of a

convenience store, the Quik Mart #2. In addition, he served on the Raymondville School Board for six years prior to the lawsuit (“Castañeda files,” 1977). I had so many questions for Flora, Pam, and Kathy. I was anxious and looked forward to sitting down with each of them to talk about their experiences.

I first met Pam and her mother at their home in Raymondville. As I walked into their home I was struck by how similar it was to my parent’s house. Our homes shared similar carpeting and the same faux wood paneling on the walls. I wondered if some of the décor came from the once immensely popular *Home Interiors* catalog like the décor in my childhood home. I tried not to be too distracted by my thoughts and refocused my energy towards the purpose of interviewing, but as I took in my surroundings I could not help but think, “Wow. This is like my house. This could have easily been any family from the Valley. They really are ordinary people that did an extraordinary thing.”

I did not meet Kathy until a few months later in Austin. Upon meeting her, I realized the context of interviewing changes the feel of the conversation. Our discussion seemed removed and distanced from all that had happened so long ago in Raymondville. I identified with Kathy’s lifestyle in that she was raised in the Rio Grande Valley but currently lives outside of the Valley.

After talking to Pam, Kathy, and Flora it became evident that I would have to recruit additional participants. The Castañeda family could share their personal experiences with the case, but were limited in the information they could provide regarding the lawsuit itself. Through the application of snowball participant recruitment I gained two additional interview participants (Creswell, 2007). Pam enlisted her cousin Hector, whom was close to her father, and I sought out the director of the legal aid office

that handled the Castañeda lawsuit, David Hall. Hector and Mr. Hall agreed to participate and willingly signed consent forms (Appendix B). After a total of seven interviews, multiple trips to the Raymondville Chronicle and the Rebel Memorial Library, and through the use of several public court documents, I was able to piece together a basic outline of events leading up to the Castañeda family suing RISD.

### *The Castañeda v. Pickard Story*

#### *Beginnings*

As stated in the literature, years ago RISD segregated its students between two elementary schools (Manuel, 1930; Little, 1944). According to the testimony of John W. Aragon,

L.C. Smith school (see Appendix C) was almost entirely attended by Mexican-American students with as few as three Anglo students some of whom were children of the teachers. At one time Smith school [North Ward] had been commonly referred to in the school board minutes as the Mexican school. (“RISD HEW Hearings,” 1977)

As noted, Hidalgo Avenue runs right through the middle of town, with L.C. Smith positioned on one side and Pittman Elementary (see Appendix D) on the other.

Roy, Flora, Pam, and Kathy Castañeda (see Appendix E) lived in a small wood frame home located on White Street (see Appendix F). White Street is located in a humble neighborhood of modest homes. Mr. Castañeda taught while Mrs. Castañeda commuted back and forth to Pan American University where she obtained her teaching credentials. Flora was immediately hired by RISD upon graduation. Roy did not teach in Raymondville but rather in the small neighboring town of Sebastian. In addition to their

work during the academic school year, the Castañeda family would travel north to Wisconsin in the summers to teach migrant children.

We went to work the migrant summer school. My husband was the one that went to the camps where the migrants were and he would talk to them and register them for school and try to get the kids to come to school. I was supervisor of the reading program in Wisconsin (F. Castañeda, personal communication, July 6, 2012).

While Pam and Kathy were young they were cared for by Flora's mother. Both Roy and Flora held college degrees and were fluent in both English and Spanish. Though Pam and Kathy's first language was English, they learned to comprehend Spanish as children and became more proficient speakers of Spanish as adults. They attribute learning the Spanish language to their early years of being cared for by their Spanish speaking grandmother, as well as being raised by their bilingual parents (K. Bosley, personal communication, August 18, 2012; P. Leverett, personal communication, October 13, 2012).

Mr. Castañeda later moved his family to a distinctly different street in town, building his family a brick veneer home on a more affluent street that was populated by more Anglo-American families than Hispanic. Pamela perceived their new neighbors were not exactly thrilled to have them move in next door. She recalls shortly after moving onto the street one neighbor decided to put up a brick wall that separated their yard from the Castañeda driveway (P. Leverett, personal communication, July 6, 2012). Whether living in their wood framed home or their brick veneer home, both Pam and Kathy were zoned to Pittman Elementary.

### *Pittman and L.C. Smith Schools*

The student demographic at Pittman Elementary was by no means predominately Anglo-American. During the 70s, the estimated population of Raymondville was approximately 77% Mexican-American with the remaining 23% consisting of mostly Anglo-Americans. This demographic was reflected in the schools. L.C. Smith was “virtually 100% Mexican American; Pittman, which had almost twice as many students, had approximately 83% Mexican-American students” (*Castañeda v. Pickard*, 1981). The concern from some citizens regarding Pittman Elementary was all of the Anglo-American students in Raymondville were concentrated at this facility. Additionally, at one time the “Mexican-American students were apparently instructed in separate classes during the first three elementary grades in an effort to provide English language instruction” (*Castañeda v. Pickard*, 1981). While at Pittman Pam and Kathy sensed an undercurrent of being unwelcomed there. Kathy states, “I never felt comfortable” (personal communication, August 18, 2012). Pam reiterates this sentiment when she states, “I don’t ever remember having a good day there” (personal communication, July 20, 2012). Pam in particular experienced a negative school environment while in the first grade. She felt she was being mistreated by her teacher and dreaded going to school daily. Pam states, “She hit me with the ruler and with her ring on my knuckles” (personal communication, July 6, 2012). When Mr. Castañeda got word of the incident he pulled Pam from the school without formally withdrawing her and enrolled her in the school district where he taught in Sebastian.

L.C. Smith first came into existence in 1947 when there was overcrowding at the central campus. The school board proposed there be a second elementary campus in

northwest Raymondville. This new site, along with new zoning, would result in the campus being primarily composed of Mexican-Americans. Although the Raymondville Hispanic community and The League of United Latin-American Citizens (LULAC) opposed the proposal, the board moved forward with the additional campus (*Castañeda v. Pickard*, 1981). This campus was “first known as the San Jacinto school and later as the North Ward school, was housed in old military barracks. This school was closed and the L.C. Smith school was built on the same site in 1962” (*Castañeda v. Pickard*, 1981, p. 4). During this time period Raymondville was home to a large farming community and one-third of its residents were migrant farm workers (*Castañeda v. Pickard*, 1981). According to the Castañeda family these migrant families were concentrated on the L.C. Smith side of town and therefore their children were zoned to L.C. Smith.

These children came from families that were poor, disadvantaged, laborers, farm workers, immigrants, migrants. They had so many things working against them. They could not keep up and their primary language in their home at that time was Spanish. Those children of those laborers were considered laborers of a next generation. (P. Leverett, personal communication, October 13, 2012)

While teaching at L.C. Smith, Mrs. Castañeda worked diligently with students that were struggling academically. Mrs. Castañeda was featured in the *Raymondville Chronicle* in a slice of life piece where she states, “I enjoy teaching children with reading difficulties. This is a very rewarding job” (“Meet our teachers,” 1979). Although Mrs. Castañeda was bilingual, she was not certified to teach bilingual classes. She expressed not being familiar with the teaching methods utilized within the bilingual classrooms and did not have an interest in teaching within a bilingual context. Flora taught mostly English speaking children, though when other classes had an overflow of Spanish speakers she gladly welcomed those students into her classroom. She shares her

perspectives on her experience at L.C. Smith, “You see we have two elementaries. The one over there were the Mexicans. The one over here for the whites . . . I taught over there. All my 35 years I never moved. I loved it” (F. Castañeda, personal communication, July 6, 2012). Whenever possible Flora extended herself to her students in whatever way she could. Pam recalls her mother providing students with clothing and with Christmas time treats.

I was more cognizant of my Mom’s role at the school. My mother would take them pencils because they didn’t have pencils. And she’d sharpen the pencils. So they’d have pencils and colored crayons and things because their families couldn’t afford them. I remember her doing things like that. My clothes, whenever our clothes were outgrown she would take them in and she’d give them to the school nurse. The school nurse would distribute it to those children who she felt were in need. I remember every year for their Christmas party my Mom would get sacks, brown paper bags. She’d bring them lunch and my Dad would go and get her these little apples. My mother would order or she’d buy these pencils, real cute colored pencils, red and green. And me and Mom, my sister, and Daddy, we would make cupcakes, a bunch of cupcakes. Daddy would sit there and he would ice the cupcakes. It was an all-night affair. We would start the line with all of the bags and we would drop all of these things, all these goodies into the bags from peanuts to school supplies. I remember her sometimes putting in little rulers. She would put in pencils. Maybe some little candies, candy canes, and never gum. My Dad, he’d help with the whole thing. We’d just fold them up. We’d put them in big boxes and my mother would take it all for her Christmas party. That was fun for us. When you start giving out pencils and rulers and stuff and the parties that I would go to in my school at that time didn’t have anything like that. Nothing. So I knew that those children were in need of that. That’s when I started to notice that there was a difference between my school and her school. It was very poor. And it was predominantly the migrant people and the children and families who had one income (P. Leverett, personal communication, July 20, 2012).

### *The Quik Mart*

At fourth grade, L.C. Smith and Pittman fed into one combined intermediate school. When Pam entered the fourth grade, Mr. Castañeda brought her back to RISD. Soon afterwards Mr. Castañeda began a career change while simultaneously becoming

more active within the school district. He became a business owner and a member of the RISD school board, and started asking questions regarding the school district's bilingual program at L.C. Smith. Mr. Castañeda loved politics and was known for being a bit of a "trouble maker" in town (P. Leverett, personal communication, July 6, 2012). It was not unlike him to test, question, and vote against the majority.

He would speak and they would call him a trouble maker. He was causing trouble for the right reason but as you find in history or even to this day a lot of people don't want change. When you don't want change they call you a trouble maker. (H. Galindo, personal communication, July 6, 2012).

Mr. Castañeda gained support from the Hispanic community and when the opportunity to run for the school board presented itself, he quickly took on the role of advocate.

Mr. Castañeda became the proprietor of a convenience store, the Quik Mart. The whole Castañeda family worked at the store in their free time, after school, and on the weekends. Pam and Kathy witnessed their father show compassion towards the families that were zoned to L.C. Smith and that were struggling financially.

My Dad had these cards with credit. So they (the customers) would come and they would buy bread, milk, cheese, bologna, canned food, potato chips. Yes and they would have a beer but they would buy food for their kids. They would come and my Daddy would give them credit. When they would get paid if they had a sixty-dollar bill, I mean they would pay twenty. They didn't always pay my Dad back. But my father wasn't one that was going to go and charge them. It was money. It was gone. It was gone. But that's who he was (P. Leverett, July 6, 2012).

It was at this store Mr. Castañeda found himself being somewhat of a mediator between RISD and the families whose children attended L.C. Smith. Kathy asserts, "When something in a Hispanic family's opinion happened inappropriately at the school, they'd

come visit him at his grocery store” (K. Bosely, personal communication, August 18, 2012). Pam recollects,

I was working at the store with him when people would come and talk to him. They would call him Don Roy. He would kick back in his chair. Listen to people. Dad was very observant. And I think he just took in, and I think he took in, and he took in, and he took in. You didn't have to say much but Daddy the whole time he was thinking, thinking, thinking. Storing. Storing. Storing. The next thing I know, here come more people and here come more people. They were telling other people to come see my Dad. The more he got into this road with the store, the more he saw things happening with racism. I think he finally came to a point to where I think he just had to say something. (P. Leverett, personal communication, July 6, 2012)

When asked about why the community felt comfortable in coming to Mr. Castañeda with their difficulties with the school district, Kathy stresses,

My father was a natural leader. He had a great, great, great personality. His family was poor. He had gone to college. He was an educator. He was easy to talk to. They had access to him. In their opinion he was dedicated, a teacher, school board member. They knew that he was someone that they could trust and that could tell them what was right or what was wrong. (K. Bosely, personal communication, November 26, 2012)

Mr. Castañeda grew up in a family of 13. His father worked in irrigation canals and his mother did not work. The hardships of poverty were not unfamiliar to him and he could empathize with the families that frequented his store (P. Leverett, personal communication, July 6, 2012). This empathy was manifested in the credit line he provided his customers and resulted in the community trusting him. While owning the Quik Mart, Mr. Castañeda served on the RISD school board. He carried the issues and complaints made at the store back to the school board or went to the schools to speak on behalf of parents. It is unclear if and to what extent Mr. Castañeda was successful in resolving the issues raised by parents.

### *HEW Investigation and Lawsuit*

The United States Office of Health Education and Welfare (HEW) received “letters of complaint by local citizens” that resulted in “a review of charges of discrimination against Mexican-Americans” (“RISD HEW,” 1977). In 1972, Mr. John W. Aragon visited RISD to conduct a week long investigation. In April of 1973, he provided “a letter of his findings to the Dallas HEW office” (“RISD HEW,” 1977). Aragon notified the RISD school board and school officials about violations of the Civil Rights Act of 1964 and 1972. In addition, Aragon provided the district with possible remedies. In June of 1973, Aragon received correspondence from the former RISD Superintendent Bill Burden and the RISD school board president Mrs. Billy Pickard. Aragon noted that the letter he received appeared to be, “a rebuttal of the charges previously made against the district. None of the district’s communications spelled out a plan to comply” (“RISD HEW,” 1977). Aragon also stated the case was moved from the Dallas office to Washington, DC due to RISD having “several pen pal relationships” and “it was apparent that the Dallas office could not get compliance” (“RISD HEW,” 1977). “RISD and the OCR were unable to negotiate a mutually acceptable plan for compliance and in June 1976, formal administrative enforcement proceedings were instituted in which the OCR sought to terminate federal funding to RISD” (*Castañeda v. Pickard*, 1981, p. 2). After a five-day hearing, RISD was found to not be in any violation of Title VI and the suspension of federal funds to the district were lifted (*Castañeda v. Pickard*, 1981). In 1977, Mr. Castañeda and his school board running mates, Ramon Leal and George Solis, referenced the HEW investigation,

Nearly five years ago, HEW, a branch of the Federal Government concerned with equal educational opportunity for all children, found serious problems of

discrimination with our schools in terms of not hiring an adequate number of Mexican American administrators and teachers and in terms of inadequate attention to the Mexican American children resulting in the great majority dropping out of school or being several years behind their age group. HEW has had to spend thousands of tax dollars seeking observance of the U.S. law . . . For over four years they attempted to do this out of court, to no avail. (“Dear fellow,” 1977)

As Mr. Castañeda and his running mates stated, very little came of the 1972 HEW investigation. As a result in 1976, with the assistance of attorney James A. Hermann, Mr. Castañeda and five other families – Olga Contreras, Adan Frank Saenz, Guadalupe Cavazos, Dolores Garza, and Maxima and Jose Angel Garcia – filed a class action suit against RISD.

According to the United States Court of Appeals, Fifth Circuit (1981), these families’ shared grievances against the Raymondville Independent School District (RISD) were:

. . . the school district unlawfully discriminated against them by using ability grouping system for classroom assignments which was based on racially and ethnically discriminatory criteria and resulted in impermissible classroom segregation, by discriminating against the Mexican-Americans in the hiring and promotion of faculty and administrators, and by failing to implement adequate bilingual education to overcome the linguistic barriers that impede the plaintiffs equal participation in the educational program of the district. (p. 1)

Among the defendants listed in the suit was Mrs. Billy Pickard, the former president of the RISD school board, the former superintendent Bill Burden, the high school principal Tom West, the former U.S. Secretary of Department of Health, Education, and Welfare, David Mathews, and other school board members including Felix Longoria, Rudy Zamorano, Fred Klosterman, Jerry Funk, and Dillis Prater (“R.I.S.D. discrimination,” 1978).

The lawsuit first sought to expose any injustices that may have existed as a result of the RISD's past history of discrimination. Specifically it targeted the issue of segregation. As stated earlier the lack of Anglo-American students at L.C. Smith posed a problem in that this discrepancy in demographics reflected that RISD had "failed to establish a unitary system in which all vestiges of this earlier unlawful segregation have been eliminated because the virtually 100% Mexican-American school, is a product of this earlier unlawful policy of segregation" (*Castañeda v. Pickard*, 1981, p. 2). Mr. Castañeda envisioned a new, integrated RISD. He hoped by reorganizing campuses by particular grade levels the students would be fully integrated both by ethnic background and socio-economic status (F. Castañeda, personal communication, October 13, 2012).

The lawsuit also called in question the ability grouping system implemented within RISD. Students in RISD were labeled and placed in "high," "average," or "low" ability groups. Although ability grouping is not unlawful, the criteria by which students were placed in these ability groups were being disputed. Students entering kindergarten were given a language dominance test. Those that were determined to be Spanish dominant were placed in the "low" group and participated in bilingual instruction while English dominant students were placed in the "high" group. In the first, second, and third grades, ability grouping was determined by student grades, teacher recommendations, and standardized achievement test scores. These standardized achievement tests were "administered in English and cannot, of course, be expected to accurately assess the ability of a student who has limited English language skills and has been receiving a substantial part of his or her education in another language as part of a bilingual education program" (*Castañeda v. Pickard*, 1981, p. 6). Furthermore, as a ramification

of this ability grouping system, students labeled as “low” were subjected to classrooms that spent a significant amount of time on the development of the English language and lost valuable instruction in content areas. Subsequently, once exited from the bilingual programs, these students were behind academically and placed in remedial programs.

In addition, one of the chief concerns cited in the lawsuit was the hiring practice of RISD. RISD’s total student body was approximately 88% Mexican-American while only 27% of the teachers in the district were Mexican-American (*Castañeda v. Pickard*, 1981). In the initial HEW hearings Aragon stated, “when a district has an employment pattern not reflected by the district it serves, the HEW has a responsibility to take whatever action necessary to correct past patterns of discrimination” (“RISD HEW,” 1977). Kathy recalls Mr. Castañeda

cutting newspaper clippings of people that were coming from Minnesota, Michigan, Ohio. Pan Am and A&I had such great talent. I remember that really, really upset him. I thought Mom couldn’t get a job but no, it was more of we (Mexican-Americans) are educated. We have the same qualifications. We’re applying for a position with 75% Hispanic kids. Give us an opportunity. There’s nothing more in those teachers that came out of Michigan. Give us a chance. He wanted more Hispanic teachers. (personal communication, August 18, 2012)

Furthermore, the district was charged with not promoting Mexican-Americans or hiring Mexican-Americans for administrative positions. The lawsuit cited as a part of Title VI, students “shall not be deprived of an equal educational opportunity by being forced to receive instruction from a faculty and administration composed of persons selected on the basis of unlawful racial or ethnic criteria” (*Castañeda v. Pickard*, 1981, p. 7).

Lastly, the lawsuit aimed to evaluate the qualifications and credentials of the educators that were teaching in the bilingual classrooms. Mrs. Castañeda asserts many of the bilingual teachers at L.C. Smith were individuals that were not truly bilingual and

were not fluent in the Spanish language. These teachers were highly dependent on the Spanish-speaking aides for instruction with students (F. Castañeda, personal communication, July 6, 2012). Although all of the teachers in the RISD bilingual program met the minimum requirements necessitated by the state, only half of the teachers employed within the program were Mexican-American and native speakers of Spanish. The other half was composed of English speaking teachers that acquired certification based on a 100-hour course offered by the Texas Education Agency (TEA). This course familiarized teachers with the theory and methods applied in bilingual programs and provided teachers with a 700 word vocabulary in Spanish (*Castañeda v. Pickard*, 1981). Mr. Castañeda and the other plaintiffs claimed because the teachers had inadequate training and lacked Spanish proficiency the “bilingual education and language remediation programs offered by the Raymondville school are educationally deficient and unsound” (*Castañeda v. Pickard*, 1981, p. 12).

#### *Appeal and the Castañeda Test*

In June of 1978, the case went to trial in Brownsville, TX before Judge Robert O’Connor. Texas Rural Legal Aid attorney Jim Herrmann represented the Castañeda family and the others involved in the suit. Herrmann did not expect for Judge O’Connor to rule in favor of the Raymondville families. Rather Herrmann stated, “We are building a solid record of testimony to be used on appeal in the U.S. Fifth Circuit Court in New Orleans” (“R.I.S.D. discrimination,” 1978). As predicted, in August of 1978 Judge O’Connor ruled in favor of RISD. Following the ruling Superintendent Jerry Jacobs expressed he “hopes he has heard the last of the matter” (“City school,” 1978). However, it was clear Mr. Castañeda and Jim Herrmann had other plans. Mrs. Castañeda recalls

Mr. Herrmann encouraging Mr. Castañeda to see the case through. “Go for it. I’ll do it. My wife and I will help you through the end. You can give us whatever you can whenever you can” (F. Castañeda, personal communication, July 6, 2012). Subsequently, the case was appealed and taken before the Fifth Circuit Court in New Orleans.

According to the executive director of Texas Rio Grande Legal Aid Office, David Hall, the Fifth Circuit Court in New Orleans was known for being “one of the more progressive courts in the country” (D. Hall, personal communication, October 12, 2012). Hall was a colleague of Jim Herrmann and recollects the Castañeda case was appealed before a court that “had a record of being at the forefront of civil rights revolution in the south and that was the court we caught on the first time and so they reversed the case and sent it back down” (D. Hall, personal communication, October 12, 2012). Presiding over the case were the Judges Thornberry, Randall, and Tate. After reviewing the issues raised by the lawsuit, in June of 1981, Thornberry, Randall, and Tate affirmed O’Connor’s ruling in part and reversed the ruling in part.

The Fifth Circuit Court affirmed, “RISD’s bilingual education program is not violative of Title VI” (*Castañeda v. Pickard*, 1981, p. 18). However, the judges insisted the district court “inquire into the history of the RISD in order to determine whether, in the past, the district discriminated against Mexican-Americans, and then to consider whether the effects of any such past discrimination have been fully erased” (*Castañeda v. Pickard*, 1981, p. 18). The court also mandated an examination of “the precise causes of the language deficiencies affecting some of the RISD teachers and to establish a time table for the parties to follow in devising and implementing a program to alleviate these deficiencies” (*Castañeda v. Pickard*, 1981, p. 19). In addition, the court requested “RISD

takes whatever steps are necessary to acquire validated Spanish language achievement tests for administration to students in the bilingual program” (*Castañeda v. Pickard*, 1981, p. 19). Finally, the court outlined a framework to better analyze RISD’s bilingual program. This framework was threefold and is now referred to as the Castañeda Test or the Castañeda Standard. According to Judge Randall, the responsibility of the federal court is threefold:

First, the court must examine carefully the evidence the record contains concerning the soundness of the educational theory or principles upon which the challenged program is based. The court’s second inquiry would be whether the programs and practices actually used by a school system are reasonably calculated to implement effectively the educational theory adopted by the school (i.e. resources and personnel). Finally, the court must determine if over a period of time with the use of adequate techniques produces results indicating that the language barriers confronting students are actually being overcome. (*Castañeda v. Pickard*, 1981, p. 16)

The ruling received mixed reviews. The superintendent of RISD, Jerry Jacobs stated, “I don’t necessarily know if it’s a setback for the district. But what I’ve read I don’t like because some of Judge O’Connor’s decision was reversed” (“Federal court,” 1981).

Attorney Jim Herrmann on the other hand was pleased with the ruling and stated, “We asked the court to reverse O’Connor and apply standards of law and reconsider the facts. As far as I can tell, the court did this” (“Federal court orders,” 1981).

### *Final Ruling*

The district court applied the Castañeda Test and once again found RISD not to be in violation of the 14th amendment, Title VI, and the EEOA. It would not be until January of 1986 a final summary of the findings would be provided and the Fifth Circuit Court of Appeals in New Orleans would affirm the district court’s ruling. Presiding over the case in 1986 were Judges Rubin, Randall, and Williams. The judges responded to

each of the original allegations made by the suit and found no flaw in the second ruling, citing RISD had responded to the lawsuit and made visible changes within the district. Attorney David Hall speculated the possibility of the Fifth Circuit Court shifting to an overall more conservative group of judges, “By the time it got back to the Fifth Circuit the second time it was mid-80s and Reagan had appointed conservatives to the court of appeals in New Orleans” (D. Hall, personal communication, October 12, 2012). Hall added despite the shift within the Fifth Circuit Court, he and his colleague Jim Herrmann gave the district court as well as the Fifth Circuit Court of appeals the benefit of the doubt stating that “by the mid-80s there had been some political transformation in Raymondville and some of the real particularly obnoxious racists were no longer in charge of the schools” (D. Hall, personal communication, October 12, 2012). The original HEW investigation began in 1972 and RISD had virtually 14 years to make changes and to address all the issues raised by the lawsuit.

Regarding the issue of segregation, the Fifth Circuit Court affirmed “no vestiges of discrimination remained in RISD” (*Castañeda v. Pickard*, 1986, p. 3). The court recognized the efforts made by RISD in their freedom of choice attendance policy. In 1972 the school district implemented a new policy in which “students were provided with the opportunity to attend the school of their choice” (*Castañeda v. Pickard*, 1986, p. 3). Since the original HEW investigations “the ethnic composition at L.C. Smith has shifted from 100% in 1971-72, to 97.88% Mexican-American, 2.12% Anglo-American in 1983-1984” (*Castañeda v. Pickard*, 1986, p. 3). The court cited that 11 Anglo-American students attended L.C. Smith. Although the number was minimal, the court also stated the district was composed of mostly Hispanic students and the Anglo-American students

comprised only 12% of the student population. With such dismal numbers “any chance of true desegregation in this school district would therefore appear impossible” and in the past the court “found it unnecessary when a freedom of choice plan is in effect to divide a remaining small number of whites, already in a minority position, amongst schools” (*Castañeda v. Pickard*, 1986, p. 3).

The *Castañeda* case also asked RISD’s ability grouping system be scrutinized. After a second trial, the court ruled, “the ability grouping system of RISD was not discriminatory” (*Castañeda v. Pickard*, 1986, p. 2). The court substantiated this ruling by referencing the practices being applied to the district at the time of the second trial. At trial, the curriculum director, Joe Herod, discussed the school district’s ability grouping system, “In early elementary grades, a program called The Early Prevention of School Failures is in effect” (*Castañeda v. Pickard*, 1986, p. 5). Herod explained the students entering kindergarten took a series of tests that assess a child’s maturity and academic readiness (*Castañeda v. Pickard*, 1986). He also stated these assessments were administered in the child’s dominant language. Based on the results, the students were identified as “no risk, moderate risk, and high risk” (*Castañeda v. Pickard*, 1986, p. 5). First graders were assessed with a criterion referenced test that was administered in the students’ dominant language while in second grade only children that could read and write in English were evaluated by a standardized achievement test. Additionally, the court was alerted, “a Spanish language achievement test is in the process of design and development” (*Castañeda v. Pickard*, 1986, p. 5). Furthermore, additional RISD representatives testified “achievement tests were not the only determinant for ability groupings but rather it was one factor considered in addition to teacher recommendations

and teacher given grades” (*Castañeda v. Pickard*, 1986, p. 6). The court also excused the amount of English utilized in instruction as well as the remediation program in the upper grades, citing the district’s daily schedule demonstrated an equal distribution of time in English, time in Spanish, and instruction in the content areas. Likewise, the court stated a temporary academic deficiency was justifiable if the ultimate goal was to achieve access to an educational program equal to that of the student’s Anglo-counterparts (*Castañeda v. Pickard*, 1981). The court specifically made reference to the flexibility the Lau guidelines permit, stating “Congress intended to leave state and local educational authorities a substantial amount of latitude in choosing the programs and techniques they would use” (*Castañeda v. Pickard*, 1986, p. 12).

In examining the hiring practices of RISD, the court again concluded “RISD does not discriminate against Mexican-Americans in hiring teachers” (*Castañeda v. Pickard*, 1986, p. 11). RISD provided evidence of their efforts to recruit teachers to the district and claimed they struggled to attract teachers. The court analyzed the labor pool available to RISD and found the Rio Grande Valley had a high demand for Spanish speaking Mexican-American teachers and a low supply overall (*Castañeda v. Pickard*, 1986). This high demand coupled with RISD being a “less desirable place in which to work than are its neighboring school districts” was problematic (*Castañeda v. Pickard*, 1986, p. 9). Other districts in the Rio Grande Valley were acquiring graduates from the local universities because they offered incentives and were closer in proximity to these universities. This, however, did not implicate RISD in purposely discriminating against the hiring of a particular ethnic-group, but rather indicated a need to develop innovated recruiting incentives.

The Fifth Circuit Court affirmed “the district court finding RISD’s bilingual program to be in compliance with state law” (*Castañeda v. Pickard*, 1986, p. 13). Since the onset of the lawsuit RISD made noteworthy changes to their program. Of particular significance were the modifications made regarding the qualifications of the teachers. Originally the teachers leading the bilingual classrooms were not proficient in the Spanish language and only half were Mexican-American and native speakers of Spanish. (*Castañeda v. Pickard*, 1986, p. 12). However, by the mid-80s the court found 16 of the teachers had been hired after the original trial and that “twenty-three out of the twenty-seven teachers employed by RISD in 1983-84 were native speakers of the Spanish language” (*Castañeda v. Pickard*, 1986, p. 12). In addition, teachers leading the bilingual classrooms had met TEA’s 1979 updated standards for certification that required bilingual teachers to maintain a “professional level oral and written proficiency in the language of the target population” (*Castañeda v. Pickard*, 1986, p. 12). The court also cited the numerous efforts made by the district to improve the professional development and training of these teachers. Superintendent Jerry Jacobs traveled to Austin to consult with experts and instructors from Pan American University who visited the district a number of times to provide in-service training (*Castañeda v. Pickard*, 1986). TEA representative, Mr. Raymond Magallanes, testified RISD had made excellent progress and “he expected the program now to be in compliance with state law and comparable to the regular education program provided non-bilingual children” (*Castañeda v. Pickard*, 1986, p. 13).

### *I Lost but I Won*

Although the court did not rule in favor of the Castañeda family after years of litigation, to Mr. Castañeda, his family, and his counsel the case was perceived to have been a win. According to Attorney David Hall, “We were generally satisfied that the amount of time and energy that had gone into that case was probably measured somewhere in the thousands of hours, it was a major undertaking, but it was time well spent” (personal communication, October 12, 2012). Hall added, “This is the kind of case where the client is not going to recover any kind of money. The only thing they get out of it is the satisfaction that they made some change” (personal communication, October 12, 2012). Mrs. Castañeda shares both her and her husband’s reaction to the final ruling.

I was glad. I was glad it was over and that my husband didn’t have to be worrying about it anymore. Whatever happens I said, “I don’t care. You just forget about it.” And he said, “Well, no. I’m very happy. I’m very happy the way it went.” I was just glad it was over with. Thank God. (personal communication, July 6, 2012)

Mr. Castañeda’s nephew recalls a conversation he had with his uncle,

All I remember is Uncle Roy telling me “I lost but I won. Everything that I fought for they implemented it. I don’t care whether I won in the end. I wasn’t suing for money. I was suing for implementation of policies and procedures. So when I’m around town drinking my coffee and I see them I smile real big because they know that they did everything that I told them to do.” Case closed. (H. Galindo, personal communication, July 6, 2012)

Mr. Castañeda passed away shortly after the case was resolved. While he was aware the changes had been made in his immediate community, it is unclear from speaking to his family if he knew of the Castañeda Test’s 1983 application in the Denver school system. Likewise, he was not alive to witness the adoption of the Castañeda Test by the OCR in 1991. Pam states at the core of the lawsuit Mr. Castañeda “was worried about the

community, his community” and that the case “manifested into something else” (personal communication, October 13, 2012). From personally speaking to the Castañeda family and other members it appears the story behind *Castañeda v. Pickard* has been virtually unexplored, untold, and long forgotten until now. A discussion of the Castañeda story and its implications can be read in Chapter Five.

### *Personal Narratives*

Each of the Castañeda family members experienced the lawsuit differently. While their interviews were utilized as a source to restory the overall happenings of the lawsuit, their personal experiences of living in Raymondville and dealing with the lawsuit can only be shared individually and separate from the overall story. Each of the following narratives is distinct and communicates each participant’s sentiments, memories, and perspectives regarding the *Castañeda v. Pickard* (1981) lawsuit.

*Pam*

#### *Early elementary at Pittman.*

The only thing that I have to pull back on would be the first few weeks that I spent there at first grade. I remember feeling not very comfortable. I hated going to school. I’m trying to remember the lunchroom because I don’t remember if they had a cafeteria but I never ate from the cafeteria. My Mom always packed us lunches. And the teachers, somebody would be on patrol or on duty. I just felt scared all the time. I can’t tell you I was ever happy there. I don’t remember being happy. I was always afraid. I hated going to school. I almost feel like I was very timid. I felt like I was very intimidated. And for some reason I just remember the lunchrooms were very sad for me.

But it wasn’t because of the children because I had friends. There were other kids [Hispanic students]. Not a lot because it was predominantly white. They were considered the acceptable Hispanics if there’s even such a phrase. That neighborhood was considered a higher class if you will. I mean this street was fine. Some of these areas were fine. But over there close to the high school

that was where the old money was and all the gringos lived there. And they (the other Hispanic students) lived there. I mean I didn't live on a street that was luxurious or didn't have beautiful gardens or didn't have you know a nice income. My Dad at that time was a school teacher. Mom was a school teacher. And we had very humble beginnings. I guess I just became more to myself.

I was terrified of this woman. And I was embarrassed that this woman would call me out in class. I mean just do that to me in class. And I was ashamed. So I just never felt comfortable. We would go to class. God I hated, I hated it with a dread because I never knew if I was going to say something wrong if she was going to pick on me. And my strongest subject is not math. It's English. And so whatever Math we were going through I would be terrified that she would put problems on the blackboard because we stayed with her all day. And I was terrified that she was going to call me. Call on me to get up there and to solve the problem or whatever. And I'd get up there and then she would embarrass me and say, "Ah, it's wrong!" And then just hit me again with the ruler or something. Oh God, I hated it. Hated it. Hated it. Those are the kinds of days that I hated. I don't remember ever having a good day there. It's that sense of feeling that you are not good enough. You just don't feel like you are a part of the group. It felt bad. It really did feel horrible. I am empathetic to those children who feel like they're if you will segregated.

Flora recalls the incident well and recounts the household conversations.

Pam got to the point where she didn't want to go to school anymore. At that time I couldn't take her over there to where I was working. I said, "Look you have to go to school mijita [my daughter]. You can't be out. You can't be absent." Roy says, "The hell if she's going to school anymore. I'm taking her this morning with me." I said, "Roy, you have to go and withdraw her from school." Se le llevó without papers. [He took her without papers.] El se le llevó. (He took her.) And he never went to withdraw her from school. I didn't either. They just automatically withdrew her. I said, "That's embarrassing Roy. She's my daughter and I'm a teacher."

#### *Going to school in Sebastian.*

It was a total 180 because the school in Sebastian was a lot more humble. It was predominantly Hispanic children. They came from lower income families. I knew because I remember. I can see them vividly, my friends. I felt like I was running around with people who accepted me. It was very humble people, definitely Hispanic. If there was a gringo or a white kid there, it was maybe one or two. They were just very good kids. I mean very humble people. And they welcomed me. The teachers! There was one teacher and her name was Mrs. Ruth and she was just a love. A sweet older woman and she was an associate of Dad's and she was just a very nice lady. But there were other Anglo teachers there but I

don't really remember them that well. But I just remembered that I had a very pleasant experience there.

*Returning to RISD.*

When I came back I was in fourth grade. There was an elementary over here, an elementary over here, and then you combine them together and so then you had your fourth grade intermediate and your fifth grade intermediate school. So we were combined into one school building. I had the mixture of the children that were coming in over here. I don't believe I got placed in that other top group, like the ones that were coming from Pittman. I think I got placed in the middle group. And that was predominantly kids that were my color, your color. Darker. They still spoke Spanish. Because I remember them still talking in Spanish. That was almost like their first language. We got some migrants in and the migrants would be put into that class. Whenever they came back, because they'd start like mid-year. Not even mid-year maybe like October, November. And they automatically got shuffled into there or to the plan three.

I got put into the second. I don't know how they thought I was going to go into plan two versus the higher level. I don't know if it was my scores. I am sure we had to take some sort of an achievement test in the third grade. I don't know if I had to or if my father said you know, "Put her in here because I know this is where she'll be happy." I can very much see him doing that. To him it didn't matter that I get in the top class but to him it would matter that I was going to be leaving Sebastian and leaving his realm. And I wasn't going to be in his radar and maybe he was a little anxious. And I can see this very well happening. I'm coming back here. No one is here to protect me. My Mom's teaching. So he wanted to make sure that I was going to be in a level where I would be accepted. And I was. I was not unhappy when I was in the fourth and the fifth grade.

I don't recall much about junior high. Myra Green. The Bearkits. That was a time when you bought the ribbons for football. That was our first experience with sock hops and football. You know the little junior high teams. Again. I remember I made friends with the Hispanic kids. I was back in that middle class also. I was not in the higher classes. So my friends were the kids that were hanging around there at Myra Green. That neighborhood was lower income. But I don't recall much about junior high. It's kind of a blur for me.

I am going to say I had mostly Hispanic friends. I had Sandy. I had Dodie. I had Cindy. My friends didn't speak Spanish. They were pretty much like me that we didn't speak it at school. They knew terms. They knew phrases. They knew if somebody was talking in Spanish they would know what it was, what they were saying. Did they speak it themselves? Probably not. If they spoke it at their households or they understood it from their grandparents or they hear their parents talking in Spanish. We were in the same realm because we did

not speak it at school. I spoke Spanish in my home. I understood Spanish because of my Mom, my Dad, and my grandparents. I picked up the language and I did speak it. My grandmother. My grandparents. I learned through them. I heard Spanish when I would come here to the house and my Mom and my Dad would be talking and I learned Spanish and I spoke in Spanish with my grandparents. Did I hear people ever speaking Spanish, even on the playground or at recess or at lunch? No. It was just not a trend. I mean nobody there spoke Spanish. The teachers never spoke Spanish. It was never heard. I never heard Spanish words in my school life, in my campus life. I am not going to say that anybody said, "Don't talk Spanish." It was almost something that was alluded to like English was your primary language. You learn English. You speak English. Everybody there spoke English. So you just kind of fell with the flow.

### *The lawsuit.*

By this time my Dad was already in the stores. This one was open already. And it's when all of the stuff [lawsuit] started. It went from court proceedings to being pushed back, the back and forth, the tennis game, back and forth. All I remember is one time when my father was going to go up there. He was going to be on the witness stand. I think he had to go up against Fred Klosterman. My Dad knew he was going to have to butt up with that man. And that's all I remember. I never remembered the testimonies. They did not include us in all that stuff. Nothing. We were out of it. To me it was just an ongoing thing. And it never had an end. I would even see in the newspaper or somebody would comment to me or I'd hear him [Mr. Castañeda] talking to my aunts and my uncles. He was very vocal about certain things. But these were things that were never addressed to me or I was in the conversation. I just heard it in passing. He did not expose us to all of that stuff. Nobody ever called me to go and testify. I was young when all of this stuff happened. But at that time it was very real and it was very ugly and it was very there. I'm just very lucky that I had a father that padded all this stuff for us. So I didn't feel a lot of the stuff. I felt some. I did feel some. But I didn't feel what that person on Chihuahua Street felt because they didn't have power. They didn't have a voice. They didn't have money. They didn't have any of that stuff. I'm grateful that I had a father who would be able to take care of our interests.

In retrospect, um, my Dad did the best he could to cushion all of what was going on from us. He protected us and he secluded us from all of this stuff. It wasn't as painful. The only time that I was so traumatized was in the first grade. From that point on for some reason it triggered something in him. I really do think that he tried to keep everything as much as he could away from us. The comings and the goings that we witnessed weren't for our ears. He didn't share this information with us. He let us live our lives. I was actually very happy that my father protected us. I didn't want to be exposed to people who were going to call Dad out. It's like he put a blanket around us.

### *High school.*

I became pregnant in the summer of '75. My Dad, God it was hard for him. But he's the one who asked me what it was that I wanted to do. Dad asked me, "Do you want to sit out this year?" And I told him, "No. I want to graduate with my class." I told him I wanted to stay with my class. I did not want to drop back. I wanted to continue on with the school year and I did not want to skip a year and then come back the next year. When I told him that he took care of it. My Dad went over there to the school and talked to the principal at that time. We told him that I was pregnant and that I wanted to continue coming to school and so forth and they didn't give my Dad any hard time.

You see my Dad would do things without really us knowing. I just know that the waters would part. I think a lot of it had to do with the fact that my father was such a presence and that my Dad wasn't going to let it go. I think they were intimidated by him. If there was anything that was going to be done to me it was going to be extremely subtle. I'm telling you when I became pregnant it was like NOBODY touched me. Nobody. It was what Roy Castañeda's daughter wanted. She is going to continue going to school. No one is going to give her any problems. No one's going to expel her. No one's going to make her quit. And I did. I went to school until I gave birth to my daughter.

When all this happened it's almost, my life was not uncomfortable. And it was what MY Dad said. In any other circumstance I think they would have wanted me to sit out the year. If I had, would have been one of those children from across the street or across the road they would have said, "Well, your daughter, this is the reason why she needs to stay home. She's not physically able to conduct school or to go to school."

### *College.*

In my freshman year at Pan Am [The University of Texas-Pan American, previously Pan Am University] I had to take a language, which was Spanish, one of the basics. I had to relearn some things because Spanish was not offered at the high school. I took Spanish as a language at Pan Am and there were two courses. Two parts. And I had to learn a lot of the basics and the fundamentals. I passed it, but I passed it with a C quite honestly. There were all the pronunciations, the accents, and superlativo [superlative]. I was relearning Spanish. I'm glad I had a little bit of background, enough background to understand what I was taking as a freshman in college.

I became comfortable with Spanish in my 20s. I had a roommate that was from Nuevo Laredo and she was mi compañera de cuarto [roommate] and she spoke Spanish and I spoke English. So for us to communicate I learned from her and I was a sponge. I learned a lot of Spanish. It wasn't TexMex. She helped me develop what I already had. It was not in sculpt.

I speak Spanish a lot. The reason I speak is because of my job. I deal with 60% Spanish speakers and because I learned how to finesse my Spanish because of what I learned with my parents, with my grandparents. And now in my job I just finesse it.

The lawsuit was settled when Pam was no longer living at home. She expresses how she found out it was all over.

I didn't find out through him. I found out years later. It had times when it was just so passive. It was like watching a calm sea. Nothing. And I guess me and my age and at that time, with my life going on, college and whatever you know. But I didn't find out 'til later. And when I found out I was like, "What! Wow! You didn't say anything?" In his [Mr. Castañeda's] mind it wasn't about winning or losing. It was just about justice and about somebody being heard. That was the way he saw things. And you know he just confirmed what I always thought, my Dad was always a very humble person. It wasn't about him.

*Today.*

You know these people have not changed with the times. They say that they are not discriminate. They're not going to come out and show their true colors. They'll tolerate what they can only because society makes them. And right now I feel disgust. I do. I see that my Dad had to go up to these people and fight with these people for certain injustices. And all that my Dad had to go through, I don't consider them pillars of the community.

I knew my father was taking on a cause. When I think of Dad and this whole lawsuit business, he is a legacy, a man of courage, a good heart. He never forgot where he came from. He always fought for the underdog. I guess that's the best way to put it. He was a fighter for the underdog. And he was their voice. You know what this has done for me honestly. Knowing what Dad's done, it just gives me more pride when you can say your Roy Castañeda's daughter. That's what it has done for me. It's given me another full level of integrity of self-respect, a dignity, and just understanding. When you have a father like that you know you have some big shoes to fill. And so living your life with integrity and doing what's right for the underdog. Then do it because that's the cloth that I came from. It's given me a whole different outlook on what I want to do with my life and how I'm going to give this to my girls because I have two now. I want them to walk a path of humility and humbleness and dignity and integrity. And I think this comes a lot. It's one thing when it comes from a parent that you know has been a model or a pillar in the community but it's another thing when you have a father who has taken bigger steps to not just think of his own family but to think of his fellow human beings.

### *Individual Analysis*

After coding three interview transcripts five different themes emerged from the data: protection, acceptance, fear, voice, and dysfunctional language system. Four of the themes: protection, acceptance, fear, and voice maintain their in vivo code names. According to Creswell (2007), code names may be “in vivo, names that are the exact words used by participants . . . or names the researcher composes that seem to best describe the information” (p. 153). The remaining theme, dysfunctional language system, mirrored information in the review of the literature and therefore was given a label that reflects the work of Ovando (2003).

*Protection.* Pam expressed throughout the lawsuit she felt protected by her parents and in particular by her father. She articulated she was shielded from most conversations and activities related to the lawsuit. She states due to this protection she did not experience negative repercussions of the lawsuit but rather was safeguarded at school because of it. What follows are excerpts from Pam’s interview transcripts.

My Dad was real protective.

He was going to have a little anxiety that I’m coming back here, no one is here to protect me.

Over all at the end of the day in retrospect my Dad did the best he could to cushion all of what was going on from us. He protected us and he secluded us from all of this stuff and it wasn’t as painful.

I was actually very happy that my father protected us. It’s like he put a blanket around us.

I’m just very lucky that I had a father that he padded all this stuff for us.

Dad filtered us from as much as he could.

I didn’t get to see the brow beating.

He did not expose us to all of that stuff.

No one gave me a problem.

Nobody touched me.

It was what Roy Castañeda's daughter wanted. She is going to continue going to school. No one is going to give her any problems. No one's going to expel her. No one's going to make her quit.

*Acceptance.* Pam made multiple references to the concept of acceptance. She described her experiences at school as either being comfortable or not comfortable, accepted or not accepted, welcomed or isolated from others.

I remember feeling not very comfortable.

I just never felt comfortable.

They were considered the acceptable Hispanics if you will.

I felt like I was running around with people who accepted me.

They welcomed me.

He wanted to make sure that I was going to be in a level where I would be accepted.

You felt like you were isolated.

I am empathetic to those children who feel like they're segregated.

You just don't feel like you are a part of the group. That's the isolation that I was talking to you about that I went through.

*Fear.* When Pam recalls her early school experiences in RISD she states having an overall sense of fear. Throughout interview sessions, when her early schooling was referenced the theme of fear would present itself. This ultimately caused her father to remove her from this fear-inducing environment.

I just felt scared all the time.

I was always afraid.

I was very intimidated.

I was terrified of this woman.

I would be terrified that she would put problems on the blackboard because we stayed with her all day. And I was terrified that she was going to call me. Traumatized. Scared.

I'm telling you that the only time that I was so freaking traumatized was in the first grade.

I went through it. It's ugly. It's horrible. I came home crying.

*Voice.* Pam consistently discussed the Hispanic migrant community as not having a voice and not being heard. She also referenced her father's actions and work as providing a voice for the unheard Hispanic migrant population within Raymondville.

They came and they would seek my father out to be their voice.

He was vocal.

Daddy was pretty vocal.

It was just about justice and about somebody being heard.

My Dad had to have a voice for them.

He wanted to have a voice for them.

*Dysfunctional language system.* Pam describes her language experiences in Raymondville as one in which she had access to the Spanish language within her home. However, she was not encouraged to utilize Spanish while in RISD. She was later required to learn Spanish as an adult for the purposes of obtaining a college degree and as demanded by her current career. Pam's overall language experience mimics the

dysfunction language system that the United States implemented post Sputnik. As a result of Sputnik, the National Educational Defense Act (NDEA) of 1958 encouraged foreign language instruction at all levels of American education (Blanton, 2004; Crawford, 1999; González, 2008). Although the NDEA persuaded Americans to be more accepting of languages other than English, it did so within a dysfunctional system. According to Ovando (2003), the United States promoted foreign language instruction for monolinguals while concurrently “destroying through monolingual English instruction the linguistic gifts that children from non-English language backgrounds bring to our schools” (p. 7). What follows are excerpts of Pam describing her language experiences.

I understood Spanish because of my Mom, my Dad, and my grandparents. But I didn't speak it at Intermediate.

I spoke it with other people. My grandmother. My grandparents. I learned through them but did I speak it at school? No.

It was just not a trend. I mean nobody there spoke Spanish. The teachers never spoke Spanish. My friends didn't speak Spanish. It was never heard. I never heard Spanish words in my school life. I heard Spanish when I would come here to the house and my Mom and my Dad would be talking.

I didn't hear a word of Spanish there.

I am not going to say that anybody said don't talk Spanish but it was almost something that was alluded to like it was English was your primary language. You learn English. You speak English. Everybody there spoke English.

I became comfortable with Spanish in my 20s.

I can tell you when I took Spanish in my freshman year at Pan Am, I had to relearn some things.

I passed it with a C quite honestly because there were all the pronunciations, the accents, and superlativo. You know all that crap that you had to learn that you didn't learn here. I was relearning Spanish at that time. I'm glad I had a little bit of background, enough background to understand what I was taking as a freshman in college.

I speak Spanish a lot. And the reason I speak it is because of my job.

I deal with 60% Spanish speakers.

In my job I deal with a lot of rural communities and they're Spanish speakers.

My customers, I have to speak to them in Spanish.

In brief, after coding Pam's interview sessions five themes emerged: protection, acceptance, fear, voice and dysfunctional language system.

*Kathy*

*Then.*

In my opinion it's always been a prejudice town. I think that's just the Valley. I remember it was a constant. There was always stuff that was wrong. They were always just stepping on us. I never felt welcome. I always felt the division. As far as scholastics, I always felt that they would do more for someone that was Caucasian than who was Hispanic. I felt like they gave them more opportunities. I remember a new Caucasian family would move in and they'd have a picture in the newspaper. Why are we displaying that there's a new Caucasian family in Raymondville? That moved here. Why is that important in 1965, '68, '70? It was almost like what they did was important but what we did or said wasn't. It seemed like there was more of us than them. As Hispanic as we are they catered to the Caucasian and as a small child you don't quite get that. But there was always a division. Even our church, we have two churches. One is by our house, which is Saint Anthony's and then the one where we grew up and in the hood. Even our two Catholic churches never did anything together. It was so divided. There was the gringo's (Caucasian) church and then there were a few Hispanics there that thought they were gringos and then there was us. Every once in a while maybe there was two or three gringos that were friends with my Dad. Maybe. I remember a few. It's really sad that they felt that we had a place and it was beneath them. I know what the blacks feel. I know exactly how they feel. I think it's sad. Yea. I think that's sad.

It's the weirdest thing. I never felt comfortable around gringos growing up in the Valley. They were our friends. They were just okay friends in school. Just sit in class with them and they're nice to you and you do projects together but that was it. This coming over to your house and spending the night, no we didn't grow up with any of that. They didn't come to our grocery store when we had a grocery store. We would see mainly Hispanic people.

I want to say that it was probably in junior high when this happened to us. You know he [my Dad] had the grocery stores. We started working there when

we were very young. You know the minute they [Mr. and Mrs. Castañeda] opened them that was our entire life as long as we had them. I remember Hispanic people always coming to talk to him [Mr. Castañeda] when they had problems with the school. Always. I don't remember specific what their kids did or didn't do but he was definitely the person that they came to and he went and talked to the principal on their behalf with them. Something in a Hispanic family's opinion happened inappropriately at the school, they'd go to him. They'd come visit him at his grocery store.

“Don Roy, ¿Puedo hablar con usted? Es que esto le pasó a mi hijo y yo no creo que esta bien. ¿Que cree usted?” [Don Roy, Can I talk to you? It's that this happened at school with my son and I don't think it's okay. What do you think?”]

“Pues dejame ver. Yo voy a platicar por ustedes. Haber que pasó. [“Well, let me see. I will go talk on your behalf. Let's see what happened.”]

And then he'd come back and give them the truth and give them his version and then they'd decide. And then years of that and years of people who fell on bad times. He helped them. He was a very generous man.

I remember Dad, when he was on the school board there was always issues. I remember it was just not ever black and white. You had to fight for everything. I remember it not being easy for him to try to express what needed to be done. Even to the Hispanic community. They for many years didn't really know that they could have a voice, that they mattered. Prior to that, things were just normal. Everything was pretty normal, simple, basic. Get up. Go to school. Go to your classes. We hadn't interrupted their party, their thought process or the way they did things. But I always felt after this stuff started that there was always a little bit of attention towards us. My mother tried to shelter us from it, the prejudices and the repercussions of it. They did shelter us from the actual documents and court appearances but we knew something was going on. It's a small town. And just kind of by the way that people reacted toward us. People were just less friendly.

It was so hard. It was really hard. They did the best that they could, Mom and Dad did. And they were right. They were right to fight for everything that they wanted too. But if anything ever happened to us we couldn't come home and tell them because they would yank us out of the school. They did that with my sister. I was very conscious of that. I liked my friends. I was a social person. I kept a lot in. I mean what Dad did was right but I didn't want to go to school in Lyford.

We knew that it was over. I wasn't at home. I left in '79. And I knew that it was over and that he [my Dad] had made a lot of good friends with these lawyers. He felt a sense of accomplishment and he felt that our lives would be

better somehow. Our children. His grandchildren. Great grandchildren. All I ever felt was that he wanted us to have a voice. We meant something.

*Reflections on language.*

I was raised with English so I was more comfortable speaking English. I would say that our first language was English but we spoke Spanish. We grew up with my mother's mother that only spoke Spanish. It was easy for us to pick up Spanish with her living there. She only spoke Spanish so we spoke Spanish. I don't know when the transition happened, how young you are but it was never difficult learning Spanish. I don't know how it happened, when Mom did it, if it was grandma or if it was both at the same time. I know she [grandma] helped raise us. That's how she helped my mother. She took care of us when we were babies.

I still think that I'm Spanglish. I just got back from South America where I did a consulting job. I was there in Argentina and in Chile working at the airport and they spoke it non-stop. It was very different but I did speak it slowly. It all came back to me. I couldn't believe it. I think there is a more proper Spanish that people speak where we were but I think that the more languages you speak the better off you are. I am married to a Caucasian man and just by me speaking my Spanglish, he can speak a little bit of Spanish. I kind of bring my Spanglish to work. By me speaking my Spanglish, a Caucasian girl that I work with, same thing. They can ask for the bathroom, coffee, and restroom. They have learned from me. My husband learned from it. It was used in a positive way. I wouldn't want anyone speaking Spanish in a derogatory way or making a Caucasian or anyone to feel left out because that's how I felt growing up. It wasn't so much about the language then but it just was the situation.

*Now.*

I married a Caucasian. But he's just very different. He's a good guy. I look at my husband when he watches the news now and he talks about what's going on in our society. And as a Caucasian man to see things so clearly. I am just so happy that I found a man that is so much like my own father that is open minded.

You think that people will be different. People in the Valley will be different. But you know really they're not. Sometimes when I go back to the Valley I hear what they say. Sometimes I don't think they are as open minded. I don't think they have moved on. I could be wrong but there are some people in Raymondville or maybe some people in Harlingen that are just hard core bigots. And they can't see past color. They can't see past that. I think they can't see. At the end of the day there's still a division. When I go back and I'm at the HEB, I see my mother talking to all those mean teachers. I just can't do it.

I am a very religious person and at the end of the day we are all children of God. I never felt that way down there. So it was very difficult and I see it now. I see it with the gays and all these other things that are going on right now. And I feel sad. A principle of life and God and love is not being mean to one another. It never has been in my opinion.

### *Individual Analysis*

After coding two interview transcripts five prominent themes emerged from the data: I feel statements, division, acceptance, voice, and dysfunctional language system. Four of the themes: I feel statements, division, acceptance, and voice maintain their in vivo code names, while dysfunctional language system corresponds to the review of the literature as described by Ovando (2003).

*I feel statements.* Throughout Kathy's interviews she responded by prefacing many of her answers with "I feel, I felt, and he felt, she felt." Much of her experience is describe as a feeling rather than a memory or a substantiated fact.

I felt like there might have been even a little bit of attention towards us.

I always had that feeling.

I always felt that the Caucasian people were . . .

He felt that he could discipline his children . . .

I always just felt like the gringos didn't quite understand what was going on.

It's really sad that they felt that we had a place and it was beneath them.

I am not even sure that my sister felt that way growing up.

I always felt that they would do more for someone that was Caucasian than who was Hispanic. I felt like they gave them more opportunities.

I can't believe you can remember that because I kind of always felt that way.

All I ever felt was that he wanted us to have a voice.

I always felt the division.

*Division.* Kathy spoke extensively about the sense of division within Raymondville. She describes the city as being divided into two groups, the Hispanic community and the Caucasian community. When referring to these separate groups she included herself as a part of the Hispanic community and often referred to the groups with the pronouns us, we, them, and they.

There was always a division.

It was so divided.

We were just kind of divided if I think about it.

At the end of the day there's still a division.

Even our two Catholic churches never did anything together.

There was the gringos (Caucasian) church and then there were a few Hispanics there that thought they were gringos and then there was us.

There was a group of us that were involved in this lawsuit.

As Hispanic as we are they catered to the Caucasian.

It was almost like what they did was important but what we did or said wasn't.

It's really sad that they felt that we had a place and it was beneath them. There were more of us than there was of them.

We didn't, hadn't interrupted their party, their thought process or the way they did things.

They were always just stepping on us.

*Acceptance.* Kathy frequently interjected her interview sessions with discussing her comfort level within the community. She expresses the general feeling of not being

comfortable. Similar to Pam, Kathy articulates the feeling of not being accepted but rather unwelcome by the Caucasian community in Raymondville.

I never felt comfortable.

I never felt comfortable around gringos growing up in the Valley.

I never ever felt comfortable.

I always did feel just a little bit of uneasiness.

I never felt welcome.

I wouldn't want anyone speaking Spanish in a derogatory way or making, anyone, a Caucasian or anyone to feel left out because that's how I felt growing up.

*Voice.* Like her sister Pam, Kathy consistently remarks on the notion of voice. She expressed the need for the Hispanic community to have a voice and as a group deserves to be heard. She includes herself within this group. She references her father as an individual that caused others to recognize the Hispanic community and the capabilities of Mexican Americans.

He felt that we should be heard and that we were important.

They for many years didn't really know that they could have a voice, that they mattered.

Growing up all I ever felt was that he wanted us to have a voice. We meant something.

It was more of we are here. We are educated. We have the same qualifications.

Give us an opportunity.

Give us a chance.

*Dysfunctional language system.* Over the course of two interviews, Kathy shared the journey of her language experiences. As this information emerged it reflected the

irony Ovando (2003) stated exists in American education. Kathy's description aligns itself to the American historical narrative in which bilingual children enter a monolingual school system and are not encouraged to speak their native languages. However, as adults these same individuals demonstrate the need to be bilingual.

We grew up with my mother's mother that only spoke Spanish. I would say that our first language was English but we spoke Spanish. It was easy for us to pick up Spanish with her living there. She only spoke Spanish so we spoke Spanish.

English. (Referring to what language was spoken at school)

Oh, always English. (Referring to what language was spoken at school)

I just got back from South America where I did a consulting job. I was in Argentina and in Chile working at the airport and they spoke it (Spanish) non-stop. It was very different but I did speak it slowly. It all came back to me. I couldn't believe it.

I still think that I'm Spanglish. I think there is a more proper Spanish that people speak.

In summary, after analyzing Kathy's interview sessions five themes emerged: I feel statements, division, acceptance, voice, and dysfunctional language system.

### *Flora*

#### *Flora-the teacher.*

I didn't go to school until after I got married. I already had my children. One was a year old and the other one was two years old. My Mom took care of the kids and I went to college. Of course it was Pan American University. It wasn't UTPA [The University of Texas Pan-American] yet. We had to borrow money from the bank. We borrowed the money one semester. We paid it. And then next semester I would borrow more money to go. It was three hundred dollars. Con three hundred dollars iba al colegio yo. [With three hundred dollars I went to college.] I got a C in Spanish when I was going to college. It was very hard for me. Very hard. And here I am 100% Spanish. I got good grades in translating but when it came to a spelling test I never knew where to put the accent. You have to add them when you write them and I never knew where to put the accent. I could never learn it.

There were about four of us girls. Some of us were married. Some were single girls just out of high school. And we commuted. And that's the way I went to school back and forth. I finished. I never stopped. Once I started I never stopped. My husband was very supportive and my Mom took care of the girls. When I finished, right away I applied for a job in June. I was graduating in August. Finishing in June but I didn't graduate until August. I said, "Well, I'm going to go look for a job. I'm going to apply in Raymondville first. Then I am going to go to Lyford. Then I'm going to go to San Perlita because I graduated from San Perlita High School." I was lucky. I went to Raymondville. The man that was the superintendent here had been my teacher in San Perlita. I went and asked him for a job and he says, "Flora, you have a job. I know you from when you were a student. I know you were excellent. You have a job. You don't have to go anywhere else to look for a job." So I started working here.

You see we have two elementaries. The one over there were the Mexicans, the one over here for the Whites. I taught over there. All my 35 years I never moved. I loved it. We had a good principal. He was a white man. Mr. Smith. He was great. He loved the children. He would buy shoes when they were on sale. Stacks of shoes for boys and girls, all different sizes and he'd put them in a room in his office. And when a kid needed shoes he would bring 'em in there and fit him with shoes. He was that kind of a man. At that time, the principal didn't want us to [speak in Spanish] because he said, "You need to communicate in English so the children can see that you are communicating in English. And that's the way they will learn. They need to speak English. If you speak Spanish you are encouraging them to continue speaking Spanish and they won't learn." So we weren't allowed. I mean they're not going to punish us but he did tell us. Even in the lounge when we were planning we had to speak English. Amongst ourselves, era no más las maestras [It was just the teachers.] We just stick in a little bit of Spanish. "Tú estás loca. Nombre no. No lo haces así." (You're crazy. No. Don't do it like that.)

At Smith we had three groups. The top group, those were all speaking English. In the middle it was mixed. In the middle and in the bottom were the ones that came from Mexico that didn't know any English. I taught in English. As far as teaching bilingual, I never taught bilingual. I was not certified. When I went to college I did not get certified to teach bilingual. You had to be certified. I was in the classroom about two or three years. Then the principal moved me from the classroom. At that time the federal government was very involved in education so we got federal funds to establish a classroom to teach all those children that were behind. They needed a lot of help. So he picked me from all the third grade teachers to go and be one of those teachers. I had a building. I had a room to myself and I had a full time assistant. I was there for about 16 years. And then they ran out of money and I was put back in the classroom.

When I started teaching they gave me the top group. It was all English. Then it got to a point, they started giving me children that came in. They don't

know any English. The principal says, “Flora, I don’t have room. I don’t have any room for them and you have about for two. Can you take them?” Because my room was puros que sabían y acá ya estaba loaded with children that didn’t know. [Because my room was full of children than knew English and over here it was already loaded with children that didn’t know English.] I said, “I’ll take them.” So what I did with those children, I kept them after school and I taught them in Spanish. I am bilingual. I used Spanish. It’s very hard at the beginning for these children. Some cry. The ones that don’t know English, they don’t speak. I would just say, “Look. No te mortifiques. Déjame comenzar a la clase. [Look. Don’t worry. Let me get the class started.] Let me get my class started and get them to work. And then I will come and sit down with you and work with you individually.

I didn’t know what was going on at Pittman, only what was going at my school. We would go on field trips. They go on field trips. We would have shows, field day, everything. Everything they had we had. Everything we had, Pittman had. Sometimes we had more than they did because they didn’t want the extra work, the extra activities. Parent night we had it. They had it. As far as treating the school, I think we were okay. We didn’t use the same textbooks. I really don’t know why. To me they should have been. We should have adopted the same textbooks because when we have transfer students they would go into the same textbooks. For some reason that’s the way it was. It was like we were one school over there and they were another school over here. They did their thing. And we did our thing. We didn’t ever meet together like first graders from that campus and this campus to discuss anything. Nothing. When I was teaching. We were there and we were independent over there. And they’d do their thing there and we’d do our thing here. We didn’t communicate. There was no communication between the two. Well, as far as teachers were concerned. The only time we met was at the beginning of school when we had the general meeting or Region I was coming. Both campuses would go and we would either meet at our school or their school. We did have that. Professional development we did it together. We worked fine. The teachers at Pittman used to think that they were better teachers than we were. They wouldn’t tell us but the little things they would say. At the time they had more English speaking. At that time there were a lot of bolillos [white people] going to Pittman and few mexicanos.

### *Flora-the mother*

My mother would babysit for me and my Mom understood English and she spoke English also. Sometimes she would speak Spanish to them [Pam and Kathy] and they would say, “What are you saying, Grandma?” They didn’t know Spanish when they were little. They learned it later on. They had to learn for their jobs. And now Pam speaks good Spanish because of her job. Kathy she speaks it but a veces tiene [sometimes she has] a little bit of problem. She works for an airline and she works at the ticket counter, where they take care of the professional

people. She's upstairs so she works only with business people. So es puro bolillos dice. [So it's all white people she says.] She says, "We have some mexicanos de México que vienen mama. [We have some Mexicans from Mexico that come Mom.] And I have to speak to them in Spanish. Y le dije [And I told her], Can you? Of course I can Mom. What do you think? I know Spanish.

We have good schools. We have always had good schools. The reason my kids were going to this part of town instead of that part of town was because at that time I couldn't send 'em. I lived over here, two streets down. If you lived on this side of Main, they all had to go to Pittman. If you lived on that side of Main you had to go to L.C. Smith. That's why my girls were going to Pittman. And one of them she dropped out from first grade because she had a first grade teacher that was kind of mean. For whatever reason le regañaba. [She would reprimand her.] Pam venía [Pam would come] and she would complain to her Dad. My husband took her out. He just took her out of school and took her with him.

Kathy never complained about anything. She was okay. Ella no se dejaba. [She didn't allow for things to happen to her. She would stand up for herself. She would defend herself.] Venía y decía a su papá, [She would come and tell her Dad], "Dad, such and such teacher got after me today because I was chewing gum in class. Why just me? ¿Porqué a los gringos no les dice nada? No más a mí." [Why don't they say anything to the Anglo kids? Just to me?] So at one time my husband wanted to go to school and talk to the teacher. She wouldn't let him go. She says, "No, don't go to him. Don't talk to no one. I just won't chew gum."

As a parent, if a parent came to me and said I want to send my child to L.C. Smith. I would say. It's a good school. We have good teachers but you go on your own. Don't take my word. You go and talk to the teacher when you enroll your child find out who the teachers are. Take your child to the classroom. Meet the teacher. There's nothing wrong for a parent to go and sit down and sit in the classroom to see what's going on. I didn't do it because I didn't have time. I went to see, look at their work, what they were doing in the classroom. They had work up and I would go visit but not during class. I would talk to the teachers about what the girls were doing and how they were doing and their behavior. They were good kids.

*Flora-the wife.*

My husband, he would ask me how the bilingual program was going? At the time they were letting the assistants teach. Eran americanas. [They were Anglo-Americans.] They didn't know Spanish. They would let the assistants teach it. He was for bilingual education. He believed in it. I didn't. I went to school. I didn't know a bit of English and I learned it. I went to high school and went to

college and here I am, a teacher. It was all English and I learned it. I said, "Look when I went to school there was no bilingual Roy and I learned English. These kids can also learn like I did." He said, "But Flora, we have the bilingual program. We have it in the school. We're implementing it. We need to teach it but we need to teach it right. They're not certified. They're not teachers. That's not right. The teacher needs to know how to teach! And if they're not going to teach then they don't belong in a bilingual classroom." That was his gripe. We needed to have teachers teaching. And if the teachers could not teach the bilingual program then we have to put teachers in there that could teach it. I said, "Okay, I understand why you are fighting because we have a bilingual program. It's implemented and it's not being taught the way it should be. I see your side. I don't care. I'm not going to teach it but it's a program that we have it is supposed to help the children. Those that come from families that don't speak English at home, great. Let's do it the way it's supposed to be done."

I didn't want to get involved in the lawsuit because I was afraid I would lose my job. Which I could have, they wouldn't have fired me but they would have found a reason not to hire me. That's what I think. If they fired me, there would be another lawsuit. So I said if I don't get involved they don't have any reason to come after me. My husband knew that I didn't want to get involved. And he didn't want to get me involved. They went to courts in Brownsville. I never went. He'd say, "I have to go to Brownsville today. We have a meeting with the attorneys." And I said, "Okay. Good Luck." And he would go and I would ask him how did it go? And he would tell me what had happened. He says, "It's all puro borlote. [It's all a big mess/ruckus.] There's no fighting. We're just trying to get things right and they want Raymondville to teach the bilingual program like it's supposed to be taught and for eventually for them to put bilingual teachers. I mean they don't want to fire the teacher right now but eventually get bilingual teachers in there to teach the program the way it's supposed to be." I stayed behind. I didn't want to know anything about it. I stayed out and everything worked out fine. Nobody ever bothered me about it. The principals, the teachers, they never brought it up or anything. They never asked questions. Never approached. Never. Nobody ever said anything to me. So I was happy.

### *Individual Analysis*

After coding Mrs. Castañeda's three interview transcripts four different themes emerged from the data: fear, contentment, detachment, and dysfunctional language system. Three of the themes: fear, contentment, and detachment maintain their in vivo code names. Similar to Pam, the remaining theme, dysfunctional language system,

mirrored information in the review of the literature and therefore was given a label that reflects the work of Ovando (2003).

*Fear.* Flora expressed a general sense of fear associated with the lawsuit and she did not want to be involved in the case for fear of losing her job.

I never went because they'll fire me I said. They won't give me a job next year so I stayed home!

I don't want to lose my job. If I get involved they probably won't tell me anything but I won't get a contract next year.

I was afraid I would lose my job, which I could have. They wouldn't have fired me but they would have found a reason not to hire me.

And so I said if I don't get involved they don't have any reason to come after me.

*Contentment.* Over the course of interviewing Mrs. Castañeda she repeatedly expressed an overall feeling of contentment with RISD. She enjoyed working there and liked her children attending school there. Mrs. Castañeda did not articulate any personal desire for the school district to change.

All my 35 years I never moved. I loved it. We had a good principal.

I was lucky. I went to Raymondville.

We have good schools. We have always had good schools.

We had good schools and segregation maybe only in the fact that my husband wanted to integrate the L.C. Smith.

I always got really good jobs.

We were over there. We were fine. I was okay. You know. I mean I didn't feel like I was being discriminated but my husband did.

It's a good school. We have good teachers.

I was happy because my girls went to school there.

*Detached.* As demonstrated in the previous theme, Flora did not want to be involved in the lawsuit for fear of losing her job. In addition, she was content with her job in RISD. For these two reasons she and her husband separated the lawsuit from her life as much as possible. Flora continually emphasized her detachment from the lawsuit.

I never went. They went to courts in Brownsville and I never went. I stayed behind. I didn't want to know anything about it.

I didn't care. I just didn't get involved. We didn't talk about it. My husband was the one that went to the meetings. It was in Brownsville but I never asked him anything.

I was glad it was over and that my husband didn't have to be worrying about it anymore. Whatever happens I said, "I don't care. You just forget about it."

He knew that I didn't want to get involved. And he didn't want me to get involved so everything went normal.

I didn't want to get involved in the lawsuit.

I'm not involved. So I stayed out and everything worked out fine.

*Dysfunctional language system.* Flora attended school in the Rio Grande Valley at the peak of the Americanization movement and experienced an English only instructional environment. Despite knowing Spanish she was not encouraged to apply it in the school environment. Similar to Pam, as an adult she found herself struggling to fulfill foreign language college requirements and also needed to utilize it in her work environment. This again is parallel to what Ovando (2003) states took place to many language minority students in the United States. What follows are the statements that Flora expressed that aligned to this pattern.

I went to school. I didn't know a bit of English and I learned it. Nobody taught me Spanish.

It was all English.

It (Spanish) was hard for me in college. I barely passed it.

I got a C in Spanish when I was going to college. It was very hard for me. Very hard.

And here I am 100% Spanish. I got good grades in translating but when it came to a spelling test I never knew where to put the accent. You have to add them when you write them and I never knew where to put the accent.

I could never learn it.

What I did with those children. I kept them after school and I taught them in Spanish. I am bilingual you know.

If I get children that don't know (English) like some from Mexico that are behind I teach them in Spanish and then in English. If I have to use it (Spanish), I use it.

In brief, after analyzing Mrs. Castañeda's interview transcripts four themes emerged: fear, contentment, detachment, and dysfunctional language system.

#### *Common Themes*

Each participant shared her own individual experiences. When these experiences were examined each participant had themes that presented themselves from the data. When these experiences were compared, it was clear common themes exist between participants. Pam and Flora shared the themes of fear and dysfunctional language system, while acceptance and voice were mutual themes between Pam and Kathy. All three participants communicate having a common experience of a dysfunctional language system. The significance and implications of these themes are discussed in Chapter Five.

#### *Resistance*

In an effort to determine consciousness and intentionality of the overall lawsuit a matrix (see Table 1) was adapted from Solorzano and Delgado Bernal (2001) and Henry Giroux's (2001) concepts of resistance. This matrix was applied to the Castañeda story

by which participants' interview transcriptions were coded for the following categories: awareness of oppression, awareness of structures of domination, no critique of oppression and structures of domination, self-emancipation, social-emancipation, and other motivating factors. What follows are the results of this categorization. Individual participant analysis depicted within this matrix is available in Appendices G-J. When all participant accounts are examined in context with each other they provide a holistic interpretation of the overall Castañeda story. This holistic picture provides insight as to determine both the level of consciousness and intentionality of the individuals that pursued the lawsuit.

*Pam*

After coding and categorization, Pam's accounts demonstrate an awareness of oppression and an awareness of structures of domination. In addition, Pam indicated the catalyst and purpose of the lawsuit fell under the category of social-emancipation. What follows are samples of Pam's transcription by category. The full categorization of Pam's account can be viewed in Appendix G.

*Awareness of oppression.* "You have the farmers who were all practically white and they had a lot of money. They were abusing the immigrants."

*Awareness of structures of domination.* "This community was predominantly run by farmers and white people. The people that you had on the school board and in administration where there was authority obviously, they were all white."

*Social-emancipation.* “My Dad was just worried about the community, his community.”

*Kathy*

After coding and categorization, Kathy’s accounts demonstrate an awareness of structures of domination. In addition, Kathy indicated the catalyst and purpose of the lawsuit fell under the category of social-emancipation and other motivating factors.

What follows are samples of Kathy’s transcription by category. The full categorization of Kathy’s account can be viewed in Appendix H.

*Awareness of structures of domination.* “It’s really sad that they felt that we had a place and it was beneath them.”

*Social-emancipation.* “He cared about the Hispanic community. He cared about he felt that we should be heard and that we were important.”

*Other motivating factors.* “Growing up all I ever felt was that he wanted us to have a voice. We meant something.”

*Mrs. Castañeda*

In Mrs. Castañeda’s account there was no personal critique of oppression. She did communicate some level of awareness of structures of domination that existed between the two elementary schools. Furthermore, Mrs. Castañeda did not provide any indication the lawsuit was intended to accomplish any self or social emancipation. The only purpose communicated by Mrs. Castañeda was her husband’s desire to have the bilingual program implemented appropriately. What follows are samples of Mrs.

Castañeda's transcription by category. The full categorization of Mrs. Castañeda's account can be viewed in Appendix I.

*No critique of oppression and structures of domination.* "We were over there. We were fine. I didn't feel like I was being discriminated but my husband did."

*Structures of domination.* "The teachers at Pittman used to think that they were better teachers than we were. At that time there were a lot of bolillos (Caucasians) going to Pittman and few mexicanos.

*Other motivating factors.* "I understand why you are fighting because we have a bilingual program. It's implemented and it's not being taught the way it should be. I see your side.

### *Hector*

After coding and categorization, Hector's accounts demonstrated both an awareness of oppression and an awareness of structures of domination. In addition, Hector indicated the catalyst and purpose of the lawsuit fell under the categories of both self and social-emancipation. What follows are samples of Hector's transcription by category. The full categorization of Hector's account can be viewed in Appendix J.

*Awareness of oppression.* "Wetegrove didn't want to pay them enough money to pick the onions."

*Awareness of structures of domination.* "The only way you could go is if your parents or somebody knew somebody and made some phone calls."

*Self-emancipation.* “I lost but I won.”

*Social-emancipation.* “It has to be changed for the better.”

*David Hall*

After coding and categorization, Mr. Hall’s account demonstrates both an awareness of oppression and an awareness of structures of domination. In addition, Mr. Hall indicated the catalyst and purpose of the lawsuit fell under the category of social-emancipation. What follows are samples of Mr. Hall’s transcription by category. The full categorization of Mr. Hall’s account can be viewed in Appendix K.

*Awareness of oppression.* “Pretty sure that it had employment practices and mistreatment of Mexican American children.”

*Awareness of structures of domination.* “The whole transition from Anglo domination, Anglo rule to Mexican Americans exercising political power started about the time that I got down here in the late 60s. Raymondville just kind of got left out of that.”

*Social-emancipation.* “This one was purely social change out of litigation designed to do that and I think it did.”

In summary, each participant’s interview transcription was coded and categorized through the application of a matrix (see Table 1) adapted from Solorzano and Delgado Bernal (2001) and Henry Giroux’s (2001) concepts of resistance. This matrix aided in determining consciousness and intentionality of the overall lawsuit. This analysis revealed most participants perceived an established level of oppression and structures of

domination within the town of Raymondville. In addition, the participants indicated the intent of the lawsuit was not a pursuit of their own, but of Mr. Castañeda, and for the purpose of social change within his local community. A discussion of these results is presented in Chapter Five.

### *Research Questions*

#### *Research Question 1*

What were the Castañeda family's everyday experiences in relation to the RISD educational environment?

a) What were their experiences in relation to the use of English and/or Spanish?

In order to answer this research question, the researcher applied an inductive open coding process to all interview transcripts. This process aided in the search for emergent themes. From these themes, the researcher concluded the following information. All three participants shared the common experience of an American dysfunctional language system. The participants stated they knew oral Spanish as children because it was a language spoken at home. Yet while in school, the participants were not encouraged to speak Spanish. All of the participants experienced an English only instructional environment and expressed a desire for greater proficiency in the Spanish language for their adult lives.

b) What were their experiences in relation to their ethnicity?

In order to answer this research question, the researcher applied an inductive open coding process to all interview transcripts. This process aided in the search for emergent themes. From these themes, the researcher concluded the following information. Pam

and Kathy both expressed a feeling of being unwelcome, unaccepted, and a feeling of discomfort. Pam related her sense of isolation more due to socio-economic status than to her ethnicity. Kathy identified her sense of discomfort to her overall perception of division between ethnic groups in Raymondville. Both Pam and Kathy identified with other segregated and marginalized populations. While Flora often made distinctions between the two ethnic groups in Raymondville, she did not express feeling uncomfortable, treated differently, or discriminated against based on her ethnicity.

### *Research Question 2*

What meaning has each family member applied to their own experience in relation to the lawsuit?

In order to answer this question, the researcher developed a specific interview question to prompt a response to Research Question 2. All participants were asked the following question: Suppose you had to summarize your family's lawsuit experience, what would you say? From their responses to these questions, the researcher determined the following information.

Pam's experience has given her a sense of pride and self-respect. As she reflects on her overall experience with the lawsuit, she stated it is a legacy she hopes to pass on to her children. It impacted her daily life in that she has empathy towards marginalized groups, specifically language minority students and the disadvantaged.

Knowing what Dad's done it just gives me more pride. When you can say you're Roy Castañeda's daughter. That's what it has done for me. It's given me another full level of integrity of self-respect.

And so living your life with integrity and doing what's right for the underdog.

It's given me a whole different outlook on what I want to do with my life and how I'm going to give this to my girls because I have two now. I want them to walk a path of humility and humbleness and dignity and integrity.

It's one thing when it comes from a parent that you know has been a model or a pillar in the community but it's another thing when you have a father who has taken bigger steps to not just think of his own family but to think of his fellow human beings. (P. Leverett, personal communication, July 6, 2012; July 20, 2012; October 13, 2012)

Kathy's experience with the lawsuit has given her self-confidence. She stressed her father made it clear Mexican-Americans could be successful if given the opportunity. She attributes her success at work not to her ethnicity but on the fact she is a qualified individual. In addition, her experience with the lawsuit influenced her daily life through her belief system. She stated having empathy towards other marginalized groups and based on her religious belief system she does not consider discriminatory practices acceptable.

It was necessary. It was eye opening. And it was accomplishing. They were right to fight for everything.

All I ever felt was that he wanted us to have a voice. We meant something.

When I get a job or apply for a job oh it's because this or that equal opportunity well it isn't. It's because I tested and I had a higher score. That's why I got this job.

At the end of the day we are all children of God. I see it with the gays and all these other things that are going on right now. A principal of life and God and love is not being mean to one another. It never has been in my opinion. (K. Bosley, personal communication, August 18, 2012)

Flora expressed overall the lawsuit changed RISD for the better. She stated if bilingual education is implemented correctly it could assist students that do not know English. Flora did not indicate the lawsuit altered her belief system or it had greater meaning to her other than the observable changes made within the school district. The

lawsuit experience did not affect Mrs. Castañeda's professional life or the course of her career. Despite having bilingual capabilities, Mrs. Castañeda continued to teach in mainstream English classes at L.C. Smith until she retired. She is still an active substitute teacher there today.

Eventually they had bilingual teachers.

It changed a lot. They didn't do it right away. It took time but eventually all the bilingual teachers were Hispanic and they were teaching the bilingual program. The assistant was just enforcing. And it got better.

As far as teaching bilingual I never taught bilingual. But it can help the kids, if they teach it right.

All my 35 years I never moved. I loved it.

### *Research Question 3*

What aspects, if any, of the Castañeda family story reflect Giroux's concept of true resistance?

a) What was the catalyst for pursuing the lawsuit?

In order to answer this research question each participant's interview transcription was coded and categorized through the application of a matrix (see Table 1) adapted from Solorzano and Delgado Bernal (2001) and Henry Giroux's (2001) concepts of resistance. This matrix aided in determining consciousness and intentionality of the overall lawsuit.

This analysis revealed the lawsuit was brought on by the oppression felt by the Hispanic community in Raymondville. In particular, the migrant farm workers were being exploited. The catalyst for the lawsuit was multi-layered with several contributing factors. Mr. Castañeda identified with hardships of the migrant farm workers due to his personal experience of childhood poverty. In addition, his daughters were experiencing

some level of discomfort within the school system. When the migrant farm working community sought help from Mr. Castañeda, these contributing factors merged and manifested in the challenging of the school system that reproduced the structures of domination through institutional discrimination.

b) What was the purpose of pursuing the lawsuit?

In order to answer this research question, each participant's interview transcription was coded and categorized through the application of a matrix (see Table 1) adapted from Solorzano and Delgado Bernal (2001) and Henry Giroux's (2001) concepts of resistance. This matrix aided in determining consciousness and intentionality of the overall lawsuit.

This analysis revealed the intended purpose in pursuing the lawsuit against RISD was to improve the overall school system. Mr. Castañeda wanted RISD to integrate the two elementary schools, hire more qualified bilingual teachers – specifically Mexican-American teachers, and improve the instructional strategies utilized with the Hispanic students. In doing so, he sought social change and emancipation where both Mexican-American students and Anglo-American students in Raymondville would be treated as equals.

### *Summary*

In this chapter, the results of this study were introduced. First, a narrative detailing the events that led to the Castañeda lawsuit as well as the outcome of the lawsuit was shared. Second, each participant's personal experiences related to the lawsuit were presented in three separate personal narratives. Third, the research questions that guided this study were answered through inductive open coding and by analyzing the Castañeda

story through the application of a matrix (see Table 1) adapted from Solorzano and Delgado Bernal (2001) and Henry Giroux's (2001) concepts of resistance. A discussion of the results and the implications of these findings are presented in Chapter Five.

## CHAPTER FIVE

### Discussion and Implications

In this chapter, a discussion of significant findings and the implications of these findings are shared. In addition, a researcher reflection and researcher wonderings are presented. Subsequently, the research limitations and new notions for future research are discussed.

#### *Discussion of the Ruling*

Segregation was once an acceptable everyday practice in the United States. It was permitted and mandated by the laws of our country. After *Brown v. Board of Education* (1954), the citizens of our country did not willingly integrate and federal enforcement was required. In the southern states integration was not implemented until the threat of losing federal funding occurred (González, 2008) and years later the United States still maintains one-race schools (*Castañeda v. Pickard*, 1981; Kozol, 2005). According to *Castañeda v. Pickard* (1981), one-race schools are permitted if by choice. However, it is important to carefully examine school choice policies and determine if indeed they are equitable policies. In *Castañeda v. Pickard* (1981), the court ruled in favor of RISD and cited their 1972 freedom of choice policy as evidence of efforts towards erasing a past history of segregation. There was a slight increase in the Anglo-American population at L.C. Smith but no demonstration of a similar demographic shift at Pittman Elementary. Is a freedom of choice plan truly a choice for the disadvantaged? According to Mrs.

Castañeda many of the families at L.C. Smith were reluctant to attend school outside of their neighborhood. Mrs. Castañeda shares their concern,

No tenemos como llevarlos a la escuela. Estamos muy lejos. Yo vivo allá y yo traigo mis niños a la escuela y los llevo a pie. Y cómo voy a pie hasta allá para la Pittman. (We don't have a way to take them to school. We are too far away. I live over there and I take my children to school and I pick them up on foot. And how am I going to take them all the way over to Pittman on foot. (F. Castañeda, personal communication, October 13, 2012)

If transportation is not provided by the school district implementing the choice program, it really is not a choice for those students that have been socially and economically disadvantaged by years of ethnic or racial segregation.

In response to the Castañeda ruling regarding ability grouping, it is significant to reiterate this system of ability grouping was altered long after the initial HEW investigation and the filing of the Castañeda lawsuit. As previously noted, Joe Herod, the curriculum director, discussed the school district's ability grouping system, stating, "In early elementary grades, a program called The Early Prevention of School Failures is in effect" (*Castañeda v. Pickard*, 1986, p. 5). Herod explained the students entering kindergarten took a series of tests that assess a child's maturity and academic readiness. He also stated these assessments were administered in the child's dominant language. Based on the results the students were identified as "no risk, moderate risk, and high risk" (*Castañeda v. Pickard*, 1986, p. 5). However, as a part of a five-year reading improvement plan, The Early Prevention of School Failures assessment was not implemented until the 1979-1980 academic school year, which is a minimum of seven years after the initial complaint ("RISD board hears," 1980). Calling attention to this detail is not an effort to discredit the efforts of RISD but simply to emphasize the ability

grouping system that existed prior to the 1979-1980 school year was quite possibly faulty, as suggested by the plaintiffs.

In addition, the court permitted a temporary remediation in academic achievement of the language minority students in RISD with the justification that the ultimate goal was to achieve a comparable educational program to their Anglo-counterparts. It is vital to emphasize the curriculum context of the *Castañeda* case. The explicit curriculum goals of the RISD bilingual program claimed, “to teach students fundamental reading and writing skills in both Spanish and English by the end of third grade” (*Castañeda v. Pickard*, 1981, p. 5). However, the hidden curriculum was to teach English by the third grade because throughout the remainder of these students’ educational experiences at RISD, they would be subjected to the null curriculum of the Spanish language. Since the *Castañeda* case, bilingual programs have flourished and have demonstrated that if programs are rooted in an additive program philosophy, this temporary academic deficiency is completely unnecessary (Thomas & Collier, 1997, 2002). With the application of progressive precepts as a part of the explicit curriculum, additive programs aim to develop a student’s English language while maintaining their native language (Baker, 2011). In addition, additive programs allow for language development to occur naturally, giving students the necessary time of five to seven years to become proficient and fluent speakers of a second language (Cummins, 2000). Without the urgency of teaching English for the purposes of mainstreaming to an English-only classroom, the appropriate amount of time can be spent in content area instruction thereby avoiding remediation in academic achievement.

RISD was found to not have discriminatory practices in the hiring of Mexican-American teachers. The court decided there was a labor pool issue that hindered RISD in the hiring of these individuals. There was a high demand for Mexican-American teachers and a low supply. The court drew attention to neighboring towns in the Rio Grande Valley and stressed these other school districts provided incentives in the recruitment of their teachers. School districts in the cities of La Joya, Pharr San Juan Alamo, and Progresso testified to providing incentives such as above average pay and transportation for working in their school districts (*Castañeda v. Pickard*, 1986).

In addition, RISD specifically had difficulty employing qualified and proficient bilingual teachers. The issues that faced RISD are still plaguing the United States today and school districts across the nation are likely to find themselves in a similar recruiting predicament. According to the American Association for Employment in Education (2008), there is a considerable shortage of bilingual and ESL certified teachers with nine out of 11 regions reporting a need for qualified educators in these fields. Specifically in Texas, as recent as 2013, Texas Education Agency (2013) includes bilingual and ESL teachers as a part of the Texas teacher shortage catalog. In a recent study of bilingual and ESL teacher recruitment and retention, there was a correlation found between vacancies and incentives. Superintendents surveyed in this study reported,

the least number of vacancies were from districts which provided paid health insurance, professional development opportunities and funds, and stipends as benefits/incentives to their bilingual/ESL teachers. It appeared that there was a high correlation between the number of bilingual/ESL teaching vacancies and benefits and incentives; i.e., the higher the number of vacancies, the fewer benefits and incentives. (Lara-Alecio, Galloway, Irby, & Brown, 2004, p. 14)

This is an indication school districts need to develop innovative recruiting strategies and compensate bilingual and ESL teachers for their services. RISD later proved recruiting

qualified teachers is possible. By the time the case reached the second trial the appeals court recognized RISD's efforts in replacing their bilingual educators with more knowledgeable and proficient teachers. At the first trial only one-half of the teachers employed in the bilingual program were Mexican-American and native Spanish speakers. By the second trial, 23 out of 27 teachers were native speakers of Spanish, with 16 new hires since the original trial (*Castañeda v. Pickard*, 1986). It is unclear how these recruitment efforts differed in attracting these bilingual teachers from earlier hiring attempts. However, it is apparent school districts both then and now need to ensure culturally and linguistically diverse students have access to qualified and well-prepared teachers.

In summary, RISD was never found guilty of any of the charges detailed in the *Castañeda* lawsuit, yet the school district made all the changes called for in the lawsuit. Change does take time. In the case of Raymondville change required approximately 14 years to achieve some level of equity. It is unfortunate RISD did not make these changes willingly, but as the literature states, "the threat of losing federal funding can lead a school district into a 'negotiated settlement that can, if adequately monitored, result in improved services' for English language learners" (González, 2008, p. 138).

#### *Impact of Castañeda v. Pickard*

Despite the final ruling in *Castañeda v. Pickard* (1981), this case achieved a number of objectives and has had a lasting impact on the education of language minority students. First, it did in fact cause RISD to improve and alter their educational programs to better serve the culturally and linguistically diverse students within their district.

Attorney Jim Herrmann stated, "It's hard to change attitudes based in history. But the

schools are more sensitive to the problem now” (“Federal court,” 1981). According to Attorney David Hall the ruling in the Castañeda case and the changes RISD made are typical in these types of lawsuits because,

Even if you don’t get the order from the court, an injunction something like that requiring them to hire, they are going to fall all over themselves in the course of the litigation to prove that they are not discriminating. They go out and start making the kind of concerted efforts that are necessary to get teachers that are reflective of the student body and that are competent at bilingual education and have adequate training. (D. Hall, personal communication, October 12, 2012)

Second, it provided a new framework – the Castañeda Test – by which to evaluate and guide language minority instructional programs across the nation. Hall validated this notion when stating this particular case had, “lasting impact in establishing what the standards are for a suitable bilingual education program. It became kind of a national standard” (D. Hall, personal communication, October 12, 2012). In *Lau v. Nichols* (1974) the courts established that school districts did need to take *appropriate action* in providing language minority students with access to the educational environment with efforts toward overcoming language barriers. However, as seen in *Castañeda v. Pickard* (1981), school districts have flexibility in developing the type of program that will be implemented for their language minority student population. With the Castañeda Test, schools are still provided this flexibility but are now accountable for ensuring these programs maintain sound educational theory; are implemented with quality instructional practices, resources, and personnel; and demonstrate students are making progress over time (*Castañeda v. Pickard*, 1981).

Third, the actions taken by Mr. Castañeda, Jim Herrmann, and the other Raymondville families communicated multiple messages to onlookers. To neighboring communities it conveyed a warning and encouraged South Texas districts to provide

more equitable educational programs as a safeguard against such lawsuits. “It’s not just the Raymondville school district. Every school district in South Texas was generally aware they needed to be accountable too or there would be somebody coming after them if they didn’t” (D. Hall, personal communication, October 12, 2012). To the local community of Raymondville it demonstrated,

They (Mexican Americans) could have a voice that they mattered. He (Mr. Castañeda) made them aware of the possibility they could be anything. They could be doctors, lawyers. You have to have the will and you could literally pick cotton one day and be educated the next. (K. Bosely, personal communication, August 18, 2012)

Mr. Castañeda’s daughter, Kathy, expressed what this case says to posterity, “Growing up all I ever felt was that he wanted us to have a voice. We meant something. Our children, his grandchildren, great grandchildren somehow our lives would be better” (K. Bosely, personal communication, August 18, 2012).

### *Discussion of Themes*

In Chapter Four, each participant shared their personal experiences and each participant had various themes emerge from the data. In Pam’s narrative the five themes that emerged were: protection, acceptance, fear, voice, and dysfunctional language system. In Kathy’s narrative five prominent themes emerged: I feel statements, division, acceptance, voice, and dysfunctional language system. In Flora’s narrative the four themes that emerged from the data were: fear, contentment, detachment, and dysfunctional language system. There are common themes that exist between the participants. Pam and Flora shared the theme of fear, while acceptance and voice were mutual themes shared by Pam and Kathy. All three participants communicated having a common experience of a dysfunctional language system.

### *Fear, Voice, and Acceptance*

Pam and Kathy's personal narratives shared the common themes of voice. Both expressed the Hispanic community was marginalized and not represented or heard within the larger Raymondville community. In addition, the Mexican-American students' potential was not acknowledged by the remedial curriculum implemented with the language minority students. Pam and Kathy both articulated their father provided a voice for the Hispanic community. Pam and Kathy diverge on this theme in terms of who specifically needed their voice heard. Pam identified the migrant families in Raymondville as disadvantaged and in need of support, which they gained from Mr. Castañeda. Pam stated she felt well protected and taken care of by her father and did not include herself in this marginalized group. Kathy, on the other hand, emphasized the marginalized group was the general Hispanic community. Unlike Pam, she repeatedly included herself as a part of this group. Despite having this slight divergence, Pam and Kathy stressed Mr. Castañeda's actions provided a voice for the voiceless. The common theme of voice is a significant finding because it alludes to intentionality on the part of Mr. Castañeda. In addition, it serves as a model for others that work with marginalized populations. There is a need for their voices to be heard either through another vessel or through self-empowerment.

Likewise, Pam and Kathy also maintained the mutual theme of acceptance. They underscored the overall feeling of not being accepted or welcome and expressed some level of discomfort in relation to school or within the general Raymondville community. This discomfort was rooted in feeling excluded by the Anglo-American population in Raymondville. Both participants likened their experiences to segregation. Pam revealed,

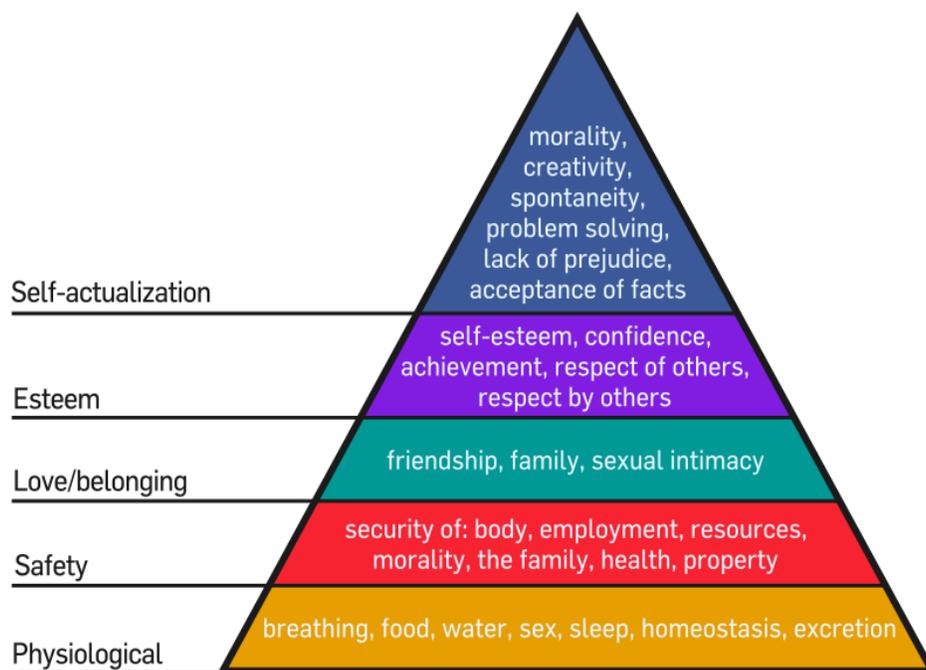
“I am empathetic to those children who feel like they’re segregated” (personal communication, October 13, 2012). Similarly, Kathy states, “I know what Blacks feel. I know exactly how they feel” (personal communication, August 18, 2012). They stressed as youth they had the desire to be accepted and to belong. As an adult Pam emphasized no person should feel isolated regardless of ethnicity or socio-economic status. Kathy shared her current belief system dictates all individuals are children of God and no person should feel left out or denied equal treatment regardless of race, ethnicity, and/or sexual orientation.

### *Implications*

According to Graham (2005), the Supreme Court suggested segregation to be psychologically damaging to young Black Americans. This same ideology has been applied to the teaching of culturally and linguistically diverse populations. The National Education Association (1966) released a report that suggested, “Traditional school policies and practices such as rigid Anglicization practices, English-only policies, no-Spanish rules, and cultural degradation led to damaged self-esteem, resentment, psychological withdrawal from school and underachievement” (as cited in San Miguel, 2004, p. 12).

In order to avoid these negative psychological ramifications, it is crucial for teachers to consider the social and emotional well-being of their culturally and linguistically diverse student populations. One way of understanding the feelings of fear and the need for acceptance held by Pamela and Kathy is through the work of Abraham Maslow. Maslow first introduced the hierarchy of needs in the 1940s (as cited in Gorman, 2010). Maslow (1943) theorizes that humans are motivated by different needs.

These needs are depicted in a pyramid (see Figure 1) with the lower levels needing to be fulfilled before an individual can address the upper level needs presented at the top of the pyramid. Among these needs are belonging and self-esteem. According to Gorman (2010), “Belongingness is achieved through affiliation with a group, a process that is very much impacted by cultural values and beliefs about what is acceptable to the group” (p. 27).



*Figure 1. Maslow's human needs*

Additionally, Gorman (2010) states “self-esteem is attained through recognition or achievement, both of which can only be attained through meeting, or exceeding, the expectations of society; expectations based on the values and beliefs determined by culture” (p. 27). When students feel a sense of belonging and self-esteem, they are more likely to achieve. Research indicates a strong correlation between self-esteem and achievement (Covington, 1989; Cummins, 1996). Covington (1989) reported as the level

of self-esteem increases, so do achievement scores; as self-esteem decreases, achievement scores decline. Furthermore, Cummins (1996) adds,

When students' developing sense of self is affirmed and extended through their interactions with teachers, they are more likely to apply themselves to academic effort and participate actively in instruction. The consequent learning is the fuel that generates further academic effort. The more we learn, the more we want to learn, and the more effort we prepare to put into that learning. By contrast, when students' language, culture and experiences are ignored or excluded in classroom interactions, students are immediately starting from a disadvantage. Everything they have learned about life and the world up to this point is being dismissed as irrelevant to school learning; there are few points of connection to curriculum materials or instruction and so students are expected to learn in an experiential vacuum. (p. 2)

Educators can foster an environment that is supportive, inclusive, and affirming by incorporating culturally responsive teaching. Gay (2002) states, "culturally responsive teaching is defined as using the cultural characteristics, experiences, and perspectives of ethnically diverse students as conduits for teaching them more effectively" (p. 106).

Teacher preparation programs need to equip pre-service teachers to create democratic classrooms with a culturally responsive and inclusive curriculum (Gay, 2000).

According to Banks et al. (2005) "aspects of diversity include culture and racial/ethnic origins, economic status, learning challenges and language" (p. 233). In an effort to promote linguistically responsive teacher education, Lucas, Villegas, and Freedson-Gonzalez (2008) "suggest that a separate course be added to the teacher education curriculum-namely, one devoted to teaching ELLs and one that all pre-service teachers are required to take" (p. 370). Purposely designing teacher preparation programs and equipping pre-service teachers to create positive learning environments for diverse populations encourages a more equitable classroom for traditionally marginalized students.

### *Fear*

Mrs. Castañeda and Pam both shared statements that indicated they held a level of fear. The fear differed in terms of what prompted the emotion. Pam was fearful of being mistreated at school by a teacher while Mrs. Castañeda feared losing her job. Regardless of the cause, both women expressed some form of fear in relation to RISD. The implications of a student experiencing fear in relation to school are discussed above. The implications of a teacher experiencing fear in the workplace are discussed below.

### *Implications*

The theme of fear verbalized by Mrs. Castañeda should be given particular attention. Mrs. Castañeda chose not to be involved in the lawsuit for fear of losing her job. Although she never complained or articulated any opposition with RISD's educational system, she feared if suspected of agreeing with Mr. Castañeda's sentiments she would lose her teaching contract with the district. Although this experience took place over 30 years ago, according to Giroux (2003) "teachers are under siege all over the world like they never have been in the past" (p. 7). Educators are intellectuals and should be able to "oppose current efforts to disempower teachers" (Giroux, 2003, p. 10). Teacher preparation programs should consider courses in which pre-service teachers are encouraged to use critical thought. In these courses pre-service teachers should be given opportunities to develop consciousness of freedom, recognize authoritarian tendencies, and connect knowledge to power and the ability to take constructive action (Giroux, 2010). Without doing so, educators teach without self-agency and are subject to a top down system where they fear their superiors and the consequences to their own daily actions.

### *Dysfunctional Language System*

All three participants communicated similar journeys in relation to their language capabilities and uses of the Spanish language. Pam, Kathy, and Flora acquired Spanish as children because it was spoken in their home. Similarly, all three participants were encouraged to speak English while at school. This circumstance in which the home identity is separated from the school identity represents Flores and Murillo's (2001) "bifurcated reality" (p. 186). Once in college Pam and Flora were required to be proficient in a foreign language and both struggled to achieve a level of proficiency in Spanish writing. This data parallels the review of the literature in which the American educational system communicates mixed messages to language minority students. First language minority students are expected to abandon their native languages and are encouraged to exist in a monolingual instructional environment and yet later are required to become fluent speakers of a second language. According to Ovando (2003), the United States promoted foreign language instruction for monolinguals while concurrently "destroying through monolingual English instruction the linguistic gifts that children from non-English language backgrounds bring to our schools" (p. 7). In addition, all three participants shared their adult jobs demand some level of Spanish capabilities. This again represents the irony of American monolingual education. English is encouraged in school but when entering the job market bilingualism is viewed as an asset.

### *Implications*

This dysfunctional language system originates in the Americanization movement. According to Calderón and Carreón (2000) "the education of language minority students is constantly embroiled in controversy. The use of languages other than English for

instructional purposes is perceived in many quarters as an affront to core American values” (p. 3). However, the American public and bilingual education advocates can no longer allow for this archaic monolingual system to exist within an increasingly multilingual global society. Crawford (2000) recommends

educators must learn to participate more effectively in the policy debate: not by distorting research evidence or by denouncing their opponents as racists, but by explaining bilingual pedagogies in a credible way-that is in a political context that members of the public can understand and endorse. (p. 124)

In addition, it is the opinion of the researcher, bilingual education advocates should be proactive in promoting enrichment programs where “the goal of these programs is bilingualism for language minority and native-English speaking students” (Cobb, Vega, & Kronauge, 2006, p. 29). Bilingual education should not be viewed as a supplemental compensatory program but rather as an enrichment program where all students can become multilingual.

In summary, the themes of fear, acceptance, and voice indicate the need for more welcoming and inclusive classrooms. The fear Mrs. Castañeda experienced is one that should be contested through critical pedagogy. Lastly, the American dysfunctional language system is growing obsolete, signifying the need for American schools to embrace a more comprehensive bilingual education system.

### *Discussion of Resistance*

Giroux (2001) asserts resistance is an expressed hope for radical transformation and suggests true resistance should have “intentionality, consciousness, the meaning of common sense, and the nature and value of non-discursive behavior” (p. 108). In addition, Giroux (2001) emphasizes a significant aspect of resistance is its ultimate purpose aims for self-emancipation or social-emancipation. Solorzano and Delgado

Bernal (2001) provide clarity when summarizing Giroux's definition of resistance as having "two intersecting dimensions" (p. 316). First, acts of resistance "must have a critique of social oppression" and "must be motivated by an interest in social justice" (Solorzano & Delgado Bernal, 2001, p. 316). After coding and categorizing each participant's account through a matrix adapted from Solorzano and Delgado Bernal (2001) and Henry Giroux's (2001) concepts of resistance, it was determined that *Castañeda v. Pickard* (1981) does maintain the characteristics of oppositional behavior intended for social change.

All of the participants indicated some level of consciousness through language that demonstrated awareness of oppression and awareness of structures of domination. The analysis of participant testimonies revealed an established system of hegemony. According to Darder et al. (2009), hegemony takes place within the school system when daily implementation of specific norms, expectations, and behaviors conserve the interests of those in power. This perception of hegemony is clearly seen when Pam states,

This community was predominantly run by farmers and white people. The people that you had on the school board and in administration where there was authority, they were all white. Those children of those laborers were considered laborers of a next generation. (P. Leverett, personal communication, October 13, 2012)

According to *Castañeda v. Pickard* (1981), the ability grouping RISD implemented aided in the perpetual reproduction of Anglo-Americans' maintaining power holding positions while Mexican-Americans continually cycled into the subordinate group.

Although the participants shared the awareness of oppression and structures of domination, when examined closely, none of the participants of this study conveyed individual intentionality. Alternatively, all of the participants directed intentionality

towards Mr. Castañeda. As stated in Chapter Four, the intended purpose in pursuing the lawsuit against RISD was to improve the overall school system. Mr. Castañeda wanted RISD to integrate the two elementary schools, hire more qualified bilingual teachers – specifically Mexican-American teachers, and improve the instructional strategies for Hispanic students. In doing so, he intentionally sought social change and emancipation, where both Mexican-American students and Anglo-American students in Raymondville would be treated as equals and thereby breaking the cycle of hegemonic practices. It is clear that Mr. Castañeda did not aim to acquire personal gain from this lawsuit but rather intended to make social change within his local community. It is uncertain if he had full knowledge of the social change the lawsuit accomplished at the national level.

Furthermore, as cited in the literature, Acuña (1972) states within the Chicano Movement, aside from Cesar Chávez, it did not have “national leaders with large organizations with efficient staff” but rather its leadership pattern “closely resembled the pattern of the Mexican Revolution, where revolutionary juntas and local leaders emerged” (p. 234). Individual leaders emerged within local communities where they “took care of their home bases” and inspired “intense loyalty” from their followers (Acuña, 1972, p. 234). Kathy emphasized the Hispanic community “knew that he (Mr. Castañeda) was someone that they could trust” (personal communication, November 26, 2012). Likewise, Pam shares, “If my Dad didn’t have his backing there is no way he would have gotten onto that school board. It had to be all of the loyalty that he generated” (personal communication, July 6, 2012). This evidence of trust and loyalty coupled with Mr. Castañeda’s intentionality in pursuing social emancipation for the

Hispanic community in Raymondville likens him to other Chicano activists of his time period.

### *Implications*

The actions taken by Mr. Castañeda and his family should be acknowledged and publicized. Currently, the Office of Civil Rights, bilingual scholars, and advocates of language minority student populations are the only individuals that recognize the lasting impact of this case. The City of Raymondville and its citizens should commemorate the work of Mr. Castañeda in some fashion. Likewise, the Hispanic student population of RISD should be informed of the role model that crusaded for their educational rights.

### *Researcher Reflection*

As I entered the research field I was excited to learn all about the Castañeda family experience. Once at the *Raymondville Chronicle*, delving into my data collecting, I came to the realization I had many assumptions regarding the case that I could not have comprehended until pieces of the Castañeda story were revealed to me. I found elements of the Castañeda family story surprising and this leads me to believe I already had story expectations upon the onset of my investigation.

In retrospect I thought I would be hearing the story of Mexican-American parents that did not speak English and I assumed the children of this couple would not know English either. Likewise, I assumed I would find the children of this couple would be attending a school in which their educational and language rights were being violated. This of course is not the story that unfolded. Mr. and Mrs. Castañeda did speak English, as did their daughters. Neither daughter participated in a bilingual program and one

daughter did not even attend RISD for a few years. As I came to realize my preconceived notions regarding the Castañeda case, I began to wonder where these ideas would have originated.

I believe these notions came from the overall lack of information regarding the case. The little information that does exist is found on the Internet or in a book that contains a brief paragraph providing a general summary of the Castañeda Test. In fact, there are many misleading websites that contain incorrect information. The following statement came from the internet, “Mr. Castañeda also claimed the Raymondville Independent School District failed to establish sufficient bilingual education programs, which would have aided his children in overcoming the language barriers that prevented them from participating equally in the classroom” (*Castañeda v. Pickard*, 2012, para. 2). I even ran across a few pre-service teacher projects that provided a picture of “Mr. Castañeda” that I later learned was in fact not Mr. Castañeda at all. Although neither one of these sources are credible, there presently does not exist a source for reliable information regarding the *Castañeda v. Pickard* (1981) case. For this reason I concur with Donato (1997) and believe, “there still remains a large void in the literature” regarding the “Mexican American struggle for equal schools” and I believe there needs to be more documentation of how “Mexican American parents negotiated their fates with white educational power structures” (p. 3).

#### *Other Wonderings*

While reflecting on the overall lack of information regarding this case I began to question why? Why isn't this case known? I pondered several theories but cannot substantiate any of them without further research. First, the lawsuit was not a

straightforward win. It took years of litigation and the court never found fault with RISD. Second, *Castañeda v. Pickard* (1981) never reached the Supreme Court, as did the *Lau v. Nichols* (1974) case. Had the case reached this level of litigation it might have been more publicized. Third, in the mid-80s the Reagan administration reduced the budget and staff of the OCR and specifically “reduced the funding for enforcement compliance, decreased the number of investigations of school districts with inadequate bilingual programs, and failed to investigate complaints of discrimination (San Miguel, 2004, p. 67). The OCR is precisely the office that would have investigated any complaints that were based off the Castañeda Test. Lastly, Mr. Castañeda passed away in 1988 before any formal documentation of the case existed.

### *Limitations*

The nature of this study presented unique limitations. First, as mentioned above, Mr. Castañeda is no longer alive. This is perhaps the greatest limitation of this research. There was limited first-hand knowledge to the events leading up to the lawsuit. Likewise, because the family members did not attend any trials themselves, there was limited access to the proceedings and personal testimonies that took place in court. The researcher was dependent on court documents as well as the newspaper for this information. Second, this study was limited by geographic location and time. The participants of this study were located in two different cities while the researcher resides in a third location. Similarly, access to court transcripts was limited by this same geographic problem. Each of the courts in possession of transcripts is located in a fourth and fifth location. The time constraints of this study did not allow for the researcher to travel to these multiple locations. Next, the researcher constructed the resistance matrix,

which was used to code and categorize participant transcription. Although the data underwent peer review, findings may be limited by human subjectivity.

### *Future Research*

According to Gramsci (1971) hegemony

refers to the successful attempt of a dominant class to utilize its control over the resources of state and civil society, particularly through the use of the mass media and the educational system to establish its view of the world as all inclusive and universal. (p. 23)

In order to combat this type of hegemony alternative narratives need to be documented and shared with the general public as well as with school-aged children. As demonstrated by this study, lack of information can lead to misinformation. In addition, Donato (1997) suggests more documentation of the Mexican-American struggle for equal education needs to be accomplished. In order to ensure culturally and linguistically diverse populations are fairly represented in the landscape of American history, future research should focus on the continual capturing and uncovering of the traditionally marginalized narrative.

Furthermore, future studies should focus on the action research. According to Pushor and Clandinin (2009), a relationship exists between narrative inquiry and action research. Through the inquiry process and telling of stories, “practitioners gain insights into what they are doing and why they are doing it” (Meier & Stremmel, 2010, p. 2). Typically, narrative design within educational research stems from either gathering stories of teacher experiences or from teachers gathering stories from their own students. Both inquiry processes are utilized to reflect and change teaching and “elevate stories to the level of teacher growth and educational change” (Meier & Stremmel, 2010, p. 1). In

this case, action research should involve parents, teachers, and administrators, wherein the Castañeda Test is applied to their own language minority instructional programs. This research should not be conducted for punitive consequences but rather for self-reflection and program improvement. In this way, as Mr. Castañeda desired, “an effort to achieve equal educational opportunities for all children” is continuously sought (“Castañeda files,” 1977).

## APPENDICES

## APPENDIX A

### Interview Protocol

Time of the interview:

Date:

Place:

Interviewer:

Interviewee:

Interview Question	Research Sub-Question Addressed by Interview Question
Describe a typical school day in your early elementary years in RISD?	Question 1- <i>What were the Castañeda family's everyday experiences in relation to the RISD educational environment?</i> Question 1a- <i>What were their experiences in relation to the use of English and/or Spanish?</i>
What were the advantages and disadvantages of being a Mexican American student within RISD?	Question 1b- <i>What were their experiences in relation to their ethnicity?</i>
What were your feelings towards school prior to your family taking action against the school district?	Question 2 <i>What meaning has each family member applied to their own experience in relation to the lawsuit?</i> Question 3 <i>What aspects, if any, of the Castañeda family story reflect Giroux's concept of true resistance?</i>
Suppose you had to summarize your family's lawsuit experience, what would you say?	Question 2 <i>What meaning has each family member applied to their own experience in relation to the lawsuit?</i>
Some people would say that you should follow the rules and not question the school system. What would you say to them?	Question 3 <i>What aspects, if any, of the Castañeda family story reflect Giroux's concept of true resistance?</i>

Interview Questions	Reflective Notes
Describe a typical school day in your early elementary years in RISD?	
What were the advantages and disadvantages of being a Mexican American student within RISD?	
What were your feelings towards school prior to your family taking action against the school district?	
Suppose you had to summarize your family's lawsuit experience, what would you say?	
Some people would say that you should follow the rules and not question the school system. What would you say to them?	

## APPENDIX B

### Informed Consent

The purpose of this study is to record and document your life experiences in relation to your family's lawsuit against the Raymondville Independent School District, *Castañeda v. Pickard* (1981). Your family's experiences are being documented as a part of the completion of a dissertation project through Baylor University. The following outlines the various components of your participation in this project.

You are being asked to participate in a minimum of two interview sessions, with the possibility of follow up interviews. Each interview will take approximately 90 minutes and will be audio-taped. All audio-taped interviews will be transcribed by the interviewer. Recorded interviews will be saved in digital form, encrypted, and will be password protected. You will be given a copy of the interview transcript and given the opportunity to review the written transcripts and provide feedback. If there is anything in the transcript of the interview that you want to have edited, you have the option to do so. Interview transcripts will be stored in a locked file cabinet. Both the recorded interviews and written transcripts will be destroyed after a period of 5 years.

During the interview process, you may request to stop the recording at any time to discuss or clarify how you wish to respond to a question or topic before proceeding. Your participation in this study is completely voluntary and there are no anticipated risks to participate in interviews. However, you can withdraw from the study at anytime. In the event that you choose to withdraw during the interview process, any audio recording made of the interview will be either given to you or destroyed, and no transcripts will be made of the interview.

Due to the nature of this study, by agreeing to participate you are granting permission that your name can be used and may appear in both written and oral forms. By signing the form below, you give your permission for the results of this study, any tapes and/or photographs made or borrowed for duplication during this project to be used by the researcher for educational purposes including publications, presentations, and on-going research.

If you have any questions regarding your rights as a participant or any other aspect of the research as it relates to you as a participant, please contact the Dr. David W. Schlueter, Interim Chair Baylor IRB, Baylor University, One Bear Place #97368, Waco, TX 76798-7368. (254) 710-6920 or (254) 710-3708.

I have read and understand this form, am aware of my rights as a participant, and agree, based on the information provided, to participate in this study in the manner indicated below. A copy of the signed form will be provided to me and the original will be kept in the researcher's office.

\_\_\_\_\_  
Name of Participant

\_\_\_\_\_  
Signature of Participant

\_\_\_\_\_  
Jessica Padrón Meehan  
(Principal Investigator)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

B A Y L O R UNIVERSITY  
School of Education  
Department of Curriculum and Instruction  
Certification of Informed Consent  
Principle Investigator:  
Ms. Jessica Padrón Meehan, Department of Curriculum and Instruction

The purpose of this study is to record and document the story of the Castañeda family lawsuit against the Raymondville Independent School District, *Castañeda v. Pickard* (1981). This story is being documented as a part of the completion of a dissertation project through Baylor University. The following outlines the various components of your participation in this project.

You are being asked to participate in an interview session, with the possibility of follow up interviews. Each interview will take approximately 90 minutes and will be audio-taped. All audio-taped interviews will be transcribed by the interviewer. Recorded interviews will be saved in digital form, encrypted, and will be password protected. Interview transcripts will be stored in a locked file cabinet. Both the recorded interviews and written transcripts will be destroyed after a period of 5 years.

During the interview process, you may request to stop the recording at any time to discuss or clarify how you wish to respond to a question or topic before proceeding. Your participation in this study is completely voluntary and there are no anticipated risks to participate in interviews. However, you can withdraw from the study at any time. In the event that you choose to withdraw during the interview process, any audio recording made of the interview will be either given to you or destroyed, and no transcripts will be made of the interview.

Due to the nature of this study, by agreeing to participate you are granting permission that your name can be used and may appear in both written and oral forms. By signing the form below, you give your permission for the results of this study, any tapes and/or photographs made or borrowed for duplication during this project to be used by the researcher for educational purposes including publications, presentations, and on-going research.

If you have any questions or concerns regarding your participation in this research please feel free to contact the principle investigator Ms. Jessica Padrón Meehan by email at [Jessica\\_Meehan@baylor.edu](mailto:Jessica_Meehan@baylor.edu) or by telephone at 254-644-1380. Inquiries regarding the nature of the research, your rights as a participant or any other aspect of your participation can be directed to Dr. Betty Conaway, Dissertation Chair, at [Betty\\_Conaway@baylor.edu](mailto:Betty_Conaway@baylor.edu) or 254-71—3113 or the departmental representative for the Institution Review Board Committee, Dr. Tony L. Talbert, at [Tony\\_Talbert@baylor.edu](mailto:Tony_Talbert@baylor.edu) or 254-710-3113.

I have read and understand this form, am aware of my rights as a participant, and agree, based on the information provided, to participate in this study in the manner indicated below. A copy of the signed form will be provided to me and the original will be kept in the researcher's office.

\_\_\_\_\_  
Name of Participant

\_\_\_\_\_  
Signature of Participant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Jessica Padrón Meehan  
(Principal Investigator)

\_\_\_\_\_  
Date

APPENDIX C

L.C. Smith Elementary



*Figure C.1.* L.C. Smith elementary

APPENDIX D

Pittman Elementary



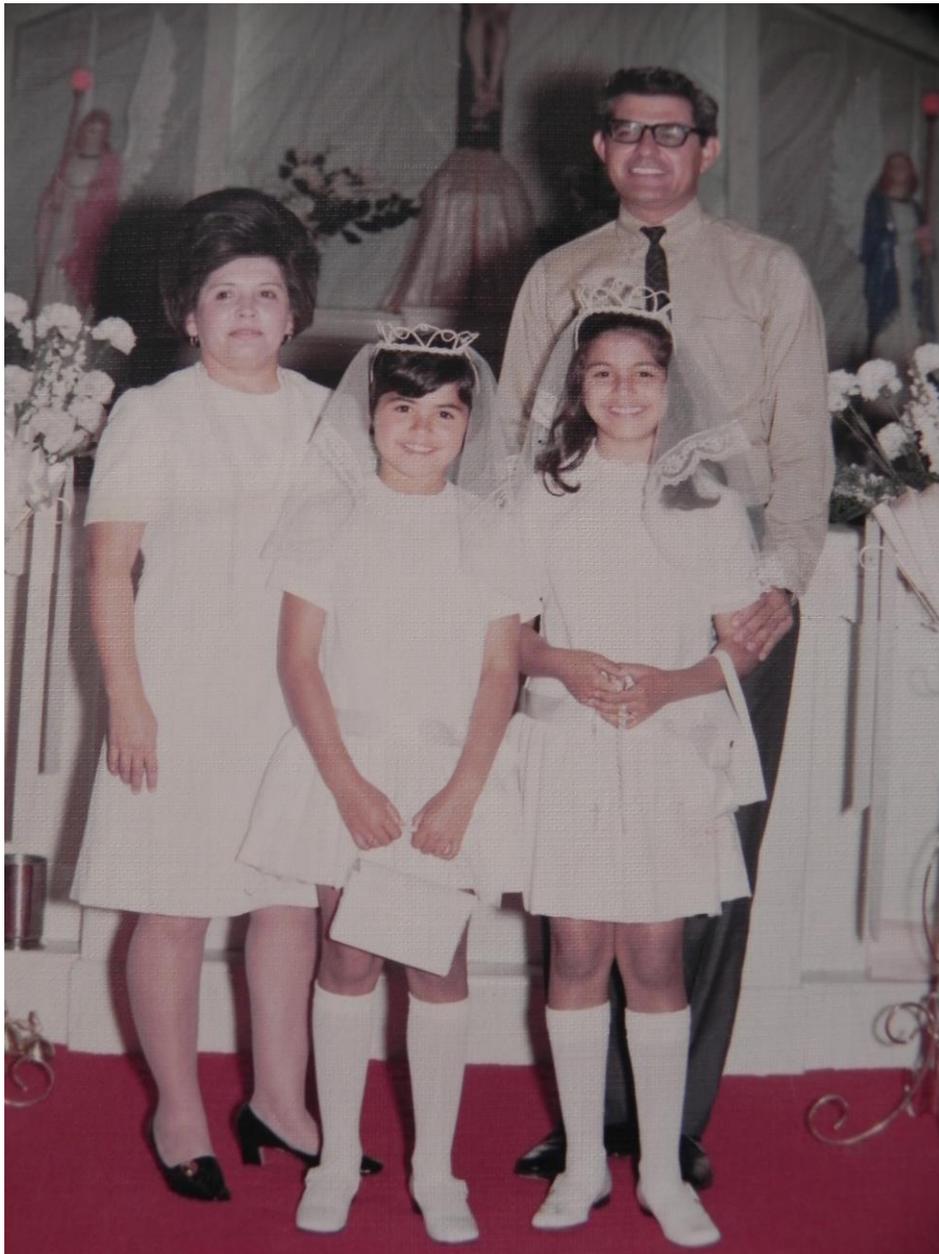
*Figure D.1.* Old Pittman elementary campus



*Figure D.2.* Pittman elementary today

APPENDIX E

Casteñada Family Picture



*Figure E.1.* Casteñada family

APPENDIX F

White Street Home



*Figure F.1.* White Street home

APPENDIX G

Resistance Matrix – Participant A - Pam

Table G.1

*Participant A*

		Participant A
Language that indicates		Pam
CONSCIOUSNESS	awareness of oppression	<p>These white farmers would use these people over here. We sensed some of the discrimination. She hit me with the ruler and with her ring on her knuckles. I was terrified of this woman. I never knew if I was going to say something wrong if she was going to pick on me. You have the farmers who were all practically white and they had a lot of money. They were abusing the immigrants. They treat you like you're a nothing and a nobody. I went through it. It's ugly. It's horrible. I came home crying.</p>
	awareness of structures of domination	<p>That neighborhood was considered a higher class. Over there close to the high school that was where the old money was and all the gringos lived. This community was predominantly run by farmers and white people. The people that you had on the school board and in administration where there was authority obviously, they were all white. Those children of those laborers were considered laborers of a next generation. It wasn't for the best interest of the community or the children here. It was more for the best interest of them. It was an agenda. And there was already a mentality about the children from laborers</p>
	NO critique of oppression and/or structures of domination	

*(table continues)*

		Participant A Pam
Language that indicates		
<b>INTENTIONALITY</b>	self-emancipation	I guess he let people know that he was going to serve his own rights.
	social-emancipation	They came and they would seek my father out to be their voice. He was a fighter for the underdog. And he was he was their voice. It's another thing when you have a father who has taken bigger steps to not just think of his own family but to think of his fellow human beings. My Dad was just worried about the community his community. He was just worried about the change for the community here. That's why my Dad had to have a voice for them. He wanted to have a voice for them because he saw that and it was not right. It wasn't about winning or losing. It was about making the changes and so my Dad was content.
	OTHER motivating factors	My Dad did come from a home of twelve other brothers and sisters. So I think my Dad related to that.

*Note.* Adapted from Solorzano and Delgado Bernal (2001) and Henry Giroux (2001) concepts of resistance

APPENDIX H

Resistance Matrix – Participant B - Kathy

Table H.1

*Participant B*

		Participant B
Language that indicates		Kathy
CONSCIOUSNESS	awareness of oppression	
	awareness of structures of domination	We worked on the ranches for the gringos and we were the slaves of the gringos but we're important. It's really sad that they felt that we had a place and it was beneath them. They were always just stepping on us. At the end of the day there's still a division.
	NO critique of oppression and/or structures of domination	
INTENTIONALITY	self-emancipation	
	social-emancipation	He cared about the Hispanic community. He cared about he felt that we should be heard and that we were important.
	OTHER motivating factors	Growing up all I ever felt was that he wanted us to have a voice. We meant something. He wanted more Hispanic people, teachers.

*Note.* Adapted from Solorzano and Delgado Bernal (2001) and Henry Giroux (2001) concepts of resistance

APPENDIX I

Resistance Matrix – Participant C – Mrs. Castañeda

Table I.1

*Participant C*

		Participant C Mrs. Castañeda
Language that indicates		
CONSCIOUSNESS	awareness of oppression	
	awareness of structures of domination	The teachers at Pittman used to think that they were better teachers than we were. At that time there were a lot of bolillos going to Pittman and few mexicanos.
	NO critique of oppression and/or structures of domination	All my thirty-five years I never moved. I loved it. We had a good principal. We have good schools. We have always had good schools. We had good schools and segregation maybe only in the fact that my husband wanted to integrate the L.C. Smith. He thought that was segregation. We were over there. We were fine. I didn't feel like I was being discriminated but my husband did. It's a good school. We have good teachers. I was happy because my girls went to school there after other stuff.
INTENTIONALITY	self-emancipation	
	social-emancipation	
	OTHER motivating factors	I understand why you are fighting because we have a bilingual program. It's implemented and it's not being taught the way it should be. I see your side. Roy would say, "That's not right. The teacher needs to know how to teach!" My husband was for bilingual education. He believed in it. We have it in the school. We're implementing it. We need to teach it but we need to teach it right. He wanted to integrate both elementaries. And that was his gripe. If the teachers could not teach the bilingual program then we have to have, put teachers in there that could teach it.

*Note.* Adapted from Solorzano and Delgado Bernal (2001) and Henry Giroux (2001) concepts of resistance

APPENDIX J

Resistance Matrix – Participant D – Hector

Table J.1

*Participant D*

		Participant D
Language that indicates		Hector
CONSCIOUSNESS	awareness of oppression	I remember F.K. telling me that I wasn't a man that I had to call my parents. I said, "I'm only 14." I was crying. Wetegrove didn't want to pay them enough money to pick the onions.
	awareness of structures of domination	The only way you could go is if your parents or somebody knew somebody and made some phone calls.
	NO critique of oppression and/or structures of domination	
INTENTIONALITY	self-emancipation	I lost but I won. They did everything that I told them to do.
	social-emancipation	It has to be changed for the better. He saw wrong and he wanted to make change.
	OTHER motivating factors	

*Note.* Adapted from Solorzano and Delgado Bernal (2001) and Henry Giroux (2001) concepts of resistance

APPENDIX K

Resistance Matrix – Participant E – Mr. Hall

Table K.1

*Participant E*

		Participant E
Language that indicates		Mr. Hall
CONSCIOUSNESS	awareness of oppression	Pretty sure that it had employment practices and mistreatment of Mexican American children
	awareness of structures of domination	The whole transition from Anglo domination, Anglo rule to Mexican Americans exercising political power started about the time that I got down here in the late 60s. Raymondville just kind of got left out of that. All these mid-western farmers came down here in the early 1900s. They made up 10, 15 percent of the population but threw an inordinate amount of weight around and treated everybody else like their servants. It didn't die an easy death.
	NO critique of oppression and/or structures of domination	
INTENTIONALITY	self-emancipation	
	social-emancipation	This is the kind of case where the clients not going to recover any kind of money. The only thing they get out of it is the satisfaction that they made some change. I mean that's why we're doing it, is to bring that kind of change. So much of what we do does not involve money. It involves change. It involves social improvement. This one was purely social change out of litigation designed to do that and I think it did.
	OTHER motivating factors	

*Note.* Adapted from Solorzano and Delgado Bernal (2001) and Henry Giroux (2001) concepts of resistance

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