

EMERGENT IDENTITIES AND REPRESENTATIONS IN ELT IN
MINORITY LANGUAGE CONTEXTS
IN NORTHERN MEXICO

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ABSTRACT

In the early 2000s, Mexico experienced a series of changes modeled after UNESCO's guidelines for intercultural education, which necessitated the establishment of the General Office of Intercultural Bilingual Education. This institution aims to provide indigenous students with education that acknowledges their cultural identity, language, knowledge, and attitudes. Another parallel change occurring in Mexico stemmed from the North American Free Trade Agreement (NAFTA) with Canada and the United States. NAFTA impacted Mexican educational policy by incorporating the teaching of English at the state and national levels beginning in public elementary schools.

Adopting an interdisciplinary approach, this dissertation explores the role of English Language Teaching (ELT) in a community in northwestern Mexico where a minority language – Mayo – was taught alongside English. The research also seeks to unfold the discourse(s) embodied in the representation of minority students and languages in Mexico through the analysis of policy documents used in Intercultural Bilingual Education (IBE) programs, as well as in the attitudes of the teachers and stakeholders involved in them. I also look at representations of indigenous people in two texts designed by IBE for the Mayo community.

This dissertation incorporates an ethnographic study that uses participant observations in Mayo and English language classes and semi-structured interviews with teachers and stakeholders attached to a rural school in northwestern Mexico as primary data collection strategies. Policy documents and curricular materials are analyzed using the tools of Critical Discourse Analysis.

Through qualitative data analysis, we discover how the nation-state instantiates a particular Mexican identity and perpetuates stereotypes of indigenous minorities through policy

documents and curricular texts. At the same time, the data obtained through ethnographic fieldwork indicate that teacher agency was a powerful tool in linguistic and cultural maintenance and in transforming language policy and planning at the local level, such that Mayo and English were positioned equally in the curriculum.

DEDICATION

I dedicate this dissertation to five amazing and courageous women who overcame incredible obstacles in their lives and who have left an indelible mark on my life.

First and foremost, to Zarina, my mother, who has been both my parent and my friend. She has taught me the importance of living ethically and responsibly, and of being a compassionate and caring woman. Thanks to her I was always exposed to the world of our indigenous peoples and their struggles.

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CHAPTER ONE

THE ROLE OF ENGLISH LANGUAGE TEACHING IN MINORITY LANGUAGE

CONTEXTS IN NORTHWESTERN MEXICO

The purpose of my dissertation research is to explore the impact of English Language Teaching (henceforth ELT) in minority language contexts in rural Mexico, specifically, the state of Sonora in northwestern Mexico. This study also unveils the importance of issues of identity and identity representation and projection within the frame of Intercultural Bilingual Education (henceforth IBE). As such, it situates itself within a broader research tradition that gestures to the meanings that bilingual or multilingual status holds for individuals and communities (cf. Schechter, 2015; Schechter & Bayley, 2002). As well, because the group under study constitutes not only a minority but an endangered, indigenous minority, this project performs an advocacy function in taking up the social justice dimensions associated with issues of language access, loss, and revitalization.

Situating the Research

In this first chapter, I map out the implications of ELT and its connection to IBE in the context of Mexico and introduce the particular case of the state of Sonora, located in the northwestern part of Mexico (see Illustration 1). This chapter also examines the multiple factors involved in ELT in minority language contexts and, in so doing, provides a rationale for my research agenda. The chapter concludes with an outline of the dissertation contents.

Illustration 1. Map of Mexico



In the last decade, local ministries of education have begun state-level programs where English is taught at public elementary schools throughout Mexico. Then, in 2009 a federal program known as *Programa Nacional de Inglés en Educación Básica* or PNIEB (National Program of English in Basic Education) began. The PNIEB seeks to promote the teaching of English as an additional language beginning in the last year of preschool until junior high school. The PNIEB follows a series of international guidelines – i.e., those established by the Common European Framework of Reference for Languages: Learning, Teaching, Assessment (CEFR) – and national standards, and it has been implemented in seven states: Aguascalientes, Coahuila, Durango, Nuevo León, Sinaloa, Sonora, and Tamaulipas. The PNIEB is also distinguished by a series of curricular changes at the national level, established as the New School Reform. These policy reforms and associated changes will be discussed in detail in Chapter 4 of this dissertation.

In the early 1990s, several states in Mexico began to include the teaching of English as a second/foreign language in the curricula of public elementary schools. In 1993, the Ministry of Education (SEC) in the state of Sonora began working towards the implementation of a program known as PIP (translated as English Teaching Program in Elementary School). For the first time, English would be taught at the public school elementary level. Most of the instructors teaching in this program in the city of Hermosillo (capital of Sonora) are pre-service or in-service teachers from the B.A. in ELT at the University of Sonora, where I have worked as an instructor since 1995.

My particular interest in conducting research on the PIP program stems in part from my experience as an instructor in the B.A. in ELT. My interest has been heightened as a result of the current educational policy environment that places the PIP at the heart of educational processes

in northern Mexico's indigenous communities, such as the Mayo community in the state of Sonora. This particular linguistic and cultural context indicates the need for a more comprehensive teacher education program. Ideally, such a program would critically engage the multiple aspects involved in issues of English language acquisition as a third language and minority language rights. A more complete description of the Mayo language and community is provided in the next section.

Illustration 2. Indigenous Groups in the State of Sonora, Northwestern Mexico



Source: Instituto Nacional de Estadística y Geografía (INEGI, 2000)

The Mayo Community and Its Language

Who Are the Mayo?

The Mayo language is spoken in the southern region of the state of Sonora and also in the northern part of the state of Sinaloa (see Illustration 2). The Mayo people self-identify as

Yoremes, “those who respect tradition,” in counterpart to the *Yori*, “those who do not respect tradition” or the white man. There is also another label, used emically – the *Torocoyori*, “those who betray,” referring to those indigenous Mayo who deny their roots and community commitments, pretending to pose as *Yoris* (Aguilar Zéleny, 1995, p. 83, translation mine). Oral tradition reveals that the Mayo and Yaqui¹ were at one point the same group, with different leaders but one governor for both communities. Records show that attacks against them by other ethnic groups pushed them to make the decision to spread around to protect their land; hence the Mayo were sent to the edge of the river, and hence the generation of the word *Mayo* meaning “the peoples of the riverside” (Aguilar Zéleny, 1995). The Mayo, as both community and language, are divided mainly into two groups: the Mayo from Sonora and Sinaloa. However, they recognize each other as part of the same group, although their organizational characteristics, government, traditions, and relations to Mexican culture and governmental institutions do differ in some aspects (Aguilar Zéleny, 1995, p. 84).

Population

As will be further elaborated in Chapter 4, the linguistic landscape in Mexico is often inconsistent which makes implementing bilingual and literacy programs challenging. With regard to the population of the Mayo, *Ethnologue* cites the census of 1995, indicating a population of 40,000 people of which only 113 are referred to as monolingual Mayo (Mayo, 2015). However, Terborg, García Landa, and Moore (2006) cite a 2000 census where the population of the Mayo is considerably lower, at 31,513 (p. 434).

¹ Another major indigenous group in Sonora as shown in Illustration 2.

Linguistic Aspects and Language Use of Mayo

The Mayo language is classified broadly in the Uto-Aztecan family of languages. The Uto-Aztecan family holds 61 languages. Specifically, Mayo is categorized as Southern Uto-Aztecan, Sonoran, Cahita (Mayo, 2015). With regard to language use, *Ethnologue* reports that there are government scholarships offered to young people who demonstrate proficiency in Mayo (Mayo, 2015). Benito Juárez Intercultural School, the field site for my dissertation research, is a clear example of government efforts to promote education in Mayo. At the time of the study, it held the status of “escuela de calidad” (quality school), receiving funding from several sources because of the high scores obtained by students in the standardized tests.² However, the Mayo language is mainly spoken by the elderly. Researchers working for *Ethnologue* (Mayo, 2015) and data obtained for this dissertation signal that most Mayo-descent individuals are reticent to identify as Mayo.

Geographic Canvas

The Mayo region is located in the northwest of Mexico, between the states of Sonora and Sinaloa, towards the Pacific coast in the elevations that extend from sea level to up to 100 meters that correspond to the coastal zone. It includes valleys that extend to the outskirts of the Sierra Madre Occidental up to 2,000 meters above sea level (Aguilar Zéleny, 1995). Specifically, Mayo-inhabited locales are found in coastal south Sonora around Navojoa (Huatabampo), north Sinaloa (Los Mochis, Guasave, San José Ríos, north of Guamuchil): there are around 100 Mayo villages or more (Mayo, 2015). The Mayo choose to live in their communities which are distributed in the current ceremonial centers. Some of these have been extended and turned into

² This information was obtained from Maria, the principal of the school, in our first interview.

huge urban centers; this process has led to the displacement/replacement of the *Yoreme* by the *Yori* (Aguilar Zéleny, 1995, p. 85) and to assimilation to *Mestizo* culture.

In the following section I describe the main policies and offices interacting in this research and their impact on the Mayo language and people.

Infrastructural Context for Language and Educational Policies in Mexico: Programa de Inglés en Primaria, Programa Nacional de Inglés en Educación Básica, and Coordinación General de Educación Intercultural y Bilingüe

As a state-funded program, the *Programa de Inglés en Primaria* (PIP) was implemented as policy in the year 1992. Information obtained from the PIP's website, as well as an interview with an administrator from the PIP, indicate that the project was initiated because of the interest of a group of parents in the state of Sonora. The group of parents requested that the Ministry of Education provide their children with an ELT program; the parents were also willing to contribute initial funds to enable the start of the program. It took ten years for the PIP to consolidate and be implemented. At the same time, in 2001 the Ministry of Education at the national level in Mexico (SEP), through a federal mandate, established another important program: the Office of Intercultural Bilingual Education (initials in Spanish: CGEIB).

The birth of the office of the CGEIB came in the wake of the controversy on the anniversary of the discovery of the Americas in 1992. Mexico, in line with many other countries around the world, was pushed to make an amendment to the second article of the Constitution. However, it was not until 2004 that this amendment was shaped into the following statement: "The nation has a multicultural nature grounded in its original indigenous populations, descendants of those who inhabited our country at the time of colonization and that preserve their social, economic, cultural institutions" (Instituto de Investigaciones Jurídicas, 2015).

As shown in the above quote, this reform of the second article seeks to recognize Mexico as a multicultural and multilingual geographical space, leaving behind a period of assimilation and cultural homogenization. In 2001, the CGEIB was put in place as a branch of the National Ministry of Education (SEP) with a major objective of the agency being to address intercultural education to the entire population of Mexico, as opposed to education focused exclusively on minority indigenous populations. Such a policy approach is a first of its kind in Mexico. The CGEIB is also tasked with providing culturally pertinent education to all indigenous communities from all levels of education. Thus, the creation and design of courses, textbooks, and materials are to be made culturally appropriate for the many indigenous languages and communities of the country. Among its many tasks, the CGEIB also focuses on the promotion, training, material design, and evaluation of teacher education and preparation of programs for Intercultural Bilingual Education. Given the policy imperatives of the IBE at the national level and the PIP at the state level, one would expect that these offices would work in collaboration, informing each other and transferring expertise between the two programs. In such a scenario, the goals established in the amendments to the Constitution along with the emergence of both the General Law of Linguistic Rights of the Indigenous Peoples and the Federal Law of Prevention and Elimination of Discrimination would be met.

However, one of the most pressing issues with regard to indigenous education in Mexico is the problem of inclusion. Thus, the government, senate, and congress have tried to modify the Constitution by instituting a General Office of Intercultural Education (CGEIB) and so forth, but, as will be elaborated in this dissertation, the problem is more complex. It was through an initial look at the premises of the CGEIB that I was motivated to examine how policies and textbooks represent and market a particular indigenous identity. At the same time, the motto put forward by

the CGEIB of “intercultural education for all” proves to be far from accurate in reflecting the *status quo* of pedagogic practices at elementary schools throughout Mexico. The sociolinguistics of language policy in Mexico reflect a dichotomous mainstream: on the one hand, Mexico as a *Mestizo* nation, and on the other hand, a homogenizing and assimilating Mexico. Evidence of this dual identity is conveyed in pages from textbooks used in elementary schools that portray facts about indigenous cultures and languages. In Chapters 4, 5, and 6 of this dissertation, I examine these representations in detail. In the following section, I discuss the crucial intersection of ELT, globalization and education.

The Impact of Globalization and ELT: The Case of Sonora

It is important that, in situating this research project, we understand how the trajectory of globalization (i.e., its impact on treaties such as the North American Free Trade Agreement) has impacted educational policy with regard to English Language Teaching and Intercultural Bilingual Education in Mexico. Baronov (2006) describes the impact of globalization in terms of how it affects the global economy, especially for those countries in Latin America where the lived experience of globalization constitutes a vivid example of practices of exploitation of natural and human resources. Globalization demarcates economic disparities: Poor countries are in debt to wealthy nations and at the same time labour conditions deteriorate as a result of greater foreign investment (p. 341). In this process, referred to also as the “race to the bottom,” countries compete with one another by adopting practices such as providing low-paying jobs and anti-union policies. Thus, globalization may be understood as “a real but incomplete process which benefits some people and hurts others” (Fairclough, 2001, p. 207). Globalization processes are also replete with efforts from wealthy nations to dismantle natural and human resources of many poor nations: “Capitalism requires the existence of a mass underclass of surplus labor” (hooks,

1994, p. 29). Such processes triggered the emergence of the North American Free Trade Agreement (NAFTA) between Mexico, the United States, and Canada.

NAFTA has had a significant impact on educational policy. In the case of Mexico, the appearance of export-oriented industries (e.g., Ford Motor Company's subsidiaries) in the north of Mexico as a result of NAFTA produced a concomitant increase in the demand for English and thus English-language teachers and schools. It is this demand that influenced both the federal and state ministries of education in the direction of considering and implementing ELT in the curricula of public elementary schools. By including English in the public schools, policy-makers believed that children would have access to a better socioeconomic status within Mexico. In the case of language policy and planning, as Canagarajah (2005) explains, "the need for English in other communities is assumed to be beyond dispute as it is considered natural that people everywhere would want to arm themselves with a powerful language for global relationships" (p. xv). Bearing in mind this last quote, we now turn to the discussion of issues of globalization and ELT.

The term *globalization* sparks controversy and mixed reactions depending on where one stands. In the particular case of ELT, as in many other dominant languages, a controversy persists on whether English opens up job and educational opportunities or whether its expansion tends to marginalize minority languages. As Phillipson (2008) explains,

Building on this diagnosis of American empire, we can see global English as the capitalist neoimperial language that serves the interests of the corporate world and the governments that it influences so as to consolidate state and empire worldwide. (p. 33)

Several authors (Block & Cameron, 2002; Canagarajah, 1999, 2000, 2005; Crystal, 2003; Pennycook, 1994, 2000; Phillipson, 1992, 2000, 2008) have addressed the issue of ELT as it

propagates around the world. Some authors have even labeled the English language as the *killer language* (Pakir, 1997), the *Tyrannosaurus Rex* (Swales, 1997), or the *elusive colonial monster* (Waterhouse, 2008), holding it responsible for minority language loss. In the context of ELT, Mexico would be part of what applied linguists have known as countries/territories belonging to the periphery, defined by Canagarajah³ (1999) as follows:

Such communities where English is of post-colonial currency such as Barbados, India, Malaysia, and Nigeria. Also included under this label are many communities which formerly belonged to other imperial powers, such as Belgium, France, or Spain, but have now come under neo-imperialist thrusts of English-speaking center communities. They include Indonesia, Mexico, South Korea, Tunisia, and Vietnam (p. 4).

English Language Teaching (ELT) had long been permeated by the discourse of coloniality and enlightenment (Pennycook, 1994, 1999); today, “issues relating to unequal power relations between the parties involved are no longer considered external or marginal to discussions about language teaching” (Rajagopalan, 2005, p. 18). When Pennycook (1999) began proposing a direction for a critical applied linguistics, he described three distinctive features pertaining to a critical stance in language teaching:

1. The domain or area of interest – to what extent do particular domains define a critical approach?
2. A self-reflexive stance on critical theory – to what extent does the work constantly question common assumptions, including its own?

³ The author uses centre/periphery as an alternative to Kachru’s (1986) concentric circles (inner, outer, and expanding).

3. Transformative pedagogy – how does the particular approach to education hope to change things? (Pennycook, 2004, p. 789).

The author then extrapolated these issues to other areas in Applied Linguistics that examine the responsibility of being engaged in the transformative critique and practice that assumes the social, cultural, and political backdrop of work in this field. Returning to question of the implications of ELT, scholars then began to unfold the consequences behind ideology and pedagogy of teaching a powerful language. As Canagarajah (2008) reminds us: “No sensible professional can practice ELT today without being alert to the heterogeneity of English varieties, the conflicting claims of community and identity, the values behind methods and materials, and unequal classroom relationships and roles” (p. 213).

To continue our discussion on the impact of ELT in Mexico, we need to locate Mexico’s history with the United States. Within the Mexican historical canvas, an important figure emerges. Porfirio Díaz was one of the most infamous presidents of Mexico, serving from 1876 to 1911. His long presidency, often referred to as a dictatorship, led Díaz to exile in France when the revolution broke out in 1910–11. However, Díaz also coined one of the most famous phrases that truly conveys – albeit simplistically – the psychic status of Mexico, including the unilateral dimension of the relationship it enjoys with its neighbor to the north, with which it shares over 3,000 kilometers of borderland.

«¡Pobre México! Tan lejos de Dios y tan cerca de Estados Unidos».

“Poor Mexico! So far from God yet so close to the United States!” (Riding, 1985, p. 376)

Riding (1985) presses the point: “When it comes to its neighbour to the north, history has taught Mexico that it remains helpless” (p. 376). This unilateral relationship not only permeates the political and economic situation of Mexico, but also impacts Mexico’s educational policies.

There is no better and more current example of imposition and subservience than the North American Free Trade Agreement between Mexico, the United States, and Canada, which emerged at a time of political unrest (the rise of the Zapatista movement) and economic recession in 1994. NAFTA pushed Mexico to change its educational policies to better compete with these powerful countries.

In this light, the location of ELT pertaining to Intercultural Bilingual Education in the Mexican context should ideally be a priority for language instructors, stakeholders, and language policy-makers, particularly concerning the inclusion of English in minority language contexts such as the Mayo community in the north of Mexico. However, a goal of my dissertation research is not to assert whether ELT is ideal or not ideal in the context of rural Mexico, but rather to position English Language Teaching “as a site of competing (and contradictory) ideologies” (Canagarajah, 2000, p. 130). The contexts to which I refer are mainly those under the auspices of the Ministry of Education at federal levels (SEP), local ministries (SEC), ELT programs in public universities, and pedagogical teaching universities. The absence of a critical gaze in educational circles towards ELT in Mexico does not imply that professional educators and other stakeholders are unaware, but rather that pressure from above (e.g., the World Bank) has pushed the government and therefore the Ministry of Education to transform the curriculum to fit those standards set by international organizations.

A Pilot Study

The role of ELT in Mexico has proved to be an important matter especially since the inception of NAFTA. In order for Mexico to become part of NAFTA, a series of changes were put into place, including the teaching of English as an additional language in public schools and the creation of the General Law of Linguistic Rights of the Indigenous Peoples and the Federal

Law of Prevention and Elimination of Discrimination. The emergence of these laws and their execution describes what anthropologist García Canclini (1995) characterizes as “an exuberant modernism with a deficient modernization” (p. 41). By using this incendiary phrase, García Canclini describes the push towards policy change in Mexico and, at the same time, the existing lack of implementation of such policies and changes (Baldauf & Kaplan, 2007).

Notwithstanding, issues regarding culture and language were excluded from NAFTA, causing an unpredictable environment that obfuscates the role of minority languages and perpetuates the already dominant role of English (Morris, 2003). As English continues to grow as a strong second (or third) language in Mexico (Morris, 2003; Terborg et al, 2006), it is crucial to address its position with regard to minority indigenous languages. Research at the intersection of ELT and language policy in Mexican indigenous communities is just at its primary stages, particularly in areas where minority languages are present.⁴ Therefore, in early 2008, I conducted a pilot study (see Illustrations 3 and 4) to uncover a range of issues that would facilitate the framing of my dissertation study’s research agenda.

⁴ For a discussion on English and indigenous languages in the state of Oaxaca, see Lopez-Gopar (2009).

Illustration 3. Benito Juárez Intercultural School



Illustration 4. Juan and Some of His Grade 5 Students



My first visit to Benito Juárez Intercultural School⁵ was in January 2008. This initial visit to the school contributed to the framing of my dissertation problem by bringing into view the most crucial and pressing issues surrounding language education in trilingual schooling settings in Mexico. Among these issues is the need for bridging local aspects of language policy and planning and already existing global or governmental policies. In this case, the work edited by Canagarajah (2005) is relevant in that, as Canagarajah writes in his introduction, “the place of the local is not guaranteed in globalization; it has to be achieved through socially informed struggle and strategic negotiation” (p. xvi). Therefore, the voices and practices of actual language teachers need to be examined. An excellent case in point is the situation of the Mayo teacher at Benito Juárez Intercultural School who manages to negotiate three languages in the classroom. In essence, Juan is the classroom embodiment of language education policy in Mexico. Indeed, as will be further discussed, language teachers such as Juan assume the role of arbitrators of language policy and planning. My use of the term *arbitrator* is influenced by the work of Baldauf (2006) and Sichra (2006). The role of teacher agency in establishing the relationship among language varieties that occupy prominent roles in the curriculum will be discussed in further detail in Chapter 4.

After analyzing the data collected in the course of my pilot study – which included a review of current policies and textbooks in use for IBE as well as conversations with key informants at the field site – the following research questions were excavated:

1. How are issues of identity and representation conveyed through current policy documents under the auspices of Intercultural Bilingual Education in Mexico?

⁵ All names used for the participants as well as places in this study are pseudonyms.

2. What are educators' and other stakeholders' attitudes towards English language teaching and culture in minority language settings?
 - 2.1. Describe stakeholders' attitudes towards minority language maintenance and the learning of English.
 - 2.2. In what ways do current curricula and/or policies inform their views of the role of the state, target and indigenous languages in modern society?
3. How are issues of identity and representation conveyed through textbooks under the auspices of Intercultural Bilingual Education in Mexico?

These questions are intended to uncover representational practices concerning identity of indigenous peoples through educational processes used in IBE, as well as reveal the attitudes that inform those involved in the planning and execution of curriculum and pedagogical decisions behind the teaching of Mayo and/or English.

Summary and Dissertation Outline

In this first chapter, I have mapped out the implications of ELT and its connection to IBE in the context of Mexico and locate these issues globally and locally. I give special attention to the intersection of ELT and minority languages in Mexico, specifically, the Mayo language in northwestern Mexico. Chapter 2, of a theoretical nature, discusses the concepts of identity and representations surrounding the Mexican post-revolution period and relates these themes to current developments in IBE. Chapter 3 describes the research methodology used for this dissertation, including a description of sources of data, participants, and logistics behind this project. Chapter 4, the first of the findings chapters, unpacks the linguistic canvas of current educational policy in Mexico and delves into issues of minority language maintenance and the role of teacher agency within formal instructional contexts. In Chapters 5 and 6, I continue to

discuss the study's findings. Chapter 5 contains a narrative of my ethnographic journey and the findings regarding stakeholders' stances toward the teaching of English and Mayo in minority language settings that this journey uncovered. In Chapter 6, I undertake a textual analysis of documents and textbooks in current use in IBE. In Chapter 7, I summarize the study's findings and discuss the implications of the dissertation research. I also make recommendations regarding future research directions and inquiries.

CHAPTER TWO
RESEARCH ON IDENTITY AND IDENTITY REPRESENTATION IN
POSTCOLONIAL CONTEXTS

As mentioned in the introductory chapter, it was through a pilot study that I had the opportunity to visit Benito Juárez Intercultural School, as well as examine the materials designed for Intercultural Bilingual Education in the Mayo community. Through an initial textual analysis and conversations with local teachers and administrators, the question of identity emerged as salient to this research because of its connection to minority language maintenance and representation of indigeneity in IBE in Mexico. Therefore, my early findings pushed me to consider identity and issues of identity representation and projection as situated in terms of the history of Mexico during the post-revolution period and in current times. These findings also led to the exploration of issues of teacher agency within Language Policy and Planning (henceforth LPP) in minority sociolinguistic contexts, a subject that I discuss in more detail in Chapters 4 and 5.

In this chapter, I map out current relevant work on identity within the field of applied linguistics. I also take up issues of identity and representation as they frame *IBE* in Mexico and connect these to the historical canvas of the post-revolution period and current times.

Theorizing Identity

The term *identity* has become a controversial concept, “overused and sometimes abused” (Grad & Martín Rojo, 2008, p. 31). We might daringly claim that, to some extent, identity, like race, has become a *floating signifier* – a term that S. Hall (1997) uses to signal that the meaning of race, as a discursive construct, is never static but rather constantly evolving. Moreover, debate on the concept of identity and identity politics prevails across disciplines such as anthropology

(e.g., García Canclini, 1995, applied linguistics (see next paragraph for authors), cultural studies (e.g., Grossberg, 1996), and postcolonial theory (e.g., Bhabha, 1990, 1994). S. Hall (1996) proposes to look at identity as a concept “operating ‘under erasure’ in the interval between reversal and emergence, an idea which cannot be thought of in the old way, but without which certain key questions cannot be thought at all” (p. 2). Lather (2003) explains that the concept of *sous rature*/under erasure conveys “keeping something visible but crossed out, to avoid universalizing or monumentalizing it, a form of a warning of an irreducibility outside of intentional control in the play of the world, keeping a term as both limit and resource, opening it up to margins” (p. 263).

Along these lines, Ibrahim (2009) maintains that identity concerns are returning with a particular kind of force (p. 176). One notes this “force” in recent contributions in applied linguistics (e.g., Block, 2007; Bucholtz, 2003; Canagarajah, 1999; Cummins, 1996; Eckert & McConnell-Ginet, 1999; Ibrahim, 2009; Kubota & Lin, 2009; May, 2005; McKay & Wong, 1996; Menard-Warwick, 2005; Norton, 1997, 2000; Pennycook, 1999; Schecter, 2015; Schecter & Bayley, 1997, 2002), many influenced by the poststructuralist turn in the social sciences (Block, 2007) that has pushed towards the re-emergence of identity.

Schecter and Bayley (2002), as proponents of a poststructuralist view of identity in language socialization research, highlighted the lack of “substantial work that addresses the role of alternate languages and language varieties in the self-definitions of linguistic minority individuals and groups” (p. 51). Their findings also pointed to the fact that most of the families in their study of language socialization within Mexican-descent families in California and Texas attributed the maintenance of Spanish to a strong connection to their Mexican or Mexican American culture, and hence their ethnic identity (p. 80). Influenced by the work of Garza and

Herringer (1987), Phinney (1990), and Verkuyten (1995), Schechter and Bayley (2002) define ethnic identity by the interaction of the following three aspects: (a) the way an individual locates herself or himself within (or at a distance from) a particular social and cultural framework, (b) the orientation of representatives of dominant groups to individuals and groups who display expected (and unexpected) lifestyle differences, and (c) official characterizations such as those contained in census documents (p. 51).

Throughout this dissertation, references to ethnic and racial identity are informed by the literature that relates to the work on minority/indigenous language contexts, but also the work on representation. Having said this, identity and identity politics cannot escape the allure of *essentialism*. Indeed, essentialism emerged as a representational practice in the textual analysis undertaken to address Question 3 of this study relating to the curricular materials used under the auspices of Intercultural Bilingual Education (see Chapter 6); therefore, it is important to take up its connection to research on identity. Bucholtz (2003) explains, “essentialism is the position that the attributes and behavior of socially defined groups can be determined and explained by reference to cultural and/or biological characteristics believed to be inherent to the group” (p. 400). May (2005) also notes that some of the intellectual criticisms levelled at the work on linguistic rights can be summarized as the “problem of essentialism (why link language ineluctably to ethnic identity?)” (p. 320). Along the same lines, Menard-Warwick (2005), inspired by the work of Eakin, coins the phrase *an existential fact* and links the following quote to the tension and current “debate about identity and learning in both SLA [Second Language Acquisition] and literacy theory” (p. 254). She cites, “[The autobiographer] recognizes continuous identity not only as a fiction of memory, but also as an existential fact, necessary for

our psychological survival amid the flux of existence” (Eakin, 1999, p. 94, as cited in Menard-Warwick, 2005, p. 253).

Further, Bolívar (2004) warns us that “in order to establish a common public space (the objective of public education), an ‘integrated citizenship’ should not be based on cultural identity because it runs the risk of being homogenizing or assimilationist” (p. 25). Along these lines, Ramos (2009) cautions that “every attempt to define an identity is simultaneously an attempt to contain, that is, to manage, what or who is different. This current trend must also be considered from a critical point of view” (p. 24).

Notwithstanding, Escárcega Zamarrón (2009), activist and scholar in indigenous rights and movements, advances the argument that “in political settings, the *essentialization* and the recovery of indigenous culture are strategies in the struggle for rights and justice” (p. 43, emphasis mine)⁶. Similarly, Schecter (2015), assuming a conciliatory stance towards scholarship (cf. Fishman, 1991) premised on the assumption “that language and cultural identity were indexically related” (Schecter, 2015, p. 197), suggests that the primary motivation of colleagues working within a social anthropology framework prior to the 1990s was neither to assert a causal relationship between language and ethnic identity nor to instantiate theoretical claims concerning authentic group membership but rather to ensure the cultural survival of linguistic-minority groups by “staving off situations where official policies would predictably lead to ethnolinguistic dislocation and assimilation of minority cultures” (p. 198). She further explains that this orientation was informed by alarming findings of sociolinguistic studies conducted during the 1960s and 1970s detailing language atrophy and “death” and the concomitant cultural estrangement and marginalization of vulnerable minority groups. However, she suggests that a

⁶ See Woodbury (1993) for a thorough discussion based on the premise “when a language dies, a culture dies.”

more nuanced interpretation to explain the relationship between language and culture is available to researchers within a social anthropological framework, that is, “where maintenance of a linguistic minority variety is evident, language is well positioned to serve as a resource to support ethnic and cultural identification” (p. 197).

With regard to the debates on issues of representation and identity within indigenous movements, Hodgson (2002) explains that the discussion among anthropologists in the 1990s “moved beyond debates about authenticity, essentialism and social constructionism to examine the historical, social, political and economic contexts shaping how and why indigenous groups decide to project and promote particular images of themselves” (p. 1040).

As conflictual and problematic as identity work and identity politics prove to be, their particular re-emergence in applied linguistics circles pushes us to think about identity and issues of representation from a critical stance. We must, as S. Hall (1996, 1997) suggests, avoid perpetuating the idea of identity as fixed, authentic, “the essence of an ethnicity or a nation” (García Canclini, 1995, p. xxviii), or “ascribed in terms of a culture” (During, 2005, p. 150). Further, with the emergence of a postmodern turn in identity research, issues of representation and the politics of identification have become crucial, since identities cannot be elaborated outside of representational processes (S. Hall, 1988). It is also important to highlight the elusiveness, fragmentation, incoherence, and fluidity embedded in notions of culture and identity (Yon, 2000). In privileging identifications over identities, we can gain insight into how identifications are invoked and through what kinds of representation: “The shift is best thought of in terms of a change from a struggle over the relations of representation to a politics of representation itself” (S. Hall, 1988, p. 442). Identification comes at all levels and “is itself an imperial process, a form of violent appropriation in which the Other is deposed and assimilated

into the lordly domain of the Self” (Fuss, 1994, p. 23). This is what Fuss understands as the origin of racial identity, a process of becoming, “through a play of identification and disidentification” (p. 24). Haque and Morgan (2009) note that “it is this complex relation between the processes of identification and the production and disruption of stable ontological identity that . . . must continually be at the forefront of our analyses and pedagogy” (pp. 282–283). Adding to this perspective, S. Hall (1996) claims,

It seems to be in the attempt to rearticulate the relationship between subjects and discursive practices that the question of identity recurs – or rather, if one prefers to stress the process of subjectification to discursive practices, and the politics of exclusion which all such subjectification appears to entail, the question of identification (p. 2).

It is crucial, then, that issues of representation and the politics of identification take the foreground in work that seeks to shed light on identity within minority language contexts. However, from the literature reviewed for this dissertation, we are able to establish that the connection between language and identity is highly contested, especially when these concepts are associated with “liberal multiculturalism” or multicultural education that endorses simplistic notions of cultural diversity (Bhabha, 1990). Nor would Intercultural Bilingual Education, in the context of this study, represent a case that may be considered exempt from such critical assessment. The controversy arises from the fact that there are still traces of an assimilation model in both liberal multiculturalism and multicultural education, which focus primarily on artifacts or other tangible cultural elements (Banks & McGee Banks, 1989). Bhabha (1990) contends with regard to the notion of cultural diversity within multicultural education policy that “although there is always an entertainment and encouragement of cultural diversity, there is also a corresponding containment of it” (p. 208). He goes on to assert that while dominant culture

recognizes other cultures, it does so by “locat[ing] them within our own grid” (p. 208). For Bhabha, a key problem is “that in societies where multiculturalism is encouraged racism is still rampant in various forms. This is because the universalism that paradoxically permits diversity masks ethnocentric norms, values and interests” (p. 208). McLaren (as cited in hooks, 1994, p. 31) concurs with the assertion that a view of diversity and culture as an undisturbed space (and as part of a conservative and/or liberal model of multiculturalism) is problematic if we forget the role of past conflicts.

Another important focus of this dissertation will be to examine issues of identity and identity representation from the perspectives of stakeholders at a specific historical juncture where an indigenous language (i.e., Mayo) and a *lingua franca* (i.e., English) are being introduced simultaneously. Since professional educators play a key role in this acquisition process, this study also explores the linguistic resources and ideological positionings of language educators in minority language contexts. While it is clear that practitioners need to have some access to the language varieties they have responsibility for imparting, the research literature is not conclusive on how they orient to the different varieties in play in multilingual contexts, notwithstanding rhetorical assertions on the part of academicians regarding historical patterns and hegemonic processes (Skutnabb-Kangas, 2010).

At the same time, this dissertation must examine possible remnants of *assimilationism* within existing policies in Mexico where, at the core of the educational campaign of Intercultural Bilingual Education, the phrase “intercultural education for all” has become the slogan that represents and perpetuates an *Imaginary Mexico* (Bonfil Batalla, 1996). We will see how such contradictions with regard to educational policy and practice in Mexico call for profound reflection about the complex historic, socioeconomic, and linguistic contexts in which related

societal structures have developed and evolved. The following section contains a discussion of identity and issues of identity representation within the national context of Mexico.

Identity and Issues of Representation in Postcolonial Mexico

As discussed earlier in this chapter, identity is a controversial term in many disciplines. Mercer (1990) explains that “identity only becomes an issue when it is in crisis, when something assumed to be fixed, coherent and stable is displaced by the experience of doubt and uncertainty” (p. 43). With this perspective in mind, the work on identity and representation presented in this section provides a lens into the identity work that emerged in Mexico at two historical crucial times: after independence and during the post-revolutionary period.

It is important to point out that the theoretical lenses informing this dissertation originate from multiple sites and disciplines. Critical pedagogy and postcolonial studies have often times informed each other, as in the case of Giroux’s and Spivak’s research (Dimitriadis & Kamberelis, 2006).

Postcolonial studies thus finds itself in a peculiar situation, one somewhat analogous to that of theory. It means different things to different people; it is housed in different disciplines yet widely associated with a few; it is viewed either as enormously radical or as the latest ideological offspring of Western capitalism. (Loomba, Kaul, Bunzl, Burton, & Esty, 2005, p. 3)

Postcolonial studies and theory emerged from literary studies and were spearheaded mainly by scholars of former colonies, e.g., Bhabha, Said, and Spivak. Postcolonial theory seeks to interrogate “the duality of colonizer and colonized” (C. M. Hall & Tucker, 2004, p. 2) which at the same time is embedded in the intersections of power and knowledge, as well as in the discourses permeating such intersections. *Colonial discourse*, a term coined by Edward Said,

brought with it the notion of how “the colonizer and colonized subject positions are constructed” (Dimitriadis & Kamberelis, 2006, p. 180). In his seminal work *Orientalism*, Said (1978) looked at the discursive practices of the West towards the “Orient” and how these practices mirrored binaries, for instance the Europeans constructing themselves as rational and the colonized as irrational (Loomba, 2005). Both Said and Spivak use the term *othering* to refer to “the ideological process that isolates groups that are seen as different from the norm of the colonizers” (Dimitriadis & Kamberelis, 2006, pp. 186–187). Spivak borrows the term *subaltern* from Gramsci, in referring to groups that are subordinated or disenfranchised on the basis of race, sex, religion, or any other category indexing identity (Dimitriadis & Kamberelis, 2006). One of the implications of using postcolonial studies to inform the work of my dissertation is that the concepts of *subaltern* and *othering* are key to the inquiry. These concepts are especially relevant in looking at how stakeholders and teachers, through their everyday experiences, school curricula, and teacher education, are informed and thus construct the other/subaltern.

However, it is important to clarify that when appropriating a particular theory one must carefully consider the context in which this theory was framed. Saldaña-Portillo (2011) explains that “we are forced to recalibrate our subaltern studies’ methodologies and assumptions” (pp. 75–76). Byrd and Rothberg (2011) caution about “postcolonial studies’ over-reliance on models of colonialism in South Asia and Africa that do not necessarily speak to the settler colonies of the Americas” (p. 1). Byrd and Rothberg (2011) signal that both subaltern and indigenous studies can establish a dialogue “as both movements struggle with how to articulate the tensions between overweening colonial power and resilient, resistant actors” (p. 6). Nonetheless, this discussion of the adequacy and usefulness of subalternity and indigeneity remains fluid as the purpose of this dissertation is not to undermine or question one conceptualization versus the other, but to point

out that there are multiple considerations in identity and representation work in postmodern Mexico.

Scholars such as Mignolo (2000) who have done extensive work on subaltern and postcolonial studies in Latin America pose the following dilemma: “Theories travel . . . and when they get places, they are transformed, transcultured. But what happens when theories travel through the colonial difference?” (p. 173). It is within the process of transculturing that we must rethink underlying ideologies surrounding movements such as *Indigenismo*, but also account for the complexity in framing postcolonial studies within the context of Mexico and the intricate colonial, racial, and linguistic relationships that emerged throughout history.

The remaining sections of this chapter map out the shaping of a Mexican identity as a consequence of the independence of Mexico, in particular during the post-revolutionary period. I also address the connection of these historical trajectories to issues of representation and stereotypes.

Reducciones and Encomiendas: Developing Colonial Identities

In her book *Landscapes of Power and Identity: Comparative Histories in the Sonoran Desert and the Forests of Amazonia from Colony to Republic*, Cynthia Radding (2005) looks at the redistribution of peoples and lands in two different contexts in Latin America. In the particular case of Sonora, *reducciones* and *encomiendas*, a by-product of colonialization, shaped the amalgamation of ethnic identities of indigenous people at the beginning of the 16th century and continued into the late 18th century. The term *reducción* (literally translated as reduction) under the Spanish monarchy is defined as

an Indian community set up under ecclesiastical or royal authority to facilitate colonization. Native peoples, many of whom had lived in small villages or hamlets before

contact with Europeans, were forcibly relocated to these new settlements. At *reducciones*, Jesuit missionaries and other colonial administrators attempted to convert Indians to Christianity and to teach them better farming methods and simple crafts. The Indians lived under a strict regimen and were required to contribute their labour to various agricultural and construction enterprises. Some *reducciones* were ruled locally by Indian *caciques*, or chiefs, rather than Europeans. (Reducción, 2008)

The term *encomienda*, on the other hand, is defined as

a grant by the crown to a conquistador, soldier, official, or others of a specified number of Indians living in a particular area. The receiver of the grant, the *encomendero*, could exact tribute from the Indians in gold, in kind, or in labour and was required to protect them and instruct them in the Christian faith. The *encomienda* did not include a grant of land, but in practice the *encomenderos* gained control of the Indian's lands and failed to fulfill their obligations to the Indian population. (Encomienda, 2008)

As Radding (2005) explains, it was particularly through *encomiendas* that new ethnic and national identities emerged (p. 147). However, *encomiendas* also brought with them social stratification when new castes surfaced amongst the inhabitants of New Spain. Sonora's identity became uncertain and, as Renique (1990) points out, "This presence gave colonial Sonoran society a racial and ethnic fluidity absent in the rest of New Spain" (pp. 2–3). However, such fluidity, as will be argued in the section that follows, became completely obliterated during the post-revolution period in the mid–20th century.

The Construction of Mexico: Lingering in a Dichotomy

The invention of Mexico was unfortunate: it adopted the form of a homogeneous nation-state in spite of the fact that the country, at the time of Independence, was made up of not one but many peoples (Esteva, 2003, p. 243).

As Esteva (2003) explains, Mexico after its independence was pushed towards the construction of a homogeneous nation-state that ignored the hybridity of the existing population of the country at that time. A problem with such colonialist discourse (i.e., adopting the form of a homogeneous nation-state) is how Mexican's national identity was shaped into a dichotomous construction. On the one side, as Bonfil Batalla (1996) has pointed out, "an *Imaginary Mexico* emerged as a dominant construction embodied through a Westernized image of Mexicans. The 'Other', referred to as *Deep* or *Profound Mexico*, is rooted in indigenous practices and cultures" (p. 10). Alonso (2004), through analyzing different Mexican texts and monuments, has also found dichotomous and conflicting notions of what constituted the population of Mestizos – mixed-race Mexicans (both indigenous and Spanish) and the "desired" Indian. At this point it is important, however, to make a distinction with regard to the concepts of *Mestizo* and *hybrid* in the context of this dissertation. Alonso (2004) explains that both concepts "have overlapping semantic ranges, despite their different etymologies [and] denote the stigmatized offspring of parents classified as 'different' along ethnic, racial, and status lines; hence both terms are marked by 'accents' of conquest and inequality" (p. 460).

These constructions of Mexico, both *Imaginary* and *Deep/Profound*, are still very much entrenched in people's everyday discourse and practices. They are a result of "postcolonialism in Latin America – a paradoxical condition marked both by a rejection of the colonial past and by colonialism's continuing and pervasive traces" (Alonso, 2004, p. 460).

Bartolomé (1997) explains that in analyzing the historical perception of indigenous people in Mexico, social scientists and politicians have historically defined the Other and ignored the role of the Self. This has led to the illusion that policies are created harmoniously and take into consideration the interests of the different ethnic groups throughout Mexico. Alonso (1994) concurs with Bartolomé and adds that “nationalism is partly an effect of the totalizing and homogenizing projects of state formation. These projects produce an imagined sense of political community that conflates peoplehood, territory, and state” (p. 391). The construction of a false sense of nationhood was apparent in the work of Alonso (1994, 2004) and Coffey (2005), who looked at the post-revolutionary project of building a Cosmic Race, a concept coined by Vasconcelos, the first post-revolutionary Minister of Education. Putatively, a Cosmic Race suppressed what was thought of as the worst features of indigenous populations and turned them into desirable citizens (Alonso, 2004, p. 468). The concept implied “assimilating socially and adapting to new collective values” (Coffey, 2005, p. 265). Coffey (2005) also makes the point that for her, the representation of indigenous communities – through use of *folklorization* for the purposes of assimilation – becomes part of a project of modernizing nationalism (p. 261).

Similarly, other efforts by prominent minds of the post-revolutionary time could not escape the dichotomous constructs around Mexican identity. Manuel Gamio – an anthropologist whose work was influential in coining the concept of *Indigenismo* (Indigenism) – attempted to provide a distinct lens in looking at indigeneity. Mexican *Indigenismo* is defined as a “literary and institutional reform movement fueled by a postrevolutionary efflorescence of national pride in indigenous cultures” (Luis-Brown, 2008, p. 202). According to other scholarly research, *Indigenismo*, on the one hand, entailed the idea “that Indigenous peoples were preventing

Mexico from entering modernity; and, on the other, it represented Mexico's pre-Hispanic legacy as defining the Mexican mestizo and the cosmic race" (Despaigne, 2013, p. 118).

Mignolo (2000) makes a distinction between *Indigenismo* and *Indianism*. *Indigenismo* covers a wide spectrum of ideologies and institutions of Creole intellectuals "in defense and alliance with Amerindians" (p. 149), while Indianism is "defined by a belief that 'lo indio'⁷ is characterized by its pre-Columbian configuration" (p. 149). The difference lies in where these movements originate from, and although Indianism might be shared with both Amerindians and non-Amerindians, the origin is the root as this next quote explains: "Indianism when assumed by Amerinindian people in their long history of upheaval against external and internal colonialism, has been perceived as a symbolic restitution of the past in view of a better future" (Mignolo, 2000, p. 149).

Urías Horcasitas (2007), in her historical account, provides further insights into a distinction of *Indigenismo* as a

"non-indigenous" proposal that the new State, invested in its role as "arbitrator," used as a key ideological mechanism in diminishing inequities and reformulating balance among social actors. It was this same set of immigration policies that promoted interracial marriage with white people, but discarded mixing with others such as Asians, Chinese in particular, that gave rise to true campaigns. (p. 16, my translation)

Notwithstanding, Gamio's thinking and work were permeated by eugenics, and by an idea of racial homogeneity and cultural and linguistic assimilation (Urías Horcasitas, 2007), even though Gamio's work later became susceptible to Bonfil Batalla's critique of post-revolutionary

⁷ Here the author leaves the word in Spanish for lack of a translation that adequately conveys its meaning. It roughly signifies "that belonging to Indians."

mestizaje as a violent project of “*desindianización*” (de-Indianization) (Luis-Brown, 2008, p. 214). Luis-Brown (2008) reveals the following important premises:

The discourse of hybridity as fusion in Gamio is premised on two contradictory nationalist desires: on the one hand, the desire for national homogeneity and, on the other hand, the desire for national distinctiveness based on folk cultural particularities. (p. 215)

Tragically, any effort that sought to shed light on Deep/Profound Mexico during the post-revolution period proved futile. The tensions of the time are clear in how these scholars and projects were attempting to delineate a national identity that incorporated traces of indigenous peoples. However, as the current research (Alonso, 1994, 2004; Coffey, 2005; Despagne, 2013; Gnade-Muñoz, 2010; Urías Horcasitas, 2007; Luis-Brown, 2008; Mignolo, 2000) presented in this chapter shows, there remain abysmal discrepancies that came with concepts as identity and *Indigenismo*, and which have been inherited today and translated into current IBE policy.

At this point, it is important to highlight that although the work of this dissertation focuses on a particular indigenous group, i.e., the Mayo, and on tracing some aspects of the national project of Mexican identity during the post-revolution period, I am aware of the vast work that addresses the other silenced minorities in the rich *mestizaje* of Mexico as a country. Elsewhere, researchers have addressed the African presence in Mexico (e.g., Hernández Cuevas, 2001; Ramos, 2009), the Asian presence (Serrano Álvarez, 1998), and many more influences. Gonzalo Aguirre Beltrán, a Mexican anthropologist and key thinker of the 20th century, suggested that the “Indian” has remained the perpetual Other in Mexico because other groups were forcibly assimilated. For example, Africans who arrived in New Spain were deprived of their traditions and cultural artifacts, and even had to relinquish their language (Campos, 2011, personal communication).

“However, mestizaje was still seen by many Latin Americans as a progressive process in which black and indigenous people would be integrated into a mestizo nation that was moving toward whiteness” (Wade, 2008, p. 181). These historical processes, then, pose a provocative question about whether a perpetual discourse of the Mexican “Indian” as Other remains in current times. May it be suggested that this is the reason why some representational practices and “tokenisms” of indigenous people, i.e., *folklorization*, are still palpable? Urías Horcasitas (2007) analyzed several historical documents that explored discourses of racism that were perpetuated during the post-revolutionary period. She explains,

Through the impact exerted by the philosophical premises of *Indigenismo*, eugenics and mental hygiene framework during the postrevolutionary period, it becomes evident that they [the establishment] were able to capture and create a collective change in the individual and general population of the country (my translation p. 32).

Unfortunately, this “collective change,” that of an idealized citizen who resented the marginalized (Urías Horcasitas, 2007), not only permeated Latin America, but gave rise to National Socialism around the world. Therefore, it becomes imperative that in trying to inform an intercultural pedagogy in both minority and English language settings, the intricate political, cultural, and historical aspects be considered and contested. Farr (2006) points out that despite the “public representation of Mexico as a *mestizo* nation, a more complex variety of identities has endured at the local level, especially in rural western Mexico” (p. 235). These various constructions of Mexican identity as imaginary, as a cosmic race, are complicated as we translate them into current Intercultural Bilingual Education. The fact remains that such constructions are slippery (Gnade-Muñoz, 2010), but also still embedded in assimilationist trends (Despagne, 2013) within the framework of IBE.

I will now transition into a discussion of representational practices and stereotypes that became apparent in looking at the textbooks designed by the Ministry of Education for the Mayo communities of the states of Sonora and Sinaloa. In tandem, I will also look at how both the General Law of Linguistic Rights of the Indigenous Peoples and the Federal Law of Prevention and Elimination of Discrimination convey or address a national project of a Mexican identity.

Looking at Representational Practices and Stereotypes

In this section I explore issues of representation and its practices within the current scenario of Intercultural Bilingual Education (IBE) in Mexico. S. Hall (1997) explains that “representation is closely tied up with both identity and knowledge” (p. 5). The complex identities that were produced during the colonization, independence, and post-revolutionary periods in Mexico continue to remind us that

instead of thinking of identity as an already accomplished fact, which the new cultural practices then represent, we should think, instead, of identity as a “production” which is never complete, always constituted within, not outside, representation. (S. Hall, 1990, p. 222)

Yon (2000) concurs with this orientation and proposes that “talk of identity merges with practices of identity, identities cannot be separated from the knowledge of representations which they express and repress” (p. 2). During the preliminary analysis of the Mayo textbook used in IBE at the time of my pilot study and during the period of data collection for my dissertation, it became evident that “stereotyping” emerged as a representational practice (S. Hall, 1997). These findings will be discussed in more detail in Chapters 5 and 6; but for now it is important to emphasize that the binaries inherited from the post-revolution period in Mexico (mid-20th century) are evident today, and that stereotyping as a representational practice in books, policies,

and elsewhere “reduces people to a few, simple essential characteristics, which are represented as fixed by Nature” (S. Hall, 1997, p. 257). Along the lines of postcolonial studies, Loomba (2005) believes that representations of the “other” respond to particular exigencies under colonial rule (p. 98). For the author, stereotypes and racial representations of the other emerged long before colonial rule in order to justify both economic and ideological exploitation (p. 98). S. Hall (1997) refers to stereotyping as a signifying practice and recounts the work of Dyer (1977) where the author defines the concept in three dimensions:

1. Stereotyping reduces, essentializes, naturalizes and fixes “difference”;
2. Stereotyping deploys a strategy of splitting; and
3. Stereotyping tends to occur where there are gross inequalities of power. (S. Hall, 1997, pp. 257–258)

From the perspective of Applied Linguistics, Kumaravadivelu (2008) proposes to look at a stereotype as something that is

socially constructed and is generally passed from one generation to another. . . . Stereotypes reduce an unmanageable reality to a manageable label. They exaggerate a grain of truth out of proportion until the reality is distorted into a simple image that makes us feel safe and superior . . . Stereotyping is a virus that replicates itself in one unquestioning mind and rapidly infects other unquestioning minds. (pp. 90–91)

When referring to stereotypes, Kumaravadivelu is also influenced by the work of Bhabha (1994) and his notion of cultural fixity, i.e., “a paradoxical mode of representation that ‘connotes rigidity and unchanging order’, resulting in ‘an arrested, fixated, form of representation’” (as cited in Kumaravadivelu, 2008, p. 53). In the field of social psychology, a stereotype is defined similarly, as “a belief about the personal attributes of a group of people” (Myers, 1993, p. 376).

Stereotypes can also be “overgeneralized, inaccurate, and resistant to new information” (Myers, 1993). As a result of this work on identity, representation, and stereotypes, it is important to unpack policies and textbooks that look at ideologies connected to identity (Leeman & Martínez, 2007) and the production and reproduction of myths (Curtin, 1995; Lippi-Green, 1997). As Menendez de Souza (2003, as cited in Taylor-Mendes, 2009) asserts, “No knowledge is value-free nor is it acquired wholesale: it inevitably interacts with . . . pre-existing knowledge in a particular culture” (p. 66). An example of the pernicious effects of this intertextuality process is shown in the study carried out by Gnade-Muñoz (2010), in which the researcher analyzed IBE textbooks in the southern region of Mexico. Her findings revealed existing stereotypes and representations of indigenous people as violent and drunk. Similarly, Sichra (2006) carried out an ethnographic study that explored, among other issues, the attitudes of a Quechua teacher in a private school in Bolivia. Sichra, like Gnade-Muñoz, observed the same stereotypes of indigenous peoples evoked by indigenous teachers themselves. Both authors provide vivid examples of how stereotypes and representations of indigenous minority groups are institutionalized in texts and praxis and replicated by stakeholders, and in Sichra’s case, even by a minority teacher.

Furthermore, the existence and persistence of these stereotypes signal a disturbing practice. In Gramscian terms, the fact that a hegemonic ideology is put forward by a dominant group portrays a reality that is taken as a given by the mainstream, and later institutionalized and perpetuated (Curtin, 1995, p. 8). Another example of these instantiation practices was carried out by the three dominant political parties in Latin America in the early 20th century (i.e., fascist, leftist, populist), which, as Taylor (2004) points out,

promoted ideas of progress and appropriate (western) culture . . . which portrayed [indigenous peoples and other racial minorities] as backward, dirty and degenerate . . . This combination was strengthened by the strategic reconfiguration of race as *Indigenismo* by middle class, white intellectuals in Peru and Mexico. (Taylor, 2004, p. 219)

As was pointed out in Chapter 1, as a result of the North American Free Trade Agreement signed by Mexico, the United States, and Canada, Mexico underwent a series of changes in legislation (i.e., the General Law of Linguistic Rights of the Indigenous Peoples and the Federal Law of Prevention and Elimination of Discrimination). These laws follow world mandates on human rights mostly set by organizations such as UNESCO. It is within one of UNESCO's documents that one comes across a more general definition of cultural stereotypes as follows:

Cultural stereotypes are ubiquitous. In the workplace, the classroom, the press and the media, they are perpetuated through jokes, anecdotes, songs and images. While the degree to which they intend or not to give offence varies, these reductive simplifications of the "outsider" contain the seeds of prejudice. Stereotyping is a way of demarcating one group from an alien "other" and implicitly asserting its superiority. Stereotypes carry with them the danger that dialogue may stop short at difference and that difference may engender intolerance. (UNESCO, 2009, p. 41)

As has been discussed in this section, stereotyping as a representational practice (S. Hall, 1997) works by: "essentializing, reductionism, naturalization, and binary oppositions" (p. 277). S. Hall (1997) also reveals that reversing these stereotypes calls for "counter-strategies which have attempted to intervene in representation, *trans-coding* negative images with new meanings"

(emphasis original, p. 277). In order to accomplish those counter-strategies, it becomes imperative not only to explore texts, but also to analyze both the General Law of Linguistic Rights of the Indigenous Peoples and the Federal Law of Prevention and Elimination of Discrimination in order to better inform analyses of how issues of identity, race, representation, and stereotypes are embedded institutionally. There are notable discrepancies in the various legislations that govern Mexicans. One of these significant discrepancies that impacts the welfare of indigenous people in particular is noted by Jackson and Warren (2005): “The revised 1994 proposal to establish regional autonomy for ethnolinguistic communities does not link it to actual territory; only the right of pueblos to decide their destiny as peoples is mentioned” (p. 554). And so, the status quo remains a *modern mestizo hegemony* (Jackson & Warren, 2005, p. 551), and the current legislation represents a rhetorical device employed by the government to show that efforts are being made to arrive at equitable solutions. Scholars who work closely with this legislation believe,

It would be judicially narrow-minded or politically cynical to believe that everyone in Mexico is equal in our fundamental rights. We just have to look at reality to see that such equality never reaches praxis, only rhetorical declarations that explain the distorted, unjust, and unacceptable status of our society in a precarious constitutional development. (Carbonell, 2004, p. 9, my translation)

This characterization carries a lot of weight particularly when considering the official discourse of the government in subscribing to IBE as an imaginary of equality and inclusion. As mentioned previously in this chapter, other research (Alonso, 1994, 2004; Coffey, 2005; Despaigne, 2013; Gnade-Muñoz, 2010) has highlighted the discrepancies around IBE and its efforts to accomplish

“Intercultural Education for All.” Although well-documented work has also been carried out, there is still a need to be critical about what is being done and how it is being accomplished.

Summary

This chapter has focused on the theoretical underpinnings of my project, in particular the salience of issues of identity and identity representation that inform current research in applied linguistics. I have also addressed theoretical framings of pernicious aspects of the hegemonic relations that define the coexistence of majority and minority cultures, and this, with particular reference to societies that are seeking to integrate indigenous groups not only sociologically but within a historical narrative that justifies the interests of the nation-state. In Chapter 4, I will canvas the current linguistic situation in Mexico and explore how, specifically, these representational processes are served by and operate within the current national policy of Intercultural Bilingual Education. I will also describe how a project of an idealized Mexican citizen emerged during the mid–20th century in post-revolutionary Mexico. I turn next, however, to the methodology of my dissertation study.

CHAPTER THREE

METHODOLOGY

This chapter elucidates the methodological dimensions of this dissertation by describing the procedures and instrumentation that have facilitated this research endeavor. I begin by reiterating my research questions to provide an overview framework for linking the details of my data collection procedures and analytic strategies to my study questions. I next situate my study within the tradition of qualitative inquiry and, more particularly, ethnographic research and critical discourse analysis. I then proceed to provide descriptions of the research site and participants, and explain the data collection and analysis methods used in this study. The chapter concludes with a statement on how I situate myself in relation to the agenda of my dissertation research and, in particular, in relation to the individuals who constitute my research participants.

Research Questions

To recap my research agenda: my dissertation study seeks to explore the intricate dimensions of English Language Teaching (ELT) in minority language contexts in Mexico. It does so at the juxtaposition of two major events: the integration of ELT into the public school system in Mexico and the role of Intercultural Bilingual Education (IBE) within existing language and educational policies throughout the country. The study focuses on an intercultural bilingual school, where a unique linguistic situation unfolds, involving an indigenous variety, a societal variety, and a foreign language.

The following research questions were used as heuristics to inform my inquiry:

1. How are issues of identity and representation conveyed through current policy documents under the auspices of Intercultural Bilingual Education in Mexico?

2. What are educators' and other stakeholders' attitudes towards English language teaching and culture in minority language settings?
 - 2.1. Describe stakeholders' attitudes towards minority language maintenance and the learning of English.
 - 2.2. In what ways do current curricula and/or policies inform their views of the role of the state, target and indigenous languages in modern society?
3. How are issues of identity and representation conveyed through textbooks under the auspices of Intercultural Bilingual Education in Mexico?

Owing to the holistic nature of phenomenological research, it is difficult to segment my research findings such that they align discretely to specific questions. However, for purposes of clarity, I have organized my dissertation narrative such that findings reported in Chapter 4 link primarily to Question 1; findings reported in Chapter 5 link primarily to Question 2; and findings reported in Chapter 6 link primarily to Question 3.

Choosing a Qualitative Research Approach

After carrying out an initial pilot study, I decided that my research agenda would be best addressed within a phenomenological research paradigm “where the subjectivity of human experience” (McConnell-Henry, Chapman, & Francis, 2009, p. 4) is valued. Phenomenology, as an interpretive approach, focuses on revealing human experience, while also recognizing the role of self in interpretation (cf. Heidegger, 1953/1996). I elected to work within a qualitative research paradigm since this paradigm offered methodologies –critical discourse analysis and ethnography – that would allow me to undertake the three strands of analysis I determined were necessary to address my research questions: (a) an analysis of the language ideologies and historical (re-)constructions conveyed through past and current government policies pertaining to

education in general and multilingual education in particular; (b) a textual analysis of the contents of instructional materials used to enact the curricular agenda with reference to International Bilingual Education in minority language contexts; and (c) insight into participants' perspectives with reference to interpretation of these representational practices, structural arrangements, and pedagogical issues, with the goal of gaining understandings of how stakeholders in the setting experienced and "lived" these various language and educational policies and instructional practices.

Merriam (2002) suggests that "the key to understanding qualitative research lies with the idea that meaning is socially constructed by individuals in interaction with their world. The world, or reality, is not the fixed, single, agreed upon, or measurable phenomenon" (p. 3). For Hernández Sampieri, Fernández Collado, and Baptista Lucio (2003), qualitative research "provides depth to data, an interpretive richness, as well as context to details, and unique experiences" (p. 18, my translation). Creswell (2007, 2009) outlines the main characteristics of qualitative research: (a) it occurs in a natural setting; (b) the researcher acts as key instrument; (c) it has multiple sources of data; (d) data are analyzed inductively, i.e., researchers build their analysis from the bottom up; (e) it focuses on participants' meanings; (f) it has an emergent research design; (g) it uses a theoretical lens to analyze data; (h) it is interpretive; and finally (i) it contributes a holistic account of the context under study by providing multiple perspectives.

Why Ethnography?

Ethnographic research is concerned with "taking into account in analysis of everyday community life the perspectives of the community members whose actions constitute everyday life" (Erickson & Mohatt, 1982, p. 137) in the particular setting. An ethnographic approach was chosen because it was complementary to the context of language education at Benito Juárez

Intercultural School where the perspectives of stakeholders regarding hegemonic relations among the linguistic varieties being taught were integral to their understandings of the goals of multilingual education and their interpretations of pedagogical practices enacted in Juan's classroom. I use the term *ethnographic approach* as opposed to *ethnography* to offset a more traditional view of the mandate of the researcher in relation to criteria such as number and frequency of visits to the field site (see Erickson, 2013, for a historical account of the evolution of ethnography as a tool in educational research).

Murchison (2010) suggests that ethnography is suited to address a wide range of issues and proposes two roles for ethnographers: (a) ethnographer as research instrument and (b) ethnographer as student (p. 11). Ethnographer as research instrument entails the unique position where the researcher, as participant-observer, is the primary research instrument in collecting and recording information (Murchison, 2010, p. 13). Ethnographer as student encompasses the way in which ethnographers navigate as researchers at the field site; that is, although they may be experts in their particular academic fields, as researchers they need to be open to new information and insights about the world and their immediate context that come with assuming the role of student in relation to their participants' teachings.

Ethnography paints a portrait of a particular cultural group or setting (Creswell, 2007). It entails description, analysis, and interpretation -- not necessarily in that order -- as a recursive process (Wolcott, 1994). According to McKay (2006), "ethnographers strive to obtain an emic perspective and a holistic view of what they are studying" (p. 78). In ethnographic work, the researcher sets out to:

investigate some aspect of the lives of the people who are being studied, and this includes finding out how these people view the situations they face, how they regard one another, and also how they see themselves. (Hammersley & Atkinson, 2007, p. 3)

Hammersley and Atkinson (2007) summarize ethnographic work as generally revealing the following features:

1. People's everyday actions are studied *in situ*.
2. Data are gathered from a diverse sources including participant observation.
3. Data collection is "unstructured."
4. It is small-scale.
5. The analysis of data involves interpretation of meanings surrounding human actions and institutional practices at local and possibly global contexts. This analysis is then conveyed into rich descriptions. (p. 3)

Heath and Street (2008) equate ethnography to juggling and explain that "both depend on observing, comparing, reflecting, assessing, and coming to 'feel' certain stages of achievement in knowledge and skill that do not easily translate into words" (p. 2). The authors underscore the importance of undertaking ethnographic research as processes of globalization involving the world becoming more multilingual increasingly take hold, stressing the pertinence of research into the language and literacy practices of different communities. Heller (2008) further advocates for ethnographic descriptions that take an *interpretivist* stance aiming "to discover how people use language, what they believe about language, and why, as aspects of socially constructed reality" (p. 250).

Extending Heller's line of argument, I would additionally categorize my role as that of critical ethnographer (cf. Canagarajah, 1993, 1999, 2006; Foley & Valenzuela, 2005; May,

1997), following TESOL's guidelines (TESOL International Association, n.d.) for interpretive research related to culture, language, and community (Aikman, 1999). These guidelines privilege the lens the researcher brings to the issues under study and the impact of the researcher's presence within the community as important data sources. Certainly, my perspective in relation to external representations of the indigenous Mayo, as well as the intricacies embedded in the pedagogic practices and decisions of Juan, the Mayo teacher, and the stances of other stakeholders attached to Benito Juárez Intercultural School and the PIP, is informed by my self-identification as critical pedagogue and critical applied linguist.

Kincheloe, McLaren, and Steinberg (2011) define a *criticalist* as “a researcher, teacher, or theorist who attempts to use her or his work as a form of social or cultural criticism” (p. 164).

The authors outline the following basic assumptions as vital tenets of the work of *criticalists*:

1. All thought is fundamentally mediated by power relations that are social and historically constituted;
2. Facts can never be isolated from the domain of values or removed from some form of ideological inscription;
3. The relationship between concept and object and between signifier and signified is never stable or fixed and is often mediated by the social relations of capitalist production and consumption;
4. Language is central to the formation of subjectivity (conscious and unconscious awareness);
5. Certain groups in any society and particular societies are privileged over others and, although the reasons for this privileging may vary widely, the oppression that

characterizes contemporary societies is most forcefully reproduced when subordinates accept their social status as natural, necessary, or inevitable;

6. Oppression has many faces, and focusing on only one at the expense of others (e.g., class oppression versus racism) often elides the interconnections among them; and finally,
7. Mainstream research practices are generally, although most often unwittingly, implicated in the reproduction of systems of class, race, and gender oppression. (p. 164)

Working within the field of applied linguistics, I interpret my mandate as a critical ethnographer as being to address questions of language ideology, describe the relationship between language practices and beliefs about language, and explicate “the role of languages in the construction of relations of difference and inequality in many sites” (Heller, 2008, p. 254).

Why Critical Discourse Analysis?

From the inception of my project, an avenue of research that appeared indispensable involved review of government-authored social and educational policy documents and historical tracts that documented a trajectory of state-sanctioned narratives regarding the hegemonic relations of dominant and subordinate ethnolinguistic groups. It was clear from the start that addressing these various policy texts – tracing their origins, modifications, and enactments and determining the ideologies represented in and through their articulations – would need to be a key intellectual focus of this study. As well, for purely pragmatic reasons, I needed a research strategy that would assist me in keeping track of the hierarchical and lateral relations between the various bureaucratic structures that coordinated respondents’ lives and enabled or constrained their life opportunities. From institutional ethnography we learn that the ruling relations undergirding these structures are elucidated in the text-based discourses that constitute these official policies (Darville, 1995).

The need for textual analysis of instructional materials as a complementary research strategy emerged in the course of the pilot study. In examining texts that were used as part of the official curriculum for Intercultural Bilingual Education of the Mayo in northern Mexico, it became strikingly apparent that these materials contained implicit narratives about how students were to view themselves in relation to other groups and individuals in Mexico and also in relation to a state-sanctioned narrative about the evolution of Mexican society that constituted “lessons” far more powerful than the explicit linguistic content that the books were intended to impart. Therefore, it was crucial to deconstruct, or *decenter* (Curtin, 1995), these texts by engaging in a process that would peel their multiple social and historical layers and, most importantly, reveal the images of indigenous people – their language, culture, and practices – that these representations invoked. Beyond this initial goal, the textual analysis that was carried out proved essential to the understanding of the meanings and significance ascribed to multilingual practices on the part of stakeholders, and therefore to my interpretations of the data from the ethnographic portion of the study.

In examining both textbooks and policy documents, I was interested in identifying the overarching ideology or ideologies behind the construction of these texts, particularly as concerns representations of indigenous identity, and also the story grammars through which these ideologies were represented. As a vehicle for this analysis, I elected to undertake critical discourse analysis of representative texts. In this matter, my inquiry was substantially influenced by the tenets of cultural studies (e.g., Curtin, 1995; Saukko, 2005) and Foucauldian approaches to analysis of discourse that focus on discourse as part of a system of “representation, knowledge and ‘truth’ that are radically historicized” (S. Hall, 1997, p. 74). As Fairclough (1992) explains,

Discourse as a political practice establishes, sustains and changes power relations, and the collective entities (classes, blocs, communities, groups) between which power relations obtain. Discourse as an ideological practice constitutes, naturalizes, sustains and changes significations of the world from diverse positions in power relations. (p. 67)

In Foucault's conceptualizations of discourse, discourse is thought of not as “a particular instance of language use – a piece of text, an utterance or linguistic performance – but describing rules, divisions and systems of a particular body of knowledge” (Arribas-Ayllon & Walkerdine, 2008, p. 99). To be clear, the “knowledge” the authors refer to is produced and disseminated through the different laws, policy documents, and textbooks that embed representations of indigenous people in Mexico. Arribas-Ayllon and Walkerdine (2008) provide a series of guidelines for conducting Foucauldian discourse analysis: For the purposes of this dissertation I utilized the concepts of *subject positions* and *subjectification* to explore how indigenous identity is represented, portrayed, and unpacked in the textbooks of IBE in this community. The authors provide the following methodological guidelines for exploring issues related to *subject positions* and *subjectification*:

Subject positions – Identifying subject positions allows the analyst to investigate the cultural repertoire of discourses available to speakers. Not only are there positions on which to ground one's claims of truth or responsibility, but they allow individuals to manage, in quite subtle and complex ways, their moral location within social interaction.

Subjectification – refers to an “ethics” of self-formation. How do subjects seek to fashion and transform themselves within a moral order and in terms of a more or less conscious ethical goal – i.e., to attain wisdom, beauty, happiness and perfection? Through which

practices and by what authority do subjects seek to regulate themselves? (Arribas-Ayllon & Walkerdine, 2008, p. 99)

A final note for this section: I found using a critical discourse analysis approach to be entirely compatible with critical ethnography in that they both emphasize the interpretive mandate of the researcher. As Fürsich (2009) explains,

Analyzing media content was no longer understood as objectively examining or collecting data but as a “reading.” This term highlighted the interpretive position of the researchers. Moreover, it acknowledged the autonomy of cultural practices or objects as signifiers in their own right, independent of the intentions of the authors and producers or reception of the audience. (p. 240)

By combining an ethnographic approach with critical discourse analysis, I was able to work towards my goals both to unveil the multiple voices and perspectives that emerged from teachers, students, and other stakeholders attached to Benito Juárez Intercultural School and the community of Seagulls *and* to describe how the ideology/ies of those representing the state’s interests are represented and disseminated through the enactment of educational policy in IBE.

Procedures and Instrumentation

Research Site

The field site for this study was Benito Juárez Intercultural School, a federally funded intercultural bilingual school located in the town of Seagulls by the Sea of Cortez in the southwestern part of the state of Sonora. The major economic activity in the town of Seagulls is fishing. The population of Seagulls is approximately 8,000 people who are predominantly indigenous Mayo. The school offers Grades 1 through 6 and a year of preschool. It also serves as a boarding school for children who live outside the town of Seagulls. At the time the study took

place, between 2008 and 2010, there were approximately 144 students attending the school; 50 of those were boarders. As for the instructors, there were eight, three of whom self-reported as fully bilingual. The other instructors reported to have some knowledge of the Mayo language.

Sampling and Participants

Sampling in qualitative research is often purposive, that is, “participants are selected because they are likely to generate useful data for the project” (Patton & Cochran, 2002, p. 9). Under the categorizations provided by Ellsberg and Heise (2005), the type of sampling utilized for this research project falls under *criterion sampling*, which allows in-depth investigation of a particular type of case by identifying all sources of variation (p. 106).

Primary participants in my study were:

- Juan, the trilingual teacher at Benito Juárez Intercultural School whose classes I observed. I would qualify Juan as my key informant in this research endeavor since he was *the* vehicle for Intercultural Bilingual Education in Seagulls throughout 2008–10. I observed Juan’s classes over a 2-year period, interviewed him on three separate occasions, and since concluding the fieldwork portion of the study have kept in touch with him over email. Additionally, Juan was instrumental to my conceptualization of teacher agency as a crucial element in framing his perspective as a pedagogue and trilingual teacher;
- Rosa, the regional coordinator of the Program for English in Elementary schools, or PIP. Rosa is also an English teacher in the Department of Foreign Languages at the university where I have worked for 20 years. She is currently registered in a doctoral program attached to a university in Arizona;

- María, the principal of Benito Juárez School;
- Ana, the Grade 5 teacher and Juan's sister;
- and myself.

Additional participants in my study were:

- The 13 students who were in Juan's Grade 5 class and the 20 students who were in his Grade 6 class over the 2008–09 school year;
- Eighteen parents, nine of Grade 5 students and nine of Grade 6 students, who responded to my request to complete a questionnaire;
- A Mayo teacher from another town;
- A master's student and friend of mine doing graduate work on intercultural education in Mexico at a German university, who participated in an impromptu focus group with Juan and his sister Ana during one of my scheduled visits when classes had been cancelled; and
- My research assistant, Laura (see Chapter 5 for an extended discussion of her role).

Additional information on study participants that I deemed to be relevant to the research findings is contained in Chapter 5.

Data Collection

To inform my analytic strands, I collected a variety of data types. The following sources of information were used for ethnographic analysis:

Demographic data were collected to document information concerning focal children's ages, number and ages of siblings and other household residents, parental vocations, and

languages spoken (and perhaps read) at home. This information was collected through two small questionnaires (see Table 3), one given to students in Grades 5 and 6 and the second sent to their parents. Both questionnaires were completed on a voluntary basis.

Photographs of the linguistic landscape, including the community and school settings, were artifacts used to contextualize the research by providing a deeper, multimodal understanding of the study's environment.

Six interviews were conducted – three with the Mayo-English teacher, Juan, two with the principal of Benito Juárez School, María, and one with the regional coordinator of the PIP, Rosa. The interviews, which were audiotaped, followed a semi-structured format (see Table 1). Interview conversations (Mishler, 1986) engaged a variety of topics, including: the community's attitudes towards the Mayo language and cultural maintenance; views/values concerning importance of the English, Mayo, and Spanish languages in school and in relation to future life opportunities (Codó, 2008); and informants' views regarding current language and educational policies. Table 1 shows the original interview protocol used for teachers. Appendix A shows the Spanish version.

Table 1. Interview Protocol for Teachers (English Version)

First of all, let me start by thanking you for participating in this study. I will ask you a series of questions where there is no right or wrong answer. Take your time in responding to them; you may also choose not to answer some of the questions. These questions are aimed to inquire about your ideas and attitudes about the program where you are teaching (PIP) as well as your experiences.

Questions about the PIP and the school where you are working:

1. How did you learn about the job opening for the Programa de Ingles en Primaria (PIP)?
2. How long have you been working for the PIP?
3. What were your expectations of the job before you started?
4. Could you describe in detail the school (i.e., location, administration), students, and community (i.e., parents) where you are currently working? What is their particular language situation?
5. Have you received additional training from the PIP? What kind of training or courses does the PIP offer to teachers and teacher candidates?

Questions about your background:

6. Do you have a teaching certificate? What is your area of expertise?
7. If you do not have a teaching certificate: Did you teach before getting a job for the PIP? Where?

Questions about your overall experience teaching in this school and program:

8. How would you describe your overall experience teaching in this particular school? Could you provide specific examples?
9. How can the PIP improve in this particular school? I am particularly referring to the trilingual situation in this community.
10. Is there a connection between the work you do at the PIP and the General Office of Intercultural Bilingual Education (CGEIB)?
11. Why do you think it is important to teach English in this and other schools in northwestern Mexico?
12. Do you believe Intercultural Bilingual Education is important? Why or why not?
13. What would be important for future teachers to know (in terms of teacher education, or areas or expertise) about programs like this (i.e., programs where three languages are simultaneously being taught), if they found themselves in this particular linguistic situation?

Thanks for all your help!

Participant observation at Benito Juárez Intercultural School was another important source of data for the ethnographic analysis. Over 14 hours of observation was carried out in Grades 5 and 6. I also observed a 2-hour demo class taught by Juan in Mayo-English to the

parents of the children in both grades. I made trips to the school once a month to observe 4 hours of classes monthly (2 hours for Grade 5 and 2 hours for Grade 6). The participant observations spanned a period of 2 years, beginning in 2008 and ending in 2010. Table 2 shows the distribution of hours of participant observation that took place.

Table 2. Observation Dates and Notes

Date of observation/event	Grade 5	Grade 6	Notes
January 2008	1 hour observation	1 hour observation	Pilot study
October 2008	1 hour observation	1 hour observation	
December 2008	1 hour observation	1 hour observation	
January 26, 2009	1 hour observation	1 hour observation	Laura helps with observation
February 16, 2009	1 hour observation	1 hour observation	Laura helps with observation
March 20, 2009	1 hour observation	1 hour observation	Laura helps with observation
April 2009	1 hour observation	1 hour observation	Laura helps with observation 1.5-hour class demo with parents
January 13, 2010	1 hour observation	1 hour observation	Juan teaches English and another teacher Mayo

Fieldnotes, taken by both myself and the project’s research assistant, an undergraduate student named Laura, served to document the events and activities that unfolded during the course of participant observation and also constituted important sources of data in themselves. Initially, Laura and I carried out simultaneous class observations using standard, running record field note methodology. However, over time two sets of similar, play-by-play, notes seemed a luxury; and I decided on a more expeditious use of our time and resources. Since Laura had a

background in Mayo language and was needed to document lexical and morphosyntactic aspects of participants' language use, she continued to document class events and activities as they unfolded in real time, while I made notes of patterns and regularities emerging in the data. (See Chapter 5, Tables 4 and 5 for exemplars of the differentiated field notes taken by me and Laura.) This revised strategy freed me to focus on topics that I considered especially relevant to my research questions, including: types of instructional activities; organization of class content; code-switching (teacher and students) in Mayo, Spanish, and English, with attention to who speaks what language to whom (Fishman, 1972); and other aspects related to students' participation in class. On the drive back to our respective places of residence following our days in the field, Laura and I would literally "compare notes." This strategy involving differentiated types of field notes helped to ensure triangulation of research findings.

Questionnaires were administered to the children of the Mayo-English classes and to their parents. The sample consisted of 29 students (11 from Grade 5 and 18 from Grade 6) and 18 parents (9 from each grade). While I made clear that participation in this activity was voluntary, the overwhelming majority of students enrolled in Juan's classes responded positively to the invitation, whereas approximately half of the caregivers solicited completed the questionnaire. Questionnaire protocols, influenced by the work of Schechter and Bayley (2002), were open-ended and focused on caregivers' and children's attitudes towards Mayo and English. Table 3 shows the two questionnaires in English (For the Spanish version see Appendix B).

Table 3. Questionnaire for Parents and Children of Benito Juárez Intercultural School (English Version)

For parents

1. How many members of the family live at home?
2. What are their ages? Gender? Place of birth? Occupation? Last level of schooling?
3. Does everybody speak Mayo and Spanish at home?
4. What language is spoken the most?
5. Do you switch from one language to the other?
6. Did you choose Benito Juárez Intercultural School for your kids? Why?
7. What do you think about the English classes at Benito Juárez Intercultural School?

For children

1. Do you speak Mayo or Spanish at home? Or both? Which one do you like the most? Why?
2. What is your favorite part of Benito Juárez Intercultural School?
3. What is your least favorite part of Benito Juárez Intercultural School?
4. Do you like your English classes? Why? Why not?

Another source of data was an *impromptu focus group meeting* that occurred on one of the days that classes were cancelled. On that occasion, I was accompanied by a friend of mine who at the time was completing her master's degree at a German university. Her research project examined Intercultural Bilingual Education in Mexico; therefore, she was interested in observing the program at Benito Juárez Intercultural School. Juan, his sister Ana, and another Mayo teacher from a neighboring town came to meet us and we set up the tape recorder and proceeded to discuss a range of topics including: Juan's organization of his classes, with focus on the uses of Mayo and English; participants' ideas about linguistic maintenance and the climate within Mexico in which such efforts are embedded; language loss in the community and the impact of the death of Seagulls elders on Mayo tradition. The focus group lasted between 2 and 3 hours. Because I was able to focus the discussion on themes of particular interest to this research study, many of the findings reported in Chapter 5 stem from this discussion.

The following policy/position documents and curricular texts were used to inform the critical discourse analysis undertaken in this study:

- Two textbooks for children (in Mayo, Spanish, and English) and their accompanying teachers' manuals used to teach at Mayo schools in the states of Sonora and Sinaloa in northern Mexico;
- Guidebooks used in teacher education as part of the wider IBE program;
- Classroom materials produced by the English teacher at Benito Juárez Intercultural School;
- The General Law of Linguistic Rights of the Indigenous Peoples (Appendix C);
- The Federal Law of Prevention and Elimination of Discrimination (Appendix D);
- Ministry of Education curricular parameters for the subject of indigenous language for elementary education at indigenous schools;
- Ministry of Education general guidelines for IBE for indigenous girls and boys;
- Ministry of Education document titled *Bilingualism in the Indigenous Education Classroom*;
- A national report created by the CGEIB on the state of the art of intercultural education;
- UNESCO and CGEIB websites;
- Minutes of two meetings of the State Program for English in Elementary Schools (PIP), conducted on April 27 and July 5, 2005, respectively;
- Newspaper clipping from University of Sonora's Website (Appendix E).

Data Analysis

Regarding the ethnographic analysis: In carrying out this research, I was able to observe and construct an account of teachers' and students' daily activities in their Mayo and English classes, paying close attention to the roles that these languages played on a daily basis and to how these languages were negotiated within the classroom. Because an important dimension of ethnographic analysis involves acknowledging and privileging participants' "attitudes, beliefs, behaviors, and practices" (TESOL International Association, n.d.), I needed to be especially sensitive to the nuances of my participants' contributions, and resist a reductive approach whereby I would seek to encapsulate the emic perspective in one expressed view. In this matter, I was guided by Anderson's (1989) wise counsel to pay attention to the multiple voices that are in constant struggle for legitimacy (p. 261).

In connection with the policy analysis, policy documents and position papers were approached as *ideological discourse* (Moore, 1996), and were duly examined with regard to how they purported to shape realities (Canagarajah, 2006) – historical, social, economic. I subsequently compared my review of documents against the lived realities of participants encountered at the site that I uncovered in the course of ethnographic fieldwork. Regarding the deconstruction of instructional materials, the two textbooks that were analyzed were part of the mandatory curriculum for the students of the Mayo communities in the states of Sonora and Sinaloa. My selection of these two textbooks was informed by a research collaboration that began during the 2009–10 period with two professors from the history department at the University of Sonora (see Gutiérrez Estrada, Grageda, & Felix, 2010). Although these textbooks never arrived in time to be used in Juan's classroom, I found it important to examine these texts to explore how language, culture, and identity were embodied in pedagogical/instructional

discourses and thematic units. Critical discourse analyst van Dijk (2004), whose theories substantially influenced the analysis contained in Chapter 6, underscores the crucial role that textbooks and their hidden curricula play in the reproduction of dominant ideologies (p. 2). In this analysis, I placed particular emphasis on the images representing indigenous groups such as the Mayo and the messages conveyed through the rendering of historical events and the articulation of “folk” narratives regarding both the children’s culture and community and what it means to be, or is entailed in being, truly Mexican.

Comparing and synthesizing data from participant observations and interviews and textual analysis of official government policies/position papers and instructional materials ensured triangulation of my research findings. In order to prepare qualitative data for analyses, audio recordings of interviews and selected portions of instructional sessions were transcribed. Transcriptions and other data were organized into tentative categories based on themes that emerged inductively through a constant, recursive process (Bogdan & Biklen, 2003). Miles and Huberman (1994) have the following to say about this part of the qualitative research exercise:

To review a set of fieldnotes, transcribed or synthesized, and to dissect them meaningfully while keeping the relations between the parts intact, is the stuff of analysis.

This part of analysis involves how you differentiate and combine the data you have retrieved and the reflections you make about this information. (p. 56)

From the perspective of a critical ethnographer, an important aspect of the “reflections” the authors refer to involved introspection on the researcher’s part regarding her interpretive biases as well the study’s constraints in terms of access to data collection sources. Regarding the former issue, Wolcott (1994) cautions that it is important

to ensure that one does not gather only data that support a preconceived framework. I think the antidote is to maintain a healthy skepticism toward everything one hears, sees, remembers, records, and writes in the course of developing a study. (p. 21)

Keeping these considerations in mind, I was prompted by the initial data from the pilot study as well as my subsequent recursive analysis of interview and observation data to rethink the role of teacher agency in language policy and planning. I also gained new insights into the efforts on the part of the school's staff and other stakeholders to respond to imminent needs in the curriculum and also make modifications and adaptations based on students' needs and the responsibilities assumed by diverse stakeholders for cultural heritage and minority language maintenance. I return to these themes in the findings and conclusion chapters of my dissertation.

Researcher's Positionality

A final note regarding my social and psychological location in relation to the field work/data collection process: Given the emic/etic binary in qualitative research, my positioning in relation to Seagulls community members was a concern from the start of the research project and especially during the period where I was doing participant observation and conducting interviews. While I am a Mestizo woman of fair skin, I am situated vis-à-vis my informants as an upper-middle-class woman from a well-educated family. In not being a member of the community, not being indigenous, and not being a speaker of Mayo, my involvement in the project could be considered that of an outsider. However, as an English teacher and fellow educator, I had the impression that at times I presented to Juan and other members of the teaching staff as an insider. Certainly, my professional training and pedagogic interests facilitated my entry into the environment of Benito Juárez Intercultural School.

At any rate, the emic/etic tension notwithstanding, my initial apprehension that the perception of me as an outsider risked producing an issue of trust where participants would be reluctant to share their perspectives quickly dissipated after my first encounter with Juan and his students in 2008, and I remain enormously grateful for the welcoming attitude shown to me by Juan, his students, and other stakeholders in the community. Tying in with Kincheloe et al. (2011) on being a *criticalist*, this trust was essential for me in order to proceed with my study, as underlying my research agenda was and is a foundational belief in the basic tenets of social justice research and, in particular, an important commitment to promoting the well-being of indigenous teachers and students. This goal will be reiterated explicitly in my final discussion; however; I hope it is evident throughout the narrative that constitutes my report of research findings in the chapters that follow.

CHAPTER FOUR

FINDINGS: LINGUISTIC CANVAS FOR THE INSTRUCTION AND MAINTENANCE OF MINORITY LANGUAGES IN MEXICO

This chapter describes the current linguistic situation in Mexico, and addresses some of the key aspects of Intercultural Bilingual Education (IBE) policy. Teacher agency is discussed with reference to the importance it bears on minority language maintenance contexts, particularly at the intersection of English Language Teaching (ELT) and the maintenance of an indigenous language, represented by Mayo in northwestern Mexico.

Linguistic Canvas for Minority Languages in Mexico

In addition to being a military and political invasion, the Spanish conquest of the New World also entailed a conquest of language and a conquest by language . . . Throughout the conquest, language became an instrument of domination, a means of coercing speakers of indigenous languages in order to mold their minds, expressions, and thoughts into the formulas, ritual phrases, and inflections of sixteenth-century Castilian. (Seed, 1990, as cited in Collins & Blot, 2003, p. 121)

This quote conveys the history of colonization that led to the cultural devastation and loss of languages throughout the world and more specifically for our case, Latin America. Mexico had been a multicultural and plurilingual country even before the Spaniards colonized it in the 16th century⁸. After the conquest many languages perished, but a great number also survived. Assessments of the current linguistic landscape in Mexico are discrepant. The National Institute for Indigenous Languages (INALI) reports that there are 68 languages (Puebla On Line, 2014). Francis and Reyhner (2002) claim a lower number – 56. Some linguists assert that there are more

⁸ For a historical account of Mexico's linguistic landscape see Brice Heath (1972).

than 62 languages spoken at present (Navarrete Linares, 2008; Terborg, García Landa, & Moore, 2006). Terborg et al. (2006) acknowledge that at the time of colonization by Spain, it was estimated that more than 100 languages and dialects were spoken throughout Mexico. Although Mexico is among the most linguistically diverse countries in all of the Americas, paradoxically, “Spanish is the *de facto* official language of the government and the first language of 90% of the population” (Terborg et al., 2006, p. 422, my emphasis). INEGI in 2010, reports that 6.6% of the population of Mexico are speakers of indigenous languages (Puebla On Line, 2014).

According to Navarrete Linares (2008), in his monograph for the National Commission for the Development of Indigenous Peoples (initials in Spanish: CDI), indigenous people account for 9.54% of the population in the country as a whole. Ochoa Sandy (2009) claims that 13 out of 100 people in Mexico self-identify as indigenous and that the major cause for the decrease in indigenous population in the country is social marginalization. Poverty and discrimination are amongst the many factors that are slowly leading to devastation of Mexico’s indigenous people (Díaz-Couder, 1998; Muñoz Cruz, 1998); and yet it was only in 2003 that Mexico was officially acknowledged as a multilingual and multicultural nation through the amendment to the Constitution (as explained in Chapter 1).

Attempts to foster bilingual education have existed since the Spaniards colonized Mexico (Modiano, 1988). However, until 1951, speaking more than one language was considered a pursuit of the elites. Bravo Ahuja (1992) explains that between 1935 and 1974, 883 pedagogical tools (e.g., texts and other resources) were elaborated for 33 indigenous languages. However, Bravo Ahuja (1992) also mentions that such tools did not meet the minimal requirements set by basic literacy standards in applied linguistics. In 1977, Mexico took an important step and the ANPIBAC (National Alliance of Indigenous Bilingual Professionals) was formed. The purpose

of this association was “to campaign and work for bilingual and bicultural education that would reflect the reality of different indigenous groups in the country” (Aikman, 1999, p. 16).

However, it was not until the General Law of Linguistic Rights of the Indigenous Peoples was passed in 2003 that a shift from “bilingual education” to what is now known as Intercultural Bilingual Education (IBE) had an impact on the maintenance of indigenous languages and the teaching and learning of other world languages. Previous attempts at so-called bilingual education in Mexico were associated with strong forms of cultural and linguistic assimilation and, in fact, represented integrationist models (Hamel, 2000; Muñoz, 1997, 1998; Terborg et al., 2006). However, in the last decade, this situation changed as a consequence of the emergence of several social and political movements in Mexico and in the world, notably the Ejercito Zapatista de Liberacion Nacional (Zapatista Army of National Liberation) or EZLN. In 1996 the Agreements of San Andres were signed by the government of Mexico and the EZLN. From these agreements came a commitment by the government to amend the constitution of Mexico, as well as the creation of other documents and institutions aimed at addressing the complex mission of promoting inclusive, intercultural, and bilingual education. In this regard, it is important to note that from the beginning this “reform was unanimously rejected by indigenous groups around the country” (Terborg et al., 2006, p. 442). Most of the reasons for their disapproval stemmed from the fact that various indigenous groups believed their rights were being infringed in ways (e.g., the privatization of agriculture) that would impact indigenous lives across Mexico and ultimately result in the marginalization of indigenous languages (Morris, 2003, p. 152).

In the last few years, Latin America has given birth to a new form of education labelled *Intercultural Bilingual Education*. In Mexico, “It is the duty of the Federation and state governments . . . to promote the equitable and sustainable development of indigenous

communities and intercultural and bilingual education” (Schmelkes, 2005, p. 4, my translation). Therefore, *all* forms of education in Mexico – bilingual intercultural, higher education, and so forth – call for a deep reflection on the complex historic, socioeconomic, and linguistic context in which indigenous communities have developed and evolved. The constitution also stipulates that among the multiple mandates of education in Mexico, there should be a sense of recognition and acknowledgment of linguistic and cultural diversity. There should also be a concern with “a dialogue between members of different cultural traditions” (Aikman, 1999, p. 26), and fostering of an atmosphere where all citizens of Mexico show “respect and appreciation towards people and indigenous communities . . . and also eradicate attitudes and behaviours that imply any kind of prejudice, discrimination, and racism” (Schmelkes, 2005, p. 3, my translation). These premises stem from agreements and guidelines set up by UNESCO in the last ten years.

Globally, Intercultural Bilingual Education (IBE) is based on three main principles established by UNESCO in 2006. These are:

1. Intercultural Education respects the cultural identity of the learner through the provision of culturally appropriate and responsive quality education for all.
2. Intercultural Education provides every learner with the cultural knowledge, attitudes, and skills necessary to achieve active and full participation in society.
3. Intercultural Education provides all learners with cultural knowledge, attitudes, and skills that enable them to contribute to respect, understanding, and solidarity among individuals, ethnic, social, cultural, and religious groups, and nations (UNESCO, 2006, pp. 33–38).

These three principles were subdivided into areas of concern for stakeholders (i.e., teachers, administrators, parents, and the community) and teaching methods highlighting the cultural and

linguistic heritage of the diverse minority groups that constitute each nation. However, as Verma (1997) explains,

The goal of intercultural education should not simply be to recognize and appreciate cultural diversity in society, for this can amount to mere *tokenism*. People must understand the significance of a culture's history and a tradition as part of the dynamic and multifaceted culture of any contemporary society (p. 63, my emphasis).

Verma goes on to propose that, when it comes to the development of curricula and pedagogies, it is important to “integrate an understanding of cultural process and cultural continuity and changes within a framework of national identity” (p. 64). I find this statement problematic in that in my view the framework of national identity seems to be at the root of many of the problems with IBE in Mexico, particularly when we look back (Chapter 2) at the discussion put forward by Bhabha (1994) that elucidates drawbacks of liberal multiculturalism, including the containment of diversity. Other scholars have underscored the need for a discussion on this matter. Hamel (1995) notes that the central controversy related to the question of whether it is viable to build pluricultural states lies in the willingness “to reconcile the forging of a national identity and unity” with the survival of linguistic and cultural diversity (p. 272). Fishman (1994, as cited in Sepúlveda, 2002), cautions that those spaces open to ethno-diversity will not stop tendencies towards assimilation, but there will tend to be a symbiotic relationship (not a contradictory one) between a globalizing project and those spaces of ethno-diversity. Fishman further suggests that this relationship will be inclined towards a central project (p. 13, my translation). It remains unclear what this central project is for IBE in Mexico, but Díaz-Couder (1998) and Muñoz Cruz (1998) acknowledge that intercultural education in Latin America, since its inception, has had a tremendous impact. In the case of Mexico, although both

the Díaz-Couder and Muñoz Cruz articles were written in 1998, when the CGEIB had not yet been established and both the General Law of Linguistic Rights of the Indigenous Peoples and the Federal Law of Prevention and Elimination of Discrimination had not been passed, Díaz-Couder and Muñoz Cruz's arguments and concerns prevail today. Barriga Villanueva (2004) also warns us that IBE "as the new equation has become the *panacea* that will diminish a situation that has been conflictual since its origins and that has been, for centuries, brewed in the consciousness of the national population" (p. 123, my emphasis and translation). For this reason, I find the project of IBE highly problematic if associated simultaneously with an agenda that builds a Mexican national identity.

As a case study of the interpretation and implementation of language policy in local contexts, this dissertation elucidates the role of teacher agency as a component of micro language policy and planning and on specific issues of representation in textbooks (Chapters 5 and 6). However, it is important to note that among observers of IBE in Mexico, Baldauf and Kaplan (2007) identify a series of important issues with regard to language policy and planning in the country. Notably, they explain that although there has been in recent times a concern for "greater recognition and respect for the languages, cultures and linguistic rights of indigenous groups," there is still a "significant gap between policy and rhetoric on the hand and reality on the other" (p. 6),.

It is important to make it clear that this dissertation will not provide an exhaustive picture of IBE in Mexico. For the purposes of my study, I have selected relevant areas that overlap with my research agenda. The information provided here, then, provides an overview that helps to contextualize my findings concerning the complexity of the IBE project in local contexts and the difficulty of realizing the premises, policies, and agreements put forward by IBE in educational

practice on the ground. My contribution, however, is not intended to detract from the impressive body of research that scholars and other stakeholders – including teachers – have engaged in and that is manifested in the different areas that constitute IBE in Mexico. Rather, through my ethnographic research I seek to highlight the crucial role of practitioners in the field of language education (any language, as I make the case here) and to emphasize the importance of teacher agency within the greater project of IBE, a project that holds out the possibility for more inclusive education in Mexico.

The Office of Intercultural Bilingual Education (CGEIB) and other governmental and nongovernmental agencies have the daunting task of creating, designing, and implementing forms of bilingual education in the different jurisdictions. This task is rather complex given the *status quo* of many indigenous languages in Mexico – as mentioned earlier in this chapter, the discrepant linguistic landscape that encompasses uncertainty regarding levels of bilingualism, number of speakers, and literacy levels within the different indigenous communities throughout Mexico. In conversation with other colleagues who work in applied linguistics in Mexico, I have come to realize that clear-cut definitions are not useful when trying to establish levels of bilingualism in the different communities. In the case of the Mayo community of Seagulls where I carried out my research, on the surface Mayo appears to be taught as a second language simultaneously with the teaching of English. Many parents spoke Mayo as their first language but had chosen to speak Spanish to their offspring. Mayo functioned as a heritage language and the children of Seagulls had merely receptive ability in the Mayo language (more on this in Chapter 5).

Intercultural Bilingual Education in Mexico is currently visible mainly at the elementary school level, but it is not offered in all languages. At the junior high school level, a more

language- and culture-themed class is being offered and mandated by each state government. These programs are still available only to indigenous communities and mostly in the form of *tele-secundarias*, i.e., a program via satellite for remote and rural areas where students are given lessons through television and then are given standardized tests to assess their proficiency levels in all class subjects (literacy, numeracy, and so forth). Intercultural Bilingual high schools and universities have been active since 2005, but results of their impact are still premature and, as explained above, these are also only available in some areas and for some languages (Coordinación General de Educación Intercultural Bilingüe, n.d.). Nonetheless, a strong movement is gathering, supported by applied linguists around the globe and in Mexico in particular, a movement that privileges “local needs, so that more realistic policies can be developed” (Terborg et al., 2006, p. 457).

A clear example of the gap between policy rhetoric and reality in the context of language programs in Mexico (Baldauf & Kaplan, 2007) is the current Programa Nacional de Inglés en Educación Básica (initials in Spanish PNIEB), which stands for National Program of English in Basic Education. This is a national initiative of which the goal is to implement English as a second language in public preschools, elementary schools, and secondary schools in Mexico. From its inception, the official policy contained in a 100-page document refers to English as a second language, which becomes highly problematic given the plurilingual status of Mexico. It also does not mention anywhere what pedagogical strategies should be utilized if English teachers encounter linguistic scenarios such as the one in the community of Seagulls depicted in this dissertation. Currently, studies analyzing several aspects of the PNIEB are just emerging and some specifically reference discrepancies in the curriculum and textbooks (Castro Juárez, 2013). López (2008) signals the importance that English has in the agenda of IBE across the Americas

and also articulates the challenge that the inclusion of English poses for “the fact that in many communities children have lost active use of their ancestral language” (p. 142). Cenoz (2004) concurs:

Third language acquisition in the school context is not a new phenomenon, but is becoming more widespread because of the trend to introduce a foreign language from an earlier age and a second foreign language at the end of primary school or in a secondary school and because of the increasing use of minority languages in education. (p. 203)

One of the purposes of this dissertation is to show how teachers, specifically language teachers, are able to negotiate these overwhelming changes in policies in order to straddle the tensions between preventing a minority language from disappearing and introducing a *lingua franca* that may prove useful to disenfranchised students in their future life trajectories. We will see, in the discussion that follows, how in some cases teachers become the “bridge” that reconciles minority/majority language dichotomies. Therefore, in the case of this dissertation it becomes crucial to explore the role that teacher agency plays in the context of the teaching of minority (Mayo) and majority (English) languages. The preceding notwithstanding, Spolsky (2004) reminds us,

The development of English into a global language is not the simple end result of language management. Rather, it reflects *local* and *individual* language acquisition decisions, responding to changes in the complex ecology of the world’s language system. (p. 90, my emphasis)

The initial findings from my pilot study revealed that the community of Seagulls took important curricular and pedagogical decisions that affected the children in their school and the role of Mayo and English in their classrooms and community.

Teacher Agency in Language Policy and Planning in Minority Language Contexts

Before touching on the concept of teacher agency, it is important to locate the work of language policy and planning (LPP) research in relation to this project. Traditionally, language policy and planning (LPP) and ethnographic work would be considered epistemologically different. LPP tended to explore policy in a speech community at the macro level (i.e., institutionally and from the top down) whereas ethnography has been rooted in a community's viewpoint, taking into consideration the perspectives of all its actors (i.e., bottom-up; see Hornberger, 1996). However, recent work in LPP and ethnography has created a rapprochement with respect to this initial dichotomy. LPP now incorporates and advocates for multiple epistemological perspectives as those embedded in a postmodernist lens (Canagarajah, 1999; Mair, 2003; Pennycook, 2001; Ricento, 2000), as well as engaged language policy and practices (ELP) situated within critical theory and political activism (Davis, 2014; Schecter, García Parejo, Ambadiang, & James, 2014).

Therefore, it is within this perspective of engaged, activist LPP that the concept of teacher agency is addressed, particularly given the need to reconcile Juan's trilingual pedagogy and the disjunction between official policy and the realities and constraints associated with the resourcing of the language program at Benito Juárez Intercultural School, a theme that will be developed in the next chapter.

The concept of *agency* – a sociopsychological term also used in other disciplines – refers broadly to an individual's choice to act. Agency, like identity, is a highly contested term that can be construed differentially (see Ahearn, 2001, for more on this discussion). For the purposes of this dissertation, I take the concept of agency and, more specifically, teacher agency to be connected with the choices that language teachers make in addressing issues of policy at the

classroom level. Moreover, agency invokes decision-making – for instance, whether a teacher decides to take up current policy as they understand it and implement it, or whether the same teacher contests this policy and reconstructs it. Agency also involves *judgments* (Todd, 2007), made in particular situations and embodied in specific actions that take place in the language classroom.

The notion of teacher agency that I work with in this dissertation by necessity links up with my understandings of the issues involved in language policy and planning in minority language contexts and is therefore influenced by the work of Baldauf (2006), Canagarajah (1999, 2005), Fleming (1998), Handsfield (2002), Menken and García (2010), Paris (1993), Ricento & Hornberger (1996), Schecter et al. (2014), and Sichra (2006), among others. I began to weave these perspectives together when I carried out a pilot study and, through interviews and participant observation, took notice of how teachers can embody language maintenance (and loss) through ways of taking up policy and transforming it.

The study of teacher agency is also intrinsically linked to critical pedagogy in that it investigates teachers' movements and actions within the field of schooling. In her book *Teacher Agency and Curriculum Making in Classrooms*, Cynthia L. Paris (1993) explains,

Teacher agency in curriculum matters involves initiating the creation or critique of curriculum, an awareness of alternatives to established curriculum practices, the autonomy to make informed choices, an investment of self, and on-going interaction with others. (p. 16)

Fleming (1998), following Paris's lead, proposes that “teachers who conceptualize themselves as agents look on curriculum work as multifaceted, involving many aspects of such processes as curriculum development, curriculum implementation, and curriculum evaluation”

(p. 20). In this manner, the relationships between teachers and curriculum are dynamic and a reflection of “personal initiative and intellectual engagement” (Paris, as cited in Fleming, 1998, p. 20). From these insights, we see that at its core the study of teacher agency involves tracking emergence of a teacher’s voice (McDonald, 1988).

With reference to language teachers, Varghese and Stritikus (2005) explain that we should also be able to “understand how these policies influence teachers as well as how teachers simultaneously respond to and influence the local enactment of such policies” (p. 74). As explained in Chapter 1, Mexico has undergone changes in policies and educational reforms that place teachers at the center of crucial decision-making, calling on these individuals to make *judgments* about both theory and praxis. Pennycook (2001) suggests,

The challenge is to find a way to theorize human agency within structures of power and to theorize ways in which we may think, act, and behave that on the one hand acknowledge our locations within social, cultural, economic, ideological, discursive frameworks but on the other hand allow us at least some possibility of freedom of action and change. The difficulty, simply put, is getting the balance right. (p. 120)

In the particular case of Mexico, it is important to explore the close relationship between issues of language maintenance and loss within school and family settings and the broader context of language policy and planning (LPP). More important is the fact that teaching the minority language does not guarantee its maintenance (Ferguson, 2006; Fishman, 1991). Clemente (2009) points out the importance of critical pedagogy in applied linguistics focused on ELT in Mexico, due to the effect that English, as a powerful language, can have on minority languages. One of the major problems that she identifies with reference to English and other language teachers in Mexico is the lack of awareness that teachers have about processes of

democratization and their concomitant lack of involvement in issues of social justice at the local and national levels. However, there are exceptions, as is the case of the state of Oaxaca (where Clemente lives), where local movements of teachers have had some impact, notwithstanding the state repression that these movements experience.

Within the discipline of applied linguistics, the concept of teacher agency, informed by critical pedagogy, moves away from the idea of a teacher as “a passive instrument rather than as a person or agent” (Handsfield, 2002, p. 550). For example, Ricento and Hornberger (1996) advance the notion that ELT professionals – whether inadvertently or not – are implicated in transforming language policy (p. 402). The authors also devised a representation of LPP as an onion with different layers, placing the teacher at the heart of the organic process. They “claim that educational and social change and institutional transformation, especially in decentralized societies, often begin with the grass roots” (p. 417). In this manner, the authors view teachers as “catalysts for policy making.” However, Lasky (2005) cautions about “the ways externally generated reform mandates interact with teacher identity to affect teacher agency and their experiences of willing professional vulnerability with their students” (p. 902). Hence, teacher agency may also involve ways in which language teachers negotiate and/or resist the English language (Canagarajah, 1999) or the majority language. We see here how a language teacher is in a position to negotiate and navigate the tensions between the macro policies imposed by stakeholders at multiple levels. Conversely, Sichra’s (2006) longitudinal study in a private school in Bolivia, where the Quechua language was taught as a second language to “mainstream” – i.e., Mestizo – children, found that indigenous teachers who had negative stereotypes of their own language and culture risked not promoting language maintenance and privileging the Quechua language.

Because of their pivotal positions, the role that language teachers play in the revitalization and maintenance of minority languages should not be underestimated. Moreover, this agency is visible in ongoing decision-making processes (Todd, 2007) that are enacted in linguistic and cultural practices (Le Page & Tabouret-Keller, 1985). As Todd (2007), asserts, as teachers we are constantly making judgments. For Todd, *judgments* are

moments that fix thinking in time, that implicate teachers in the here and now of their work. For judgment is, ultimately, about implication: it is a definite decision that breaks with the duration of thought. And it reveals precisely the point where teachers feel the pull between the professional and the personal most profoundly: judgment commits “me” to something. (p. 35, emphasis in original)

This notion resonates with Canagarajah’s (2014) reference to *dispositions*, by which he invokes the way in which cultural capital is deeply bound up to how we act and take on “new modes of negotiating language diversity” (p. 783). The manifestation of teachers’ decisions is in the “here and now” (Todd, 2007, p. 35) of language instruction that has a commitment towards maintenance and survival.

Both *judgments* and *dispositions* are also represented in the ethical dilemmas language teachers encounter in their day-to-day professional practice. Ippolito (2010) points out that “pedagogical and curricular practices for minority language students are understood in terms of ethics, that is, in terms of the responsibility of self for other” (p. 108). Therefore, the agency of teachers working for or with minority language students implicates them in questions of *choice*. Handsfield (2002) poses an intriguing question: “Is it utopian . . . to suggest that teachers in practice can take on the role of transformative intellectuals and agents of change?” (p. 552). Her answer, with others (e.g., Canagarajah, 1999; Freire & Macedo, 1987), suggest that small

changes can be made when teachers are able to “invent and create methods in which they can maximize the limited space for possible change that is available to them” (Freire & Macedo, 1987, p. 127).

With regard to the subject at hand, an agentive teacher will perceive “a need to recognize the agency of subaltern communities to negotiate language politics in creative and critical ways that go beyond the limited constructs of language rights” (Canagarajah, 2005, as cited in Baldauf, 2006, p. 166). A complex issue to consider when teachers are constantly bombarded with educational reforms is described in Lasky’s (2005) findings, where she encountered teachers who “struggled within a politicized reform context that brought new normative professional expectations and professional tools. Teacher agency was being redefined particularly in the areas of classroom instruction and accountability” (p. 913).

Ramanathan and Morgan (2007) emphasize the need for a shift in paradigm so that teachers, instead of succumbing to policies that restrict and bind, will “interpret the ambiguities and gaps in critical ways that open up moments and spaces for transformative interventions” (p. 448). A special issue of *TESOL Quarterly Journal* edited by these authors and entitled “Language Policies and TESOL: Perspectives From Practice” featured a collection of articles that addressed concerns that language teachers (whether ESL or EFL) face regarding micro aspects of language policy and planning. In addressing issues of policy enactments that affect individuals locally, the authors shed light on how these concerns are informed by global and national demands, often attached to neoliberal agendas. One of the major challenges is that “teachers themselves often believe that they have little power to affect policy and do not view themselves as implementers of macro-level policies” (TESOL International Association, 2012, p. 8).

In the particular case of the Mayo town of Seagulls, my first encounter in the community shed light on the fact that the stakeholders – including the coordinator and director of the PIP program, the principal of the school, and Juan, the Mayo-English teacher – did take chances when it came to impacting local policy. Mayo and English were taught simultaneously and materials were devised despite the lack of funding and the absence of consistency in delivery of curricular materials, including textbooks. In this manner, the focus of the language teacher as an agent of change is both to promote minority language maintenance and, in this case, to focus on “how English and local languages can coexist, not at the expense of the latter” (Kamwangamalu, 2005, p. 737). Therefore, another important variable linked to the role of the teacher deals with pedagogic approaches in ELT.

For a long time, the idea of an “ideal teaching method” influenced and permeated the thinking of those involved in the *ELT* profession. From personal experience working in a foreign languages department in a Mexican university, I can attest that English teachers often associate a teaching method with a particular textbook (Cortez, 2008). However, since the early 1990s, the idea of method has undergone critical scrutiny (Canagarajah, 1999; Kumaravadivelu, 2001). Canagarajah (1999) asserts that “from a pedagogical point of view, what teachers practice in language classrooms rarely resembles any specific method as it is prescribed in manuals” (pp. 103–04).

I believe that in urgent situations where minority language maintenance is a priority, considerations of method may actually get in the way of students identifying with their local language and gaining perspective into the linguistic capital their language possesses. Researchers such as Sichra (2006) suggests that ELT methods and rationales could be applied to the teaching of minority languages; but we must not forget that English and minority languages are, in most

cases, not regarded as having the same symbolic and material value. There are also important considerations related to access to resources when designing pedagogical tools for a minority language, whereas in the case of English, multiple pedagogical sources are found everywhere in the world. My point here is that the problem of accessibility for a minority language is paramount.

I conclude this chapter by underscoring the critical role of teachers in minority language contexts. Instructively, Barriga Villanueva (2004) carried out interviews with 12 bilingual teachers from different indigenous communities in order to characterize their “take” on IBE, in theory and in practice. A quote from one of her participants is illuminating. When asked about his experience with IBE, a Zapotec teacher explained the following:

Philosophically the term is pretty [IBE], but the way is being applied in Mexican schools reveals a *racist practice*, with a tendency towards the disappearance of indigenous languages . . . [IBE] pretends to educate “Indians” to interact with a non-Indian society. But the non-Indian society is not even asked to contribute to a better understanding of indigenous people. (Barriga Villanueva, 2004, p. 131, my translation and emphasis)

It is disconcerting that the voices of teachers – particularly indigenous teachers – are not being listened to sufficiently to challenge and provide more informed insights into the project of IBE in local contexts throughout Mexico. However, it is with the conviction that teacher agency lies at the heart of local changes, which can impel important discussions about policy and pedagogy that impact minority language and ELT classrooms, that this dissertation proceeds.

Summary

Although the two topics addressed in this chapter – related to the origins and programmatic features of Intercultural Bilingual Education in Mexico and research on teacher agency in Latin American contexts – may appear tenuously related, I see them as integrally linked. While there is no question that the discursive frameworks used to embody the Mexican government’s position with regard to the education of linguistic and cultural minorities significantly influence the manner in which the programs discussed are carried out, my understanding of “policy” is one that acknowledges the role of teacher agency in interpreting the degree of latitude permissible in interpreting what it means to implement a state-sponsored educational policy (Schechter et al., 2014). We shall soon meet one professional educator, working at Benito Juárez Intercultural School in the town of Seagulls in northwestern Mexico, whose interpretation of the meaning of “policy” is similar to mine, and whose self-empowerment has led to me to seriously question the implications of trilingual education in minority language contexts.

CHAPTER FIVE

FINDINGS: ETHNOGRAPHIC JOURNEY

This chapter discusses the findings from my ethnographic fieldwork. The findings presented here intertwine with issues of minority language maintenance and teacher agency and the roles of both English Language Teaching (ELT) and Intercultural Bilingual Education (IBE) in the community of Seagulls. I will begin by outlining some background information encompassing the relationship I built over a period of 3 years with teachers, administrators, and students at the site. The following section informs some of the logistics and behind-the-scenes aspects of this ethnographic study. I also describe my initial assumptions going into the community and preconceived ideas of the implications of ELT in minority language settings.

Fieldwork Plans and Practicalities

My ethnographic journey began with a pilot study in 2008. The majority of my fieldwork was conducted from 2008 to 2010, with my last interview with Juan taking place in August 2010. In my original plan, I had hoped to live in the area of Seagulls during the months of research in Mexico that fortuitously coincided with the strike by teaching and research assistants at York University (fall–winter 2008–09).

The Town of Seagulls

As mentioned in Chapter 1, the community of Seagulls is a small rural town by the sea (see Illustrations 5–9). Most homes lie beside dirt roads and are humble in appearance – single-storied, built out of concrete – as are many homes in Mexico. However, there is one street on which one finds opulent homes owned by people from the city – rumored to be individuals associated with drug cartels. Other homes, not so opulent, owned by middle-class and upper-class people, are found within the town boundaries and beside a paved road. The dirt road ends

where these more endowed homes start. It is not surprising that these disparities in both structure and location of dwellings mark rigid class distinctions in both rural and urban communities in Mexico.

Adjusting the Plan

Originally, I had planned to rent a house from town dwellers, remain in Seagulls all week, and then drive home on the weekends (home being a 5- to 6-hour drive from Seagulls). However, I was discouraged by several individuals from carrying out my original plan. María, the principal of Benito Juárez Intercultural School, told me it might not be safe for me to remain alone in a house and that it would be better for me to stay in the nearby city of Navojoa – an hour's drive from Seagulls. I investigated this option and found myself fortunate to have acquaintances who lived in Navojoa. I would arrive there on a Thursday evening and remain in Navojoa until Monday afternoon. I would usually drive to Seagulls early in the mornings (around 6:30 a.m.) as the Mayo-English classes were scheduled to be taught on Friday and Monday mornings at 8 a.m. The actual drive (see Illustrations 5–7) to the research site and the requirements of participant observation in the class soon became intertwined concerns. I maintained this schedule for the duration of 2008, as family and friends grew increasingly worried about me driving alone on a highway every week. The southern region of the state of Sonora contains the main highway leading to the state of Sinaloa, which is only a few hours away from the research site. Sinaloa is infamous for being one of the first places in Mexico where the Sinaloa drug cartel was established. A woman alone is seen as vulnerable prey for the cartel. And as the fieldwork time drew near, the chorus of family and friends' concerns grew louder.

Illustration 5. Main Side Road Off the Highway Going Into the Town of Seagulls



Illustration 6. Vegetation on the Side of the Road



Illustration 7. Dirt Road Onto One of Seagulls' Main Streets



Illustration 8. View of the Shore



Illustration 9. Houses by the Shore



At the same time, it was evident that since I did not speak Mayo, I could benefit from extra help from someone who knew or studied the language. Therefore, in the winter of 2009, a year after I had first visited the community, I hired a research assistant: Laura (pseudonym), a student enrolled in a BA in linguistics program. Laura had been recommended to me by my mother, a professor and linguist whose work specializes in morphosyntax of two indigenous languages of Sonora: Yaqui and Pima Bajo. My mother was supervising Laura's undergraduate work, which focused on the Mayo language. Laura's parents lived in Navojoa, where I would stay overnight and on the weekend during my school visits. Laura would drive with me and then accompany me to the classes; and both of us would carry out the participant observations. At the time the fieldwork was completed (2009–10), Laura was pursuing her master's degree, working on the grammar of the Mayo language. Being a trained linguist, she was able to help me to

identify certain aspects of the Mayo language that I was not familiar with. I used her services primarily to translate Mayo vocabulary as well as to identify code-switching patterns (see Tables 4 and 5). Since I knew that Laura's fieldnotes would focus on the linguistic aspects of participants' language practices, this freed me to concentrate on Juan's teaching – the structure of his classes and patterns and routines associated with class activities. On our drives back to the town where we took up temporary residence, Laura and I would literally “trade notes” and discuss insights based on the classes we had observed that day.

Initially, the visits started with my pilot study during January 2008. Monthly visits for the main study began at the start of the 2008–09 school year; and sporadic visits took place during the 2009–10 school year as well. The original schedule for observations was generally 2 days or 4 hours of observations per week total (see Table 2 in Chapter 3 for observation schedule). However, throughout these months, this schedule proved challenging as Juan was often called at the last minute to teacher training sessions and union meetings. Many times I was already in Navojoa the day before my observations when Juan texted me or called me to let me know that classes had been cancelled. In retrospect, these haphazard occurrences are reflective of many of the problems in public education in Mexico. Although I do not address these issues at length in this dissertation, their presence compounds the difficulties of delivering a curriculum that is mandated by the board and expected to cover a lot of content within a relatively short time period.

This said, I tried to use these unanticipated setbacks to some advantage. In February 2009, on my second visit with the research assistant, classes had been cancelled at the last minute. But since we were already there, I decided we should visit the Grade 6 students with the permission of the principal. I thought that this provided an opportune occasion for me to build

rapport with the children I would see for the next few months. I decided to play a spelling game in English with them. At the same time, I encouraged them to exchange some words with me in Mayo. At the beginning, they said they did not know the language, but towards the end of our session, they started telling me the words for colours and numbers in Mayo. The other times that the class was cancelled, I usually would try to chat with the principal and other teachers but was rarely able to as the school normally would be completely shut down on such occasions.

About Juan

Juan was born in a house around 30 minutes from Seagulls. To get there, you must drive along a dirt road. On the day that Juan taught a demonstration class to parents, in April 2009, my research assistant and I got a ride back to the city from him. On that particular occasion my car had broken down and so I took the bus to Navojoa. However, Juan needed to drive to his parents' house to drop off a few things and asked us if we would like to come along. We drove in a cloud of dirt for 30 minutes and got to the humble home where we met his parents, who were in their late seventies or early eighties. They had a spartan, neatly organized home with some plants and pets – dogs, cats, and a few chickens – in the backyard.

In my first conversations with Juan, dating back to 2008, he told me that he had immigrated to the United States for a few years and that is why his family still resided in Tijuana – one of the biggest cities on the Mexico-U.S. border. Juan explained that he learned English by working illegally in California and attending night classes in San Diego. As a minority teacher, Juan mentioned that it was during the time living in the U.S. that he saw the great value in speaking more than one language. I believe it was his exposure to linguistic and cultural diversity both as Mayo and in living in the U.S. that enabled him to become the educator that he is today. He has a degree in engineering, but after living in the United States and coming back to Tijuana,

he decided he wanted to become a teacher and work near his place of birth. I never asked Juan why his wife and children lived in Tijuana and why he chose to remain in this area. But I did ask whether his children spoke Mayo and he answered that they did not, but were able to understand most of the conversations he carried out with them sporadically in Mayo (interview, March, 2009). This receptive bilingualism pattern was also apparent among Juan's students throughout the observations, with this finding triangulated through information gathered from the students.

Since I completed my fieldwork I have been in sporadic contact with Juan. At one point he mentioned his interest in pursuing a master's degree in linguistics so that he could write a thesis on the Mayo language, either studying it at the syntactic level or working on developing pedagogical tools. I did not strongly reinforce his pursuing a graduate degree and to some extent I regret this. I now understand that my ambivalent response was a result of a conflict of interest. I knew that teachers with Juan's level of competence and dedication are difficult to find. I am hoping that since I am back in the area, working full-time, I can encourage Juan to continue his studies. He no longer works for Benito Juárez Intercultural School and has moved closer to the capital city of Sonora, Hermosillo. He is working in one of the rural communities where a school is set up for farmers and their families near the crops. These areas are inhabited by diverse indigenous groups, many migrating from the south of Mexico in the hope of crossing the border to the United States. Juan recently visited me at work and we talked about the possibility of future academic endeavours that could help him to get promoted (he is currently covering a dean position at a school near the coastal area about 40 minutes from Hermosillo). Having contact with multiple indigenous communities, he is well aware of the linguistic and cultural complexities of teaching diverse indigenous communities as well as the tenuous nature of government policy attending to cultural diversity.

Ethnographic Findings

During the time that I conducted the fieldwork for this study, I reflected constantly on the concepts of language survival, maintenance, and death in relation to details associated with my observations in Seagulls. I embarked upon fieldwork with the idealistic and simplistic notion that it required mere motivation and an enhanced sense of identity for one to maintain one's mother tongue, and that English would always be the "killer language" (Pakir, 1997) with regard to minority language survival. These preconceptions would be interrogated once my conversations with participants and observations were underway. In the end, I came to the realization that the phenomena impacting language survival and maintenance are deeply complex. I will return to this subject in the final chapter. In the remainder of this chapter, I link the study's ethnographic findings to the research questions posed in Chapters 1 and 3 regarding stakeholders' orientations and attitudes toward English language teaching and minority language and cultural maintenance.

Stakeholders' Perspectives on and Attitudes Towards Minority Language Maintenance and the Learning of English

The theme of parent involvement (Schechter & Cummins, 2003; Schechter & Ippolito, 2008) held my attention from the time the idea for this research project germinated in 2005. In the winter of 2005 Rosa, the regional coordinator of the PIP, had come to observe one of my undergraduate classes and told me about the origins of the PIP. She explained how members of two indigenous communities had approached her office to request English language classes for children in these two communities. Both were located in rural areas: one of them, in the town of Seagulls, educated primarily Mayo children. In our first interview, Rosa explained that the PIP had been approached by the director of indigenous education in Sonora, who had made a compelling case that support for English language classes was in these communities' interests

and in the interest of the children's educational futures. The immediate problem in the town of Seagulls was that students in junior high school were failing their English subject class, delivered via *telesecundarias* (see UNESCO, n.d.). Created in the 1960s, *telesecundarias* is a program of instruction via satellite devised to reach students in rural areas throughout Mexico where the placement of teachers has proven to be a challenge. Seagulls community members were highly concerned that their children who were registered in the *telesecundarias* program were not passing their English tests and were therefore blocked from attending high school elsewhere and required to remain in the town.

At the time that English classes were put in place at Benito Juárez Intercultural School, there was a clear *investment* (Norton, 1997, 2000) on the part of the Seagulls community in learning English. This investment is represented in the thoughts that Rosa conveyed at the start of my study (2008) with regard to the community's interest in and proactive stance on behalf of learning English:

Rosa: *The people in the Mayo community were always concerned with having English in the school . . . when we paid them a visit, the community was really happy. Children and people of the community were in the classroom looking through the windows . . . we [people from the PIP] were not prepared for this, we thought we would only observe their classes . . . but we noticed there were a lot of elderly who are obviously the ones that make the decisions. (2008, my translation)*

In this particular situation, English is viewed as a symbolic and material resource (Bourdieu, 1977) that ideally provides children with access to future opportunities such as employment, better education, and upward social mobility.

Rosa also explained that according to a mandate established by her and the Director of the PIP, Mayo would be the primary language of instruction, even in the English classroom. The perception of the interrelationship of the two language varieties, Mayo and English, is made clear in the following points included in the minutes of an initial discussion between Rosa and the director of the PIP that took place on April 27, 2005:

- “It is important to consider the degree of proficiency in the Mayo language of the students participating in the English program”;
- “The educational materials utilized for these courses should be used in both Mayo and English in order to reinforce the learning of the children’s second language [in this case Mayo is considered the second language and Spanish the first]”;
- “If after initiating English classes, children prefer English to Mayo, the English classes will be stopped.” (my translation).

We note in Rosa’s pronouncements at the time of the creation of the English program of study a dedication on the part of members of the community of Seagulls to minority language maintenance. This commitment on the part of key stakeholders with attachments to Benito Juárez Intercultural School that the heritage language, Mayo, would be privileged in pedagogical planning was reinforced in subsequent interviews with study participants and throughout my fieldwork experience. I use the term *heritage language* because, following my ethnographic findings, I consider this to be the best characterization of the role of the Mayo language in this setting. The term *heritage language* refers to

nonsocietal and nonmajority languages spoken by groups often known as linguistic minorities. Those members of linguistic minorities who are concerned about the study,

maintenance, and revitalization of their minority languages have been referred to as heritage language students. (Valdés, 2005, p. 411)

Valdés (2005) further characterizes heritage language speakers as *circumstantial bilinguals*:

Circumstantial bilingualism/multilingualism is generally characteristic of populations who occupy subaltern positions in particular settings, whether they are indigenous minorities in established nation states (e.g., Bretons, Samis, Kurds) or other border crossers such as migrants, refugees, nomads, and exiles. (p. 411)

This definition encapsulates the situation observed at Benito Juárez Intercultural School. Notwithstanding, I should clarify that I did not ascertain proficiency levels of students in Juan's Grade 5 and 6 classes with regard to speaking, reading, and writing in Mayo, although I did note a desire on the part of key stakeholders to incorporate literacy in the heritage language within traditional storytelling events in the Mayo community. (Although the Mayo language is an integral part of the IBE curriculum, at the time this study took place there was no formal instruction in reading and writing in Mayo.) I also found that, as often as not, discrepancies and inconsistencies in educational policies complicated participants' efforts to maintain the minority language. This predicament became apparent during my last interview with Juan in the summer of 2010 when I was made aware that indigenous and minority languages were further at risk when government officials not schooled in the tenets of language policy and planning (LPP) had omitted certain elements in their workshops and documents from the National Program of English in Basic Education (initials in Spanish: PNIEB). Juan had just returned from attending a workshop given by the PNIEB and noted wryly that the emphasis was on English-only classrooms with no mention of indigenous languages:

Juan: *In the first level [referring to the PNIEB content and workshop] it was suggested that we create an environment in the school and classroom of 100% English. From the time when the child enters the school, for instance, the principal should greet the child in English. This is obviously funny.* (August 2010 interview, my translation)

Also, as part of this research endeavour, and after Juan's comments in August of 2010, I decided to read a section on the PNIEB's curriculum considerations (Secretaria de Educación Pública, 2011). The wording in the section was different from that in the Common European Framework of Reference for Languages: Learning, Teaching, Assessment (CEFR) document, which the PNIEB is supposedly modelled after. For instance, the document reads as follows when referring to English as a foreign, second, or additional language:

This makes it fundamental to promote social uses of this language in the classroom by creating social learning environments of that compensate the absence of English in the out-of-school context. Their implementation provides opportunities to learn the diverse communicative registers and formats necessary to participate successfully and with autonomy in everyday practices of the language in social life. (p. 78)

Although the PNIEB document cites the CEFR extensively, there were no references to multilingualism as a resource when programs for the teaching and learning of indigenous/minority languages were discussed. Therefore, Juan's frustrating experience during the PNIEB workshop in 2010 was reinforced by the fact that, as the quote shown above indicates, there is an emphasis on the exclusive use of English in the classroom, conveying the clear message that in scenarios where Spanish is not the mother tongue, indigenous languages do not hold the same symbolic power as English.

This said, throughout most of my fieldwork period in Seagulls, there were no instances that I observed where English displaced Mayo. The two languages were distributed and honored equally in Juan's classes. In this matter, the judgments and dispositions by stakeholders at both the local PIP and the school enabled and promoted the teaching and learning of Mayo. However, before I elaborate on these issues, it is instructive to take a look at a typical day in Juan's class.

Participant Observation in Juan's Classroom

On my first visit to Juan's class (see Illustration 10 for the layout of the classroom), the lights were dim and the windows were covered with paint or newspaper to prevent the sunlight from getting inside because of the extreme hot weather. The state of Sonora is part of the Sonora-Arizona desert. In the late spring, summer, and early fall, the weather fluctuates throughout the state, but in areas like Seagulls – although by the sea – the temperature is in the high 30s Celsius and often in the mid-40s. Therefore, one often finds classrooms that are darkened (by painting the windows or putting up dark curtains) to keep them cooler.

Juan usually would make his own instructional materials. He made drawings as visuals for his classes – sometimes using magazine or newspaper cutouts, but mostly using his own drawings as shown in Illustration 10. There were also drawings in the main cafeteria area that showed vocabulary in Mayo (e.g., body parts, the parts of a cow – the state of Sonora is a cattle state – and so on) as shown in Illustrations 11–14. As part of my agreement with Juan and the principal María, I provided the teacher with materials on different occasions throughout my visits. Construction paper, markers, chalk, scissors, a used tape-CD recorder, several dictionaries, and books were furnished for him to use. I also brought candy for the kids on two different occasions to show them my gratitude for allowing me to observe their classes.

Illustration 10. Juan and His Students in Class



Illustration 11. Daily Work Plan for the Children in Boarding School and Information About Drug Abuse

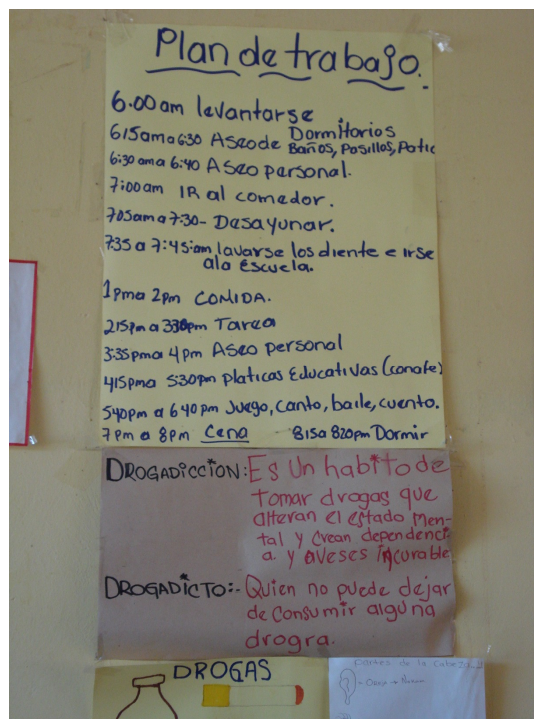


Illustration 12. Vowels in Mayo



Illustration 13. Parts of the Cow in Mayo



Illustration 14. "Our Traditions" Featuring the Deer Dance (a Traditional Mayo Dance)

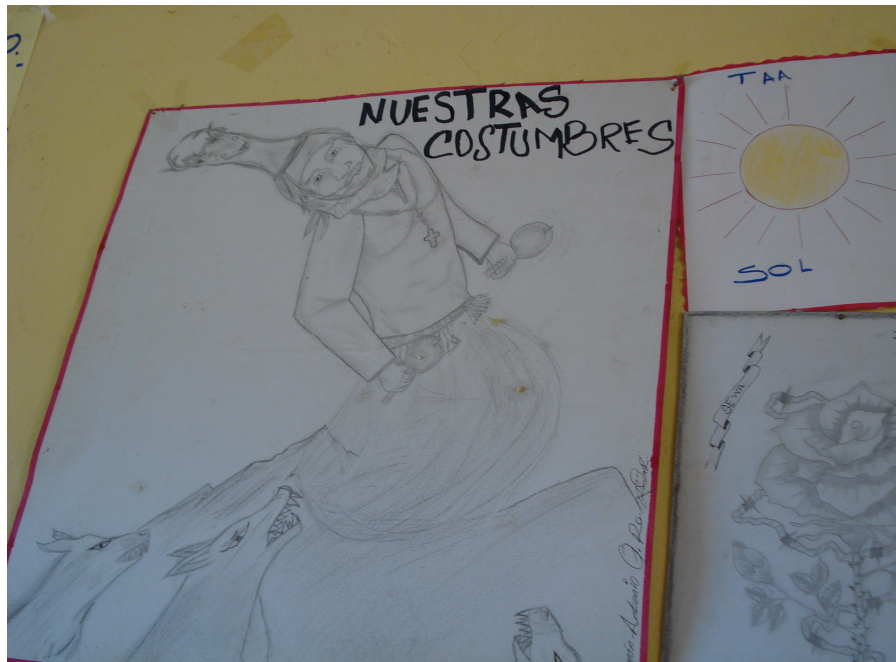


Illustration 15. Some Parts of the Body in Mayo



Illustration 16. Bingo with Vocabulary in Mayo



The structure of Juan's class was the same over the 2 years I visited; however, the duration of the class changed three times. When Juan began teaching at Benito Juárez Intercultural School, he taught the Grade 5 and 6 students 3 hours a week of language (Mayo and English); then later in 2009, the time for language instruction was reduced to 2 hours per week. In my last visit in 2010, with the creation of the PNIEB, the group teacher would be in charge of the Mayo language and then Juan would be exclusively in charge of teaching English 2 hours per week. The group teacher would first give a lesson in Mayo and then Juan would mirror the exact same lesson in English. During the period of the participant observations from the 2008–09 school year, the 3 hours a week of language instruction were distributed as follows: on Mondays, Wednesdays, and Fridays, the Grade 5 students would receive language instruction from 8 to 9 a.m., and the Grade 6 students from 9 to 10 a.m.

Juan would begin every class by reviewing content from the prior lesson (see Tables 4 and 5 for samples of fieldnotes taken by me and my research assistant). Laura and I observed that he would alternate between placing Mayo and English at the beginning of his class. He used the same technique of drilling the vocabulary, having students repeat out loud, and providing games such as fill in the blanks with the correct word in Mayo or English. Juan showed me a program that people in the Office of Indigenous Education and the PIP had developed to follow the same curriculum for both languages. He did not have an actual textbook for Mayo for the Grade 5 and 6 students because although books are free and, putatively, provided by the National Ministry of Education (SEP), they never actually arrived during the school year. This often happens in rural areas throughout Mexico; indeed, in the 2 years that I was in contact with Juan, the children never received their books on time. This predicament did not deter Juan, as he would adapt curriculum from the Office of Indigenous Education, and also material from a textbook designed by a teacher of Mayo at the University of Sonora campus in Navojoa. In my last interview with Juan in August 2010, he explained that he had been the one who adapted the English materials to be taught in Mayo:

Juan: *It was my idea to think about how to do this, because I thought that for instance a student entering the classroom could greet us in English, but it would have to be the same for the Mayo dialect. So the children would carry out an activity in English and then Mayo. The flashcards that we used were for both English and the “the dialect”; therefore, **there was no difference between the two languages**. (2010, my translation and emphasis)*

For English, the PIP used the book *Bounce Now* (Kniveton & Llanas, 2010). During the time of the study, the *Bounce Now* textbook was being used by the PIP office throughout the

different elementary schools in Sonora. I did not undertake an analysis of this particular textbook, but observed that Juan used it mainly as a source of exercises for the students. Although he mentioned that he did the same for Mayo, I counted only a few occasions in which the students received homework for Mayo. However, these occasions were significant in that these assignments required students to ask the elders of their family or community for clarifications, in this manner encouraging intergenerational sharing of knowledge about the heritage culture and language.

Table 4. Sample of Rebeca's Fieldnotes

<p><i>4th observation</i> <i>Grade 6, January 26, 2009</i></p> <ul style="list-style-type: none"> ➤ <i>Every time the teacher greets students and asks for students to write the date</i> ➤ <i>Occupations – the teacher starts with occupations in both languages and alternates with flashcards. Students answer out loud</i> ➤ <i>The teacher writes down both gender pronouns he and she and the equivalent in Mayo and posts pictures of two different animals</i> ➤ <i>Students answer at loud what each occupation is. The teacher asks students prompting them with right and wrong answers so they can reply yes he is or no he isn't (simple negative form)</i> ➤ <i>Students go to the board to respond</i> ➤ <i>Teacher continues to place different pics of occupations and students use the negative form of the verb to be in</i> ➤ <i>Teacher checks if students brought in the homework which was to find out different occupations in Mayo. The teacher places emphasis on where they got the info from; grandparents, parents</i> ➤ <i>The children did not do the homework but they inferred that those words that did not work and the translation to Mayo remained the same from Spanish but with a different pronunciation</i> ➤ <i>Another student mentioned a spelling that required in the case of carpenter to have a double vowel as in the case of carpinteero shown above</i> ➤ <i>The teacher then asks what activity (verb) corresponds to each occupation</i> ➤ <i>For example</i> <i>A musician sings</i> ➤ <i>The teacher goes on and tells students about how the astronaut does not exist in Mayo so the word also is a loan word from Spanish</i> ➤ <i>The students will mime the activities that the teacher gives by saying an occupation</i>
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Table 5. Sample of Laura's Fieldnotes

<p><i>Observaciones</i> 26 enero 2009 <i>Introduce la clase en inglés y español.</i></p> <p><i>Actividades en clase:</i> <i>Actividad 1: Inicia en <u>inglés</u> y después introduce la lengua <u>mayo</u>.</i> <i>Actividad 2: Inicia en <u>inglés</u> y después cambia al <u>mayo</u></i> <i>Actividad 3: (Da las instrucciones de la actividad en español) Introduce la actividad en <u>inglés</u> pero comienza a trabajar con los alumnos en los conceptos de lengua <u>mayo</u>.</i> <i>Actividad 4: (Explicaciones en español) Introduce la actividad en <u>mayo</u> y después cambia a <u>inglés</u>.</i> <i>Revisión de tarea en casa: Repasa primero los conceptos de tarea en lengua <u>mayo</u> y posteriormente lo hace con los conceptos en <u>inglés</u>.</i> <i>Actividad 5: Introduce la actividad en <u>inglés</u>.</i> <i>Actividad 6: Introduce en <u>inglés</u>.</i> <i>Actividad 7: Da las instrucciones en <u>inglés</u> y español pero comienza trabajando con los conceptos de lengua <u>mayo</u>.</i></p> <p><i>Observaciones del manejo de las 3 lenguas (Code-Switching) en el aula:</i></p> <ul style="list-style-type: none">- <i>La lengua que maneja más en la clase el maestro es el español, seguida por el inglés y después el mayo. Aunque no es muy grande la variación de frecuencia entre una lengua y otra.</i>- <i>La explicación de una actividad las hace siempre en español.</i>- <i>Las preguntas que hacen los alumnos al maestro siempre las responde en español.</i>- <i>El maestro pregunta a los alumnos o en inglés o en mayo.</i>- <i>Tiene ciertas "muletillas," cuando está finalizando una explicación en inglés o cuando quiere motivar a la participación del alumno utiliza expresiones como: "muy bien", "OK", "aquí".</i>- <i>Para pedir permiso de salir al baño los niños lo hacen o en inglés o en mayo (un niño lo hizo en inglés y otro niño en mayo)</i> <p><i>Observación a la participación de los alumnos:</i></p> <ul style="list-style-type: none">- <i>Los alumnos no muestran mucho interés por participar.</i>- <i>Son muy inquietos.</i>- <i>El maestro tiene que estar invitándolos a participar, haciéndoles preguntas directamente a alumno por alumno. Por ejemplo a Olivia siempre le hace preguntas sobre el mayo.</i>	<p><i>Grupo: 6to</i></p>
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Otras observaciones:

- *Llama dialecto a la lengua mayo.*
- *Le da prioridad al inglés en la clase, pero si nota que los niños necesitan más información sobre la lengua mayo en una actividad comienza a trabajar con mayo.*
- *El aula está muy oscura y llena de cosas.*
- *La directora entró al aula y se puso a platicar en voz alta mientras el maestro impartía la clase.*

La clase me pareció un tanto cansada.

Another important aspect of Juan's class in the year 2008–09 was the variation observed in the participation between the two groups of students, as indicated in Laura's fieldnotes (see highlighted sections in Table 5). English translations follow:

- *Students do not show much interest in participating.*
- *They are very restless.*
- *The teacher has to continuously encourage them to participate, by asking them direct questions one by one. For instance, the teacher always asks questions to Olivia in Mayo.*

(Laura's fieldnotes, January 26, 2009)

During the participant observations it was clear that the Grade 6 students were not much inclined to participate; however, on the basis of our observations this was not the case for the Grade 5 students. My hypothesis is that the Grade 6 students were not as engaged because of peer pressure related to adolescents' identity status as these students transition from childhood to pre-adulthood (Woolfolk, 2001). As Laura's fieldnotes show (see Table 5), Juan tried to encourage students' responses by asking direct questions, and when not successful, he directed his elicitations to the student in the class who knew more Mayo than anyone else, Olivia. Juan would ask her questions in Mayo in the hope that her response would encourage the other students to participate.

Results From Responses to Student and Parent Questionnaires

In order to ascertain students' attitudes towards the Mayo and English class and school in general (their likes and dislikes) and to gather information on languages spoken in the home, a questionnaire (see Appendix B) was administered in both Grade 5 and 6 classes. According to the enrollment numbers for the 2008–09 school year provided by the principal, there were 13 students enrolled in the Grade 5 class and 20 in Grade 6. On March 20, 2009, when the questionnaire was distributed to the students, 11 out of the 13 Grade 5 students were in attendance. All 11 completed and handed back the questionnaire. In the Grade 6 class, 18 out of 20 students attended and replied to the questionnaire. Tables 6 and 7 show the distribution of responses for both classes.

Table 6. Results From Questionnaire to Grade 5 Students (2008–09)

Student initial	Do you speak Mayo, Spanish or both at home? Which one do you like the most? Why?	What do you like the most about school?	What is your least favorite thing about school?	Do you like your English class? Why? Why not?
JE boy	Spanish because I identify myself more with it	English class	Geography class	I like it because we are having fun and at the same time we are learning
JM boy	We speak Spanish, I like Spanish more because it's nice speaking that language	The books	Geography class	I like it because we are learning English
Jm boy	I speak Spanish	Study, read and play	That my classmates bother me	I like everything about English because we read
SA boy	I speak little Mayo and I like both languages, Mayo more	The English program because I like it and the school because is big	Nothing [meaning he likes everything]	Yes, because I have fun sometimes and I learn
D boy	I like Spanish more	Learning to write and read	Nothing [meaning he likes everything]	Yes, I like it
V boy	A little, yes, Mayo because you learn more	Learning	Fighting	Yes, because you learn
JB boy	Spanish, because I identify myself with it more	The English class	Geography class	I like it because at same time we are having fun and learning
FU boy	Not Mayo, but Spanish The Mayo language because is a beautiful language and you can learn a lot of things	Read and write	Fighting	Yes, because you can learn a lot of things
RA boy	Mayo and Spanish	Working and playing	That I have classmates who bother me	I like it more than the others
M girl	Both, because everyone does	Natural science class	History class	Yes, because we learn a lot
B girl	Both, because I like them	Natural science class	History	Yes, I like it because we learn

Table 7. Results From Questionnaire to Grade 6 students (2008–09)

Student initial	Do you speak Mayo, Spanish or both at home? Which one do you like the most? Why?	What do you like the most about school?	What is your least favorite thing about school?	Do you like your English class? Why? Why not?
Unidentified boy or girl	I like Spanish because I don't know how to speak the language [Mayo]	They teach us very well	There is nothing I don't like	Yes, because we can play with the teacher and learn more
S boy	I speak Mayo but very little, I like to speak Spanish too	The class of indigenous language	I don't like to play with little kids	Yes, I like it
O girl	I like to speak more in Spanish	work and to go out to play	Nothing, I like everything	Yes, when they ask me things I can respond
JM boy	Yes, I like it because I learn things in Mayo language and others don't understand them	Recess and physics	The bathrooms	Yes, because I like to learn English
W boy	Yes, I like it because I speak other things in the Mayo language and others don't understand	The playing time and the physics	The bathrooms	Yes, because I like to speak English
JC boy	I don't speak Mayo, I like Spanish more.	Recess and the English class, because the teacher give us games	When the English class finishes	Yes, because I like the teacher
E boy	Both, because I like both	I like everything	Nothing, because I like everything	Yes
M girl	Spanish	The English class	The physics class	Yes, I want to learn more English
JA boy	Spanish	The English class and play time	The physics and English classes	Yes, because it is very beautiful
K girl	Yes, I like both languages	The English and mayo language	There is anything I don't like	The songs and games I learn having fun
L girl	Both things, I like Spanish more because I don't understand Mayo very well	English and Spanish class	I like everything	I like it more when we sing and do exercises

B girl	Yes, both, in class we speak Spanish and at home we speak Mayo	When I go to school	When there is no school	Yes, I like the songs
J boy	Both, the Mayo language because it sounds like it is written	Study	That it's very far	Everything
C girl	I like both	Everything	Nothing, I like everything	Yes, because I learn more
A boy	Spanish and a few words in Mayo	Recess, physics and English class	Physics and English class. Recess	Yes, because we can learn to speak English
E boy	I speak both	The English and the physics class	The play time	Yes, because it is fun
Jf boy	I don't speak Mayo, I can speak Spanish. I like Mayo more because it's nice to speak it.	Writing, reading, recess and talking with the teachers	Not doing anything	Yes, because it's very important know English
MJ boy	Yes, I like it	Study	Homework	Yes, I like it

Grosso modo, the results show (see Table 8) that in the case of the Grade 6 students, the majority of students expressed liking both Mayo and Spanish, and this finding coincided with their parents using both varieties in the home. As for the Grade 5 students, the majority of the children expressed a preference for Spanish. This was a surprising result, since the Grade 5 students showed a high degree of enthusiasm during the Mayo-English classes. As well, the majority of the parents of Grade 5 students had attended Juan's demo class. However, these data were collected at the inception of the Mayo-English program; and it is possible that Juan's instruction could have had a positive impact on these families' language attitudes and language socialization patterns over time.

A separate questionnaire was also sent out to parents of Grade 5 and 6 students. To these solicitations, I received 18 responses – 9 from each cohort. The responses provided a picture of the demographic situations of the households of the Grade 5 and 6 students, and provided insight

into language preferences among family members. Results from the parents’ questionnaire are shown in Appendix F. These results indicate that most families of the children attending Benito Juárez Intercultural School had designated three primary caregivers: a woman, generally the child’s mother; another relative; and an elderly family member, generally a grandparent. Responses also showed that parents’ reasons for choosing Benito Juárez Intercultural School were connected to: (a) their preference for an indigenous, bilingual and bicultural school, (b) the perceived benefits of a Mayo-English program, and (c) their attraction to an academic program that promoted strategies for inclusion. This last point refers to parents’ belief that their children’s life opportunities would be enhanced by learning to master multiple languages.

Table 8. Summary Results of Questionnaires for Both Parents and Students

Language(s) spoken	Spanish	Both Mayo and Spanish	More Spanish and a “little Mayo”
Grade 5 students (11)	6	3	2
Grade 5 parents (9)	5	3	1
Grade 6 students (18)	6	10	2
Grade 6 parents (9)	4	3	2

The preceding notwithstanding, I would underscore that both questionnaires barely scratched the surface of issues related to minority language maintenance and the learning of English. Nonetheless, the responses of participants clearly indicate an overall level of satisfaction that parents and children associate directly with their involvement with the Mayo-English curriculum at Benito Juárez Intercultural School and Juan’s teaching.

Teacher Agency in Micro Language Planning: Strategic Negotiation and Reappropriation

With reference to this theme, some background details that led to Juan’s being hired at Benito Juárez Intercultural School are relevant. In my January 2008 interview with Rosa, the regional coordinator of the PIP, she recounted her initial meeting with the parents and

community of Seagulls and their interest in having English taught in their school. Rosa also described the curriculum decisions that had to be made in order to realize the dual language classes. At the time of these decisions, there were important considerations concerning the likelihood of finding a teacher who would enable a curriculum in both languages. Rosa explained her concerns:

Rosa, Regional Coordinator of the PIP: *After meeting the parents and community of Seagulls, we came back [the Director of the PIP and Rosa] and discussed the importance of hiring a teacher with the “sensitivity” of the three languages, being able to use them, a teacher who would need to have the “disposition” to only be paid 750 pesos a month per group and manage all of these factors. The teacher would go to work by commuting three times a week and teaching a class of 50 minutes each. We also had to think of creating a program, so we asked the surrounding schools and other indigenous schools to give us their thematic outlines. (2008, my translation)*

For the first year (2006) of the English program at Benito Juárez Intercultural School, a teacher who spoke only Spanish and English was hired. This situation did not facilitate the inclusion of Mayo in the language curriculum. However, as explained by the principal and Juan’s teacher colleagues, some efforts were made to incorporate Mayo into other subject matter classes. In 2006, Juan was working for the PIP program in another school; and it was not until 2007 that he was able to take up the position at Benito Juárez Intercultural School in Seagulls.

When I first observed Juan’s classes, I noted that he, a trilingual speaker of Mayo, Spanish, and English, used the Mayo language throughout his class to convey content and meaning. Juan explained:

Juan: *These schools [indigenous schools] were founded so that the language would not be lost, this is something that I emphasize to the children a lot . . . “let’s help the Mayo language,” we should feel sorry for it, they are languages and cultures that have always been there and they are tending to disappear. (2008, my translation)*

I asked Juan how the children respond when he speaks with them about the possibility of losing the Mayo language. Juan replied that they are encouraged and motivated by his speaking Mayo to them even though many of “them only understand it, but they do not speak it.” During my observations of Juan’s classes, I came to realize that the language maintenance scenario encouraged by Juan represented an idealized version of an envisioned language maintenance policy in minority language contexts. This realization caused me to appreciate the depth of the commitment on the part of the parents and school personnel to maintain the Mayo language and transmit it to their children. The following excerpt is taken from a focus group conversation where the group teacher (GT, also Juan’s sister), Juan, and I discuss the children’s perceptions of and attitudes towards the Mayo language.

Group Teacher (GT): *I was telling you that I think the children are embarrassed . . . I think . . . about learning Mayo . . . What do you think?*

Rebeca: *That’s what I wanted to ask, if those children who speak it [Mayo] seem motivated.*

Juan: *The children no! They are not embarrassed!*

GT: *No?*

Rebeca: *But what is it that you say embarrasses them?*

GT: . . . *They are embarrassed, I think, like them . . . we carry the “stigma” that the person who speaks the Mayo dialect, right? That people will look down on them . . . “You speak the dialect [Mayo], you are an Indian”*

Juan: *They discriminate against each other. They feel then . . . they have this thing, they want to change, so I always tell the children, “Look kids, in these times a person who doesn’t speak two languages is . . . you have to know Spanish and also have mastery of English and of your native tongue that is the Mayo language right? . . . Because I told the kids once, “If you understand Mayo, try to speak it, you’ll learn English better” and then when I teach the indigenous language it seems like they are more willing . . . ’cause I did tell them, “If you have mastery of the Mayo language, it will be easier for you to master English,” and since then . . .*

Rebeca: . . . *Were they more motivated?*

Juan: . . . *and that is why I try to introduce topics in both English and the dialect, for example I tell them “one, two, three” and we do an activity, sometimes I don’t tell them “one, two, three,” but tell them “wepula, go’yi, babji’.” I think there are some children, who . . . if we strengthen for instance Mayo more . . . they are going to give more to it than to English, why? Because as you know . . . that the only contact they have with English is through me, since they are not in the context [English-speaking context]. They don’t have other relationships in English, they don’t speak it or listen to it. However, with Mayo, for example if I give homework in Mayo, they immediately go and research with another person in the community, they talk to them and they begin to understand it [Mayo]. Why? Because Mayo is in their environment, they develop it and they are immersed in it, they are going to speak it. (focus group, December 2008, my translation)*

This excerpt illustrates how Juan is being strategic in hedging his bets: If the students are not compelled by the case he makes for cultural and linguistic maintenance, he can use the argument that practicing Mayo will be helpful to them in learning English. In any case, his commitment to minority language revitalization cannot be disputed, as evidenced by the constant use of drills in Mayo in his classes. The first time I talked to Juan he explained how Mayo language loss was a relatively new phenomenon, as people from his generation learned it well, whereas children nowadays do not want to speak the language and their only connection to the Mayo language and culture is through the elderly. Because of this situation, he views motivating the children to learn Mayo as his main challenge as a teacher.

Throughout the interviews and observations there are multiple examples of instances that show the metalinguistic awareness that Juan and some of his colleagues have about language. Two such examples are contained in the statements found in this chapter from Juan's 2008 and 2010 interviews, where Juan explains how he adapts content to fit both Mayo and English and also reveals his belief that "knowing" one language will reinforce the learning of the heritage variety. Juan and other stakeholders also had a prescient awareness of the possible loss of culture and identity and of the need to be proactive in counteracting these losses both strategically and pedagogically. During my first interview with Juan he stated the following:

Juan: *I think that a language that is not used disappears, right? So that is not what we want, that our traditions or practices get lost . . . that is why I consider that is important to educate children on these issues. For instance, on the Day of the Dead, we carried out several activities with the kids, we don't celebrate Halloween, we celebrated the Day of the Dead explaining things to children in Mayo . . . then I would teach them things in English, vocabulary, such as flowers, etc. . . . The principal told me "let's do this activity*

[the Day of the Dead] so that kids become accustomed to our traditions” and in the end it was quite pretty. (my translation, January 2008)

These excerpts, as well as Juan’s and his colleagues’ accounts⁹ of their experiences adapting their teaching situations and tools, show how policy is interpreted, negotiated, and rearticulated by members of this community. It is important to note that while this dissertation focuses mostly on Juan’s work towards language maintenance, the administrative platform of teachers such as Rosa, the coordinator of the PIP, and María, the principal of Benito Juárez Intercultural School facilitated and enabled changes towards the maintenance of Mayo in both theory and praxis.

Another illustration of Juan’s proactive *disposition* towards the coexistence and fostering of both the Mayo and English varieties is a *demo* class (April 2009) that he prepared for the parents of his Grade 5 and 6 students. Bolstered by his principal’s support, Juan went to considerable effort to prepare for this event – producing materials in Spanish, Mayo, and English and procuring refreshments served to both parents and students. In the background of Illustration 17 one notes a banner welcoming parents and displays of different materials in the three languages. It is noteworthy that mostly mothers and students from his Grade 5 class attended the one-hour demo class, which Laura and I filmed.

⁹ See Juan’s first interview from 2008 and focus group from January 2009 for more evidence.

Illustration 17. Juan in His Demo Class to Parents and Children of Grades 5 and 6



The demo class consisted of Juan modeling his teaching techniques and eliciting parents' participation in several of the activities he would normally carry out with his Grade 5 and 6 students. The class started with an introduction to the class schedule for that day, followed by an activity that included greetings in both Mayo and English. This activity began with a child carrying out a sign with the greeting in Mayo on one side and the greeting in English on the other (see Illustration 18). Next, a parent volunteer did the same. Juan then asked participants to repeat this scenario. The overall tone of this event was positive; and parents stayed afterwards to exchange with Juan. Moreover, the children seemed eager to have their parents acknowledge their performances in the demo class. After the demo class, both Laura and I caught a ride from Juan to the place we were staying. It was clear from our colleague's demeanour that Juan was

pleased with the turn of events with the parents (mostly mothers) who had attended the demo class.

Illustration 18. Juan Explaining the Activity to a Student



Before summarizing this chapter's findings, I would offer one disclaimer: Although I was told repeatedly by informants that Mayo was used throughout the different subjects, there were discrepancies in the information provided by the Grade 5 group teacher (Juan's sister), María the principal, and the vice principal. As explained in Chapter 4, language education policy for indigenous communities under the auspices of IBE is ambiguous and unclear. Most subject matter teachers are not professionally trained language teachers, and no one in the school who worked as a full-time teacher felt confident in teaching the Mayo language. Most of these teachers were familiar with aspects of the heritage language, but not with the structure of the language or techniques for how to teach it. This scenario makes determination of whether or not

the Mayo language is actually used in the curriculum outside of Juan's class difficult. It could well be that teachers addressed issues concerning the maintenance of Mayo language and/or culture without actually using the heritage variety in their classroom lessons. Certainly, there was no indication of literacy – i.e., reading and writing – practices in Mayo taking place in the subject matter classes. Thus, regrettably, minority languages are only a small part of the full curriculum even within an intercultural schooling program.

Summary

This chapter has discussed two major themes that have emerged from the ethnographic study conducted with reference to the language program associated with the town of Seagulls in Sonora state, Mexico. The first theme concerns stakeholders' perspectives and attitudes towards minority language maintenance and the teaching and learning of English; the second theme concerns the role of teacher agency in counteracting limiting and potentially harmful effects of inconsistent or reductive state policies tied to language education. With regard to the first issue, we have seen how the majority of stakeholders are positively disposed to the curriculum and educators attached to the teaching of English and Mayo at Benito Juárez Intercultural School and, moreover, are involved in various capacities with school-based policies and activities that encourage minority language maintenance and promote the survival of Mayo culture.

With regard to the second theme, we have noted the efforts made at the micro level to ensure that indigenous children have the full advantage of exposure to Mayo and English in the language classroom; and we have also observed these efforts embodied in a committed language educator who on a daily basis enacts and re-articulates his pedagogical *judgment* (Todd, 2007) and *disposition* (Canagarajah, 2014) in promoting the simultaneous learning of Mayo and English. We have noted as well that such efforts are not free of the intricacies and complications

resulting from inconsistencies, faulty logic, or paternalistic constructions contained in the current state policy regarding Intercultural Bilingual Education and the macro context of language policy and the educational system in Mexico. A lack of resources, late delivery of textbooks, class cancellations, and poor labour conditions are just a few of the factors that committed teachers such as Juan have to deal with on a regular basis. To overcome, or weather, these influences, both Juan and community members must work together towards the creation of symbolic and material resources that promote the maintenance of the Mayo language as community cultural capital (Bourdieu, 1990, p. 19) alongside a variety that represents a highly valued global commodity, English.

Both Canagarajah (1999) and Kamwangamalu (2005), as postcolonial scholars, advocate that “what is needed and what should become the focus of [applied linguistics] research as it relates to postcolonial settings is to determine how English and local languages can coexist, not at the expense of the latter” (Kamwangamalu, 2005, p. 737). Indeed, the participants in Canagarajah’s (1999) study were able to “alternate the vernacular and English in a contextually advantageous manner to challenge the unequal distribution of symbolic and material rewards” (p. 30). We see this position pursued in the pedagogy of Juan, who does not overtly resist English, but rather positions it at the service of the indigenous language, emphasizing that he values and favours the Mayo language and culture. In assuming this position, Juan, as a minority educator, acts as an agent of transformative practice (Hornberger & Johnson, 2007, p. 29) within the micro language planning context of IBE in Seagulls. In my final discussion in Chapter 7, I will return to this theme, evaluating the additional supports needed to ensure that the agency exerted through the courageous efforts of professional educators such as Juan has the potential to be truly transformative.

CHAPTER SIX

FINDINGS: REPRESENTATIONAL IDENTITIES IN IBE TEXTBOOKS

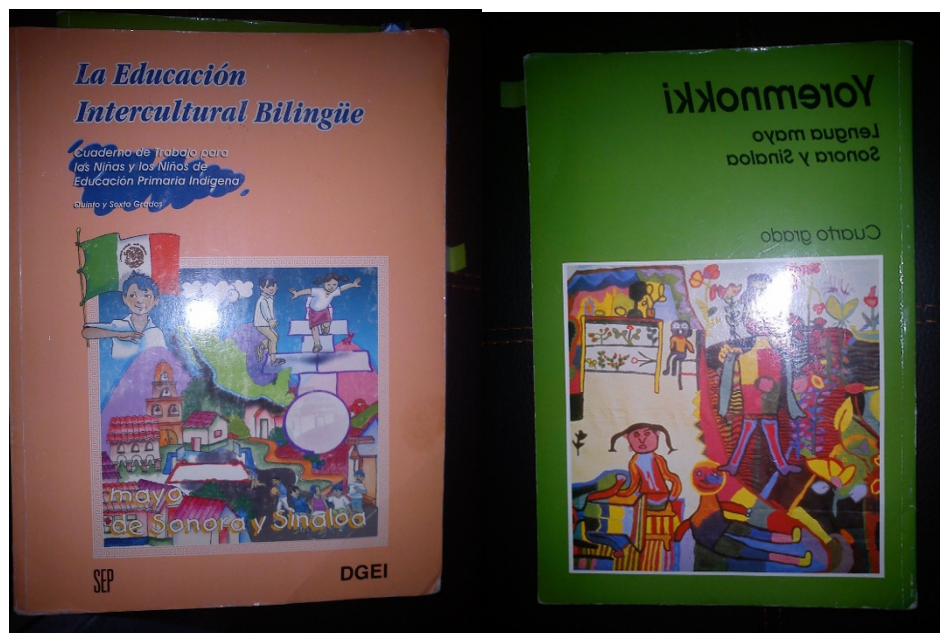
In the main, this chapter presents and discusses the findings obtained from the textual analysis of two textbooks created and used for Intercultural Bilingual Education. These two textbooks were written and designed by both the Ministry of Education at the national level (SEP), and the General Office of Indigenous Education (initials in Spanish: DGEI). They are part of a collection of free textbooks provided by the SEP to schools around the country. Originally, they were provided to mainstream rural and urban schools, but in the last decade – since the inception of the Office of Intercultural Bilingual Education (initials in Spanish: CGEIB) and DGEI – have been designated textbooks with language and cultural content for indigenous communities throughout Mexico. The first textbook analyzed is *La Educación Intercultural Bilingüe: Mayo de Sonora y Sinaloa* (Dirección General de Educación Indígena & Secretaría de Educación Pública, 2000). This is a bilingual book written in both Mayo and Spanish. The second book, *Yoremnokki*, the language of the Yoreme (Neyoy Yocupicio, 1998), was written predominantly in Mayo. (See Illustration 19 for an image of the two textbooks). Both books specify that they are written in Mayo from the states of Sonora and Sinaloa, the main region where this variety of Mayo is spoken (Mayo, 2015). Juan kindly volunteered to translate the Mayo sections of the books for the purposes of my research, providing close translations for the segments I elected to work with.

I also refer to sections of other official texts analyzed for the purposes of obtaining factual information and also to look at ways in which identity, representation, and issues concerning minority languages are framed. These texts include laws passed by Congress in Mexico and a series of national and international documents. Texts that I reviewed for this

analysis include: (a) the General Law of Linguistic Rights of the Indigenous Peoples (Appendix C); (b) the Federal Law of Prevention and Elimination of Discrimination (Appendix D); (c) curricular parameters for the subject of indigenous language (elementary education at indigenous schools); (d) general guidelines for the IBE for indigenous girls and boys; (e) bilingualism in the indigenous education classroom (also a Ministry of Education document at the elementary school level); (f) a national report on the state of the art of intercultural education from an anthropological approach; (g) the CGEIB website; (h) minutes of two meetings by the PIP (State Program for English in Elementary Schools, see Chapter 1); and lastly (i) newspaper clippings from several sources (Appendix E).

In the next section, findings connected to the analysis of the textbooks, intertwined with findings from the analysis of documents listed above, are presented.

Illustration 19. Picture of Two Textbooks



Before discussing the analysis of these two textbooks, it is also important to quote the premises for IBE put forth by the CGEIB, the General Office of Intercultural Bilingual Education. Their definition conveys the following:

The intercultural approach is defined as a form of educational intervention that recognizes and serves cultural and linguistic diversity. It promotes respect towards differences; it seeks national unity by strengthening a local, regional, and national identity. As well as the development of attitudes and practices that search for liberty and justice for all. (Dirección General de Educación Indígena, 1999, p. 25, my translation)

This definition locates issues of national identity, unity, and the democratic exercise of human rights as fundamental to citizenship in Mexico. However, as it will further developed in this chapter, these premises conflict with the segregationist and assimilationist functions of IBE within the education system in Mexico (Despaigne, 2013).

A Critical Discourse Analysis of *La Educación Intercultural Bilingüe*

The first textbook analyzed, *La Educación Intercultural Bilingüe: Mayo de Sonora y Sinaloa*, was published by both the Ministry of Education at the national level (SEP) and the General Office of Indigenous Education (DGEI). This textbook is used primarily for Grades 5 and 6. Other texts in the same series are also offered in the following combinations: Grades 1 and 2, and Grades 3 and 4. The book contains 211 pages, which include many pictures and drawings that guide the students through different heuristics and exercises. It is divided into eight thematic units as follows:

1. **We are Mayo and Mexican** (Somos Mayos y Mexicanos).
2. **Let us express what we want, think and feel** (Expresemos lo que queremos, pensamos y sentimos).

3. **Democracy is a commitment for all of us** (La democracia es compromiso de todos).
4. **Solidarity among peoples and nations** (La solidaridad entre los pueblos y las naciones).
5. **Let's take care of our health** (Cuidemos nuestra salud).
6. **Let's take care of the environment** (Cuidemos el medio ambiente).
7. **Let's do science** (Hagamos ciencia).
8. **Let's solve problems** (Resolvamos problemas).

The topics these units address includes such issues as: caring about health and environment, science, addressing the concept of solidarity among nations, and technology. When looking at the titles of each unit of the book, one notes a political subtext infiltrating into the title for Unit 3: “Democracy is a commitment for all of us.” This particular phrase is generally attributed to a PRI (the ruling party for over 70 years after the Mexican Revolution) member of Mexico’s House of Representatives in the early 1990s. After the PRI lost power to Vicente Fox in the 2000 election, it was used as a motto during Fox’s presidential term (2000–06), and was converted into a unit for indigenous schooling. In a similar manner, the Office of Intercultural Bilingual Education (CGEIB) in Mexico uses a term that has been appropriated by several Latin American nations (e.g., Bolivia): “Intercultural education for all.” This phrase assumes that mainstream nonindigenous (*Mestizo*) people in Mexico are aware of the cultural and linguistic diversity in the country and also aware of the discrimination, oppression, and poverty rampant in indigenous communities throughout the country. As van Dijk (2004) explains,

Textbooks are known to be shaped by the dominant ideologies of society. They are intended not only as means to realize the explicit curriculum of socially accepted knowledge, but also as the conduit for prevailing norms, values and attitudes. (para. 11)

Through the use of general statements such as “Democracy is a commitment for *all of us*” (my emphasis), the general population of Mexico is made co-responsible for actively and hence democratically engaging and participating in the process. However, as seen in the last presidential election in 2012, most Mexicans know that democracy is only an imaginary construct, since at the outset of the 2012 election there were a multitude of irregularities, and there was no recall of votes despite evidence shown by a vast majority in social networks around the country, as well as in complaints filed to the Election Tribunal.

I now proceed to describe the emergent themes from both textbooks analyzed: *La Educación Intercultural Bilingüe: Mayo de Sonora y Sinaloa* and *Yoremnoki*. In looking at ways in which issues of identity and representation are enacted in these textbooks, I examined the visuals and the particular uses of titles within the book *La Educación Intercultural Bilingüe: Mayo de Sonora y Sinaloa*. I encountered mainly the following themes: (a) *Nationalism above all*, and (b) *Racial differences: Defining us vs. them and the myth of unity*. Defining us vs. them and the myth of unity merge in this textbook, and the myth of unity is taken up again in the other textbook, *Yoremnoki*.

Nationalism Above All

Throughout the book, children are reminded of a sense of duty and patriotism through the visual image of the flag and with the aid of text defining their responsibilities and rights as citizens of Mexico (e.g., p. 75). As a preface to the book, one can find a one-page explanation of how this book can be used “with friends, family, and members of the community in promoting the importance of being Mayo Mexicans, and appreciating their linguistic, ethnic culture and national wealth” (p. 5).

Illustration 20 is on the cover and front page of the book. This picture shows the Mexican flag outside of the picture margins with a child signaling the salute to the flag, which is also used when singing the national anthem.

Illustration 20. Nationalism Above All



In this image we encounter not only notions of *nation-state* inscribed in the textbook, but also a version of historical amnesia that erases past struggles and a history of oppression of indigenous peoples. Nowhere in the book is there a discussion of the past. Instead, one encounters a vision of a utopian future that builds from the ahistorical assumption that indigenous children as minority language students have never encountered discrimination or racism and are not in a historical relationship with those whose views of the nation-state instantiate these particular texts as curriculum. Giroux (1997) suggests that narratives conjuring national identity, culture, and identity need to be challenged “as part of a pedagogical effort to

provide dominant groups with the knowledge and histories to examine, acknowledge, and unlearn their own privilege” (p. 236).

Ironically, when I finished my first observation of the children’s Grade 6 class in January 2008, the children were all eager to sing the Mexican national anthem in the Mayo language.

With regard to how a national identity is constructed, Block (2007) explains,

National identities have always been forged, or instilled in individuals growing up in particular places and times, as “a complex of common or similar beliefs or opinions internalized in the course of socialization... and the common or similar emotional attitudes as well as common or similar behavioural dispositions” (Wodak, de Cillia, Reisigl and Liebhart, 1999: 28), all relating directly to a particular nation state. (p. 29)

Another example of the links between patriotism, the flag, and the national anthem resurface again on pages 24 and 25. In these pages, students are provided with the following explanation:

We Mexicans have a flag that represents us and identifies us as a free, grand, and glorious country. Our flag is very beautiful because it has three colors and a coat of arms where the indigenous origins of our nation are recognized. (p. 24, my translation)

This text is followed by an activity where students are asked to color the coat of arms in the flag. The coat of arms consists of an eagle standing on a cactus and with a snake in its beak. Legend (or, as many believe, history) recounts that when Aztecs immigrated from Aztlán (i.e., Los Angeles) to Tenochtitlan (i.e., Mexico City) they had been told that a sign that they were in the right place would be the manifestation of an eagle in that pose. In this manner, myths are being mobilized throughout the textbook to create an illusion of unity in diversity. On page 25 (See Illustration 21), the children are told, “*Mexicans also have a national anthem, which speaks*

about *our* Mexico and *our* duty as Mexicans to protect it so it continues to be a free and sovereign country” (p. 25, my translation and emphasis).

Illustration 21. The National Anthem



The word used in Spanish for “country” in this quote is *Patria*, the noun from which “patriotic” and “patriotism” are derived. Unfortunately, there is no word in English with the equivalent connotation. The image used on this page contains a segment from the national anthem. The children portrayed in the image are honoring the flag, a ceremony which takes place at all levels of public schooling in Mexico every Monday before the start of the school day.¹⁰ In this ceremony, a special escort of A-listed students march to the sound of military drums with the flag (it is understood that if you are a C and below student you are never granted the honor of

¹⁰ At the time this dissertation was completed, the National Ministry of Education had decided to stop honouring the flag at all school levels, and talks have begun in writing another anthem that does not make references to war as the current anthem does.

escorting the flag). Finally, there is a question below the image on page 25 that reads, “When you sing the national anthem, what do you feel?”

The language planning and policy process around the design of the book serves to instantiate a patriotic discourse constructed around a national language. Although, as explained in Chapter 4, Spanish is the *de facto* language in Mexico, a particular reading in Mayo on page 28 entitled “*Iton Buére Buirapo Yew Sim Lame*” roughly translates into “Those who have come out of *our nation*” (emphasis mine). This reading narrates the beginnings of civilization and briefly takes students from the prehistoric era to the time of Spanish colonization of the Spaniards. The beginning of the reading is worthy of mention: “*Ju itom mejikano tukawi itom yew buibuiseme jumu yorinokta itom atipao aman aw yew bíbit tebo, buétuk. I itom buere buirat nonokwa*” (p. 28). It translates as: “Spanish is the language that identifies us as Mexicans. It is the language of our nation.”

This passage is problematic as the subtext is permeated by an idea of a nation-state which precludes the importance of being bicultural and bilingual as are many of the indigenous children in Benito Juárez School. There is then no mention of first languages (i.e., indigenous languages) as resource (Ruiz, 1984) or, for that matter, of diversity as resource (Schechter & Cummins, 2003). At the same time, I came across section V in Article 13 of General Law of Linguistic Rights of the Indigenous Peoples (Appendix C), which explains that it is the duty of the State to see to it that in both public and private education, interculturalism should be implemented, as well as multilingualism and respect towards linguistic diversity in order to contribute to the maintenance, study, and development of national indigenous languages and their literature. (p. 3, my translation)

These different excerpts from the book *La Educación Intercultural Bilingüe: Mayo de Sonora y Sinaloa*, as well as the images presented here, show a discourse of contradiction or involution (Barriga, 2008) in the construction of IBE. On the one hand, this discourse continues to celebrate “marginalized identities and their essentialized cultural production” (Coffey, 2005, p. 269; cf. Giroux, 1997), ignoring more complex examples in the examination of issues of identity and representation; and on the other hand, it erases any trace of the current and past struggles of indigenous communities and their history of colonization.

Racial Differences: Defining Us vs. Them and the Myth of Unity

This particular theme is emphasized in the text in terms of physical traits and representations of different nationalities (p. 13). Illustration 22 comes from Unit 1: *We are Mayo and Mexican*. Mobilized by stereotypical images, the picture depicts people from around the world, wearing “traditional” attire that represents them. For example, a Mexican man is in a mariachi suit; Americans are depicted as John Wayne–style cowboys; and so forth. In the images, the people are all embraced in arms, creating the illusion of unity in diversity. As Curtin (1995) warns, “because myths are read as facts rather than as socially constructed cultural images, myths can become organized into ideologies” (p. 11). Lippi-Green (1997) defines myths as follows:

Myth is understood broadly as a story with general cultural significance. In the study of myth, veracity is secondary to the way in which a story symbolizes human experience more generally. What is particularly interesting is the way that myths are used to justify social order, and to encourage or coerce consensual participation in that order” (p. 41, emphasis original).

Along the same lines, we find on the next page (p. 14) of the textbook a group of exercises in which children are asked to look at their classmates and write down how they are similar (i.e., in terms of physical traits, ways of dressing, and so forth). This type of activity can be interpreted as aligning to an ideology of assimilation. However, in attempting to identify similarities, students may be more inclined to find differences and therefore fall into labeling one another in terms of stereotypes and/or negative representations of themselves (van Dijk, 2004).

Illustration 22. Racial Differences



When I was growing up and attending elementary school in the 1970s, Mexico’s history textbooks were filled with mythological characters. Themes included the glorification of historical figures such as the “niños héroes”¹¹ (boy heroes) and the “Pipila.” These characters were based on a storyline of heroes who came to the rescue of our national identity and sovereignty. The Pipila was a civilian who, during the movement for independence from Spain, saved the movement by entering the “Alhóndiga de Granaditas,” a warehouse where the Spaniards were hiding. He opened the door for the insurgents to enter and attack and, in so doing, he bravely sacrificed his life in the name of the independence movement. The Pipila had

¹¹ During the U.S. invasion of Mexico in 1847, these children, as cadets, fought against the American army. For more information see Niños Héroes (2015).

no longer been appearing in the new history textbooks from the most recent reforms in education because his existence had been called into question by multiple scholars (cf. Barreto, 2008).

A lot of these curricular changes proved necessary. For instance, for national history to assume a multicultural dimension, it would need to abandon provincial narratives that linked political processes to the Mexican *mestizo* state. Therefore, there needed to be less focus in the curriculum on national heroes and increased focus on values associated with modern, individualistic, and democratic citizenship (cf. Callan, 2002, p. 471; Nash, 2009). Paradoxically, the Pipila reemerges on page 32 of this book (Illustration 23).

Illustration 23. The Reemergence of the Pipila



In analyzing these sections of a particular textbook used by Grade 5 and 6 students, I noted that the way some of the representations are delivered does not differ significantly from the observations made by Coffey (2005). The author focused her work on the delineation of

Mexican identity and representations of the period after the revolution. She explained that “native peoples and their practices are addressed as the essential ‘Mexicans’ all the while they are being asked to express their citizenship within the new nation by assimilating socially and adapting to new collective values” (p. 265).

Gnade-Muñoz (2010) found similar themes in a textbook made for the Tojolobales, an indigenous group from the south of Mexico, located mainly in the state of Chiapas. In her analysis, Gnade-Muñoz suggests that this notion of *interculturalidad resbalosa* (“slippery interculturalism”) still masks stereotypes and puts forward a discourse of hyperpatriotism. However, Gnade-Muñoz and I concur that a critical stance must be taken up when designing and reformulating the contents of these textbooks to avoid perpetuating the same stereotypes and underlying discourses of hypernationalism. The next section provides the findings from my analysis of the Mayo text *Yoremnokki*.

Analyzing *Yoremnokki*

The Language of the Yoreme: Identity, History, and Language

In 1993, with the help of indigenous language teachers, the Ministry of Public Education designed a book about the Mayo culture. This book was designed for Grades 1 through 4. Its title is *Yoremnokki*, the language of the Yoreme (i.e., the Mayo), and it is written in the Mayo language of the states of Sonora and of Sinaloa. The purpose of this textbook is to help children in “learning to read and write in the indigenous language spoken in the community” (Neyoy Yocupicio, 1998). The book consists of 24 lessons, which focus on the meaning of certain customs, holidays, and legends, and also aspects of history and national belonging. Serving as a preface, a section entitled *Presentation* explains the purpose of the book and how it is meant to be used collaboratively with members of the community, i.e.,

teachers, parents, NGOs, and other indigenous entities in order to discuss its contents, format, pictures, and so forth.

In this book, as mentioned before, culture, language, and tradition are taught to Mayo children with a particular emphasis on affirming unity and national history. For the purposes of this study, I will focus on the findings from a particular traditional Mayo story. The story discussed here is “Wóyusan Kuttam: The Seven Sticks.”

“Wóyusan Kuttam: The Seven Sticks”

In the particular context of this story, three values are promoted: mutual respect, cooperation, and trustworthiness. The moral of the story is that we have to be “united to be strong” (see Illustrations 24 and 25).

Illustration 24. Illustration from “Wóyusan Kuttam: The Seven Sticks” (1)



Illustration 25. Illustration from “Wóyusan Kuttam: The Seven Sticks” (2)



Here an elderly Mayo man narrates to his grandchildren an analogy to explain “unity in diversity.” The elderly man, tired of his seven grandchildren fighting and not fulfilling their promises to stop bickering, decides to assign them a task and teach them a lesson. He asks each of the children to gather up a stick and bring it to him; when they do, he holds all the sticks together in a bunch and attempts to break them, but the sticks remain intact. He then proceeds to explain that if he had taken one stick at a time, he would have been able to break them. However, since the sticks were united they were unbreakable. The man tells the children that if they remain united, harm will not come to them. The moral is: “We have to be united in order to be strong” (p. 52).

In my visits to the Seagulls community, I found that the use of this textbook is not exempt from a complex intercultural context. For instance, Mayo children are required to attend the only intercultural bilingual school in the community, whereas Mestizo Spanish-speaking children attend “regular” school, i.e., a traditional public school. This situation

indicates not only how indigeneity is still perceived as a negative, but also how the mainstream (i.e., Mestizo) population does not recognize interculturalism as something to be valued in education and in the country.

The story of Wóyusan kuttam is a clear illustration of how the nation-state's contradictory notion of Mexican identity is represented through its construction of language policy and realized at the local level through language pedagogy (Bonfil Batalla, 1996). The tenor of the story also signals that the remaining stereotypes and representations of the *Other* are inherited from the post-revolutionary discourse of a cosmic race and the essentializing nature of *Indigenismo*. We can observe evidence of this ethos through the images chosen to portray the family in the story of Wóyusan kuttam. In these images, the children are dressed in humble clothing, barefoot and living in a hut-like home, as if the forces of globalization have not impacted them, notwithstanding that in a photograph of the children at Benito Juárez School taken during one of my visits (see Illustration 4, Chapter 1) we see them dressed in contemporary attire – jeans, t-shirts, and so on. In this manner, a constant folklorization of minority groups in these textbooks remains and leaves students feeling a disconnect between their lived realities and those portrayed in the texts.

Taylor-Mendes (2009) proposes a set of questions that will engage teachers in looking critically at textbooks. In my second interview with Juan, I showed him some of the images in curricular materials I had looked at (see Illustrations 20, 24, and 25). He noted:

Juan: *Siento que ahí quieren que el niño se sienta patriota o enseñarle el respeto a ser mexicano y a parte lo dibujan de una forma, como indígena y quieren que el niño piense «Ese niño se parece a mi».*

(Juan: I feel like there [signaling the picture of the child saluting the flag], they want the child to feel patriotic, teach him about respect for being Mexican, and they also draw him as indigenous, they want him to think “that boy looks like me.” [my translation])

From this excerpt, it is evident that Juan’s reference to “indigenous” conveys his awareness of a particular stereotypical image of what the term *indigenous* entails, produced through the *folklorization* of indigenous identity. It is also evident that Juan considers these images of children to be unrealistic. Although Taylor-Mendes (2009) focuses on EFL textbooks, the author is aware that teachers are not able to choose the contents of the textbooks they use in their classes. The author, therefore, advocates that professional educators assume agency in unpacking textbooks’ contents and urges them to take a critical stance towards the images portrayed in these materials, particularly regarding stereotypes and representations of racial and linguistic minorities.

From a historical stance (Gutiérrez Estrada et al., 2010), *Yoremnokki* portrays the cultural struggle and adaptation of the Mayo community and its relationship to the state, other indigenous groups, and diverse sectors of Mexican society. Unfortunately, the use of this book only in the rural community of Seagulls limits its effectiveness as an instrument in promoting linguistic and cultural diversity, since it is not known or used by the mainstream Mestizo community. Therefore, racism and stereotypes are still prevalent, as IBE remains restricted to indigenous people, maintaining assimilationist tendencies (Despaigne, 2013), but also *slippery* (Gnade-Muñoz, 2010) in its delivery as previously discussed.

In my initial conversation with María, the principal of Benito Juárez Intercultural School, she expressed a general concern about how the school is perceived within the community. There are only two schools in the town of Seagulls; one is a monolingual Spanish school that does not

have an English program. On the other hand, the indigenous school is not only a bilingual school with an English program, but it has also received funding from the federal government to improve its programs and material resources. On the verge of retirement, María observed that despite all her good efforts and hard work, the community looks down on the school with disdain as “the Indian school.” As S. Hall (1997) reminds us:

We give things meaning by how we *represent* them – the words we use about them, the stories we tell about them, the images of them we produce, the emotions we associate with them, the ways we classify and conceptualize them, the values we place on them. (p. 3, emphasis original)

Despaigne (2013) describes IBE as “based on a (neo)liberal vision of multiculturalism that does not confront different identities, thus recreating *ethnophagy* or a process through which Indigenous cultures dissolve over time” (p. 126, my emphasis). It is at this juncture that issues of representation become crucial in the discourse surrounding indigenous schools in Mexico. It is evident that as long as minority groups are expected to accommodate to the *status quo* of a monolingual and monocultural state, they will remain marginalized and continue to be viewed as deficient. To reverse this situation, the mainstream Mestizo population of Mexico needs to co-participate by critically engaging in an intercultural project that reflects the realities of educating within a human rights framework that, albeit a constitutional right, is far from being practised in my country.

Summary

This chapter has presented the findings connected to representational identities in two IBE textbooks. These images have underscored the existence of persistent stereotypes of indigenous identity and hyperpatriotism as represented in current curricular materials designed

for Mayo children and prescribed by IBE. These stereotypes and representations not only exist as images but are instantiated in everyday practices. Clearly, there is a disconnect between the images and activities utilized in these texts and the principles that integrate both the General Law of Linguistic Rights of the Indigenous Peoples and the Federal Law of Prevention and Elimination of Discrimination. Moreover, this disconnect is not gratuitous, but is rather the product of a fragmented process of national (re)definition, where individuals representing different stakeholder groups and viewpoints struggle to put together a cohesive curriculum that masks persistent ideological divisions related to divergent constructions of the role and value of linguistic and ethnic minorities in Mexico.

CHAPTER SEVEN

DISCUSSION AND CONCLUSION

The research reported in this dissertation provided a window into the current sociolinguistic situation of a minority language in northwestern Mexico in the context of an indigenous community and a multilingual, “intercultural” curriculum. Using an ethnographic lens, I investigated educators’ and other key stakeholders’ attitudes towards the teaching and learning of the English language and the maintenance of Mayo, the heritage language, within the indigenous community of Seagulls in Sonora state. I also described the influence of state-sponsored curricula and national policy on education and citizenship on how community members orient to these local issues. A focus on relevant issues from a perspective of policy and textual analysis was also provided, particularly in connection to issues of identity and identity representation with regard to indigenous minorities within the overall educational framework in Mexico and with reference to the Intercultural Bilingual Education program curriculum in particular.

While the findings from this dissertation are not intended to be generalizable, at the same time they provide insights into current educational scenarios and situations in diverse sociolinguistic contexts where endangered varieties come into contact with national and global varieties. This chapter discusses the findings of this research endeavor in terms of these broader implications. I also suggest some avenues for further research based on my study’s findings.

Discussion of Research Findings

Reconciling Ethnographic and Policy Analyses

During the time that the fieldwork took place, there were a number of structural issues that emerged as salient to how the multilingual curriculum was “lived” and experienced at Benito Juárez Intercultural School. One of these issues was the disparate and often unrealistic application of policy related to language education and language planning within the Intercultural Bilingual Education framework. At the local level, this issue was reflected in a lack of infrastructure to support the language program at Benito Juárez Intercultural School – repeated cancellation of classes, nondelivery of textbooks, and ill-informed bureaucrats who were unfamiliar with the policy articulated in official documents and had no clue as to how to implement it. Compounding this issue was the fact that the educators with the responsibility of developing the language curriculum for the school needed to take into consideration the mandates of two separate state bureaucracies – the IBE program, which did not include the teaching of the heritage variety as an explicit part of its mandate, and the PIP, which in point of fact was responsible for the teaching of English but *did*, through progressive personnel, expand its mandate to incorporate the teaching of the indigenous language.

Given the absence of clear infrastructure to support the teaching and learning of Mayo, the lack of training for instructors to teach the indigenous language was not a surprising finding. The research literature also confirms this as a pervasive problem within IBE across the educational system, that is, within other contexts where the consideration of maintaining a vulnerable indigenous language plays a role (Carrillo Álvarez, 2012), and this, despite the massive production of materials that are available to download on both the IBE and CGEIB sites.

Along similar lines, since there was no formal infrastructure charged with the preparation

of professional educators for teaching the indigenous variety, there could not be any assessment of the linguistic proficiency of teachers in the heritage variety. Of course, assessing students' communicative and receptive abilities in Mayo was totally out of the question. Firstly, these assessment tools did not and still do not exist; secondly, if they did, they would not lie within the competency repertoires of teachers to administer. For these reasons, I saw no value in seeking to assess the proficiency levels in Mayo of students in Juan's Grade 5 and 6 classes. Certainly, I was unable to determine the levels of bilingualism or trilingualism that these children and their family members had. What I can assert with some confidence is that community members as a whole appreciated the efforts of the teaching personnel at Benito Juárez Intercultural School to adopt a bilingual curriculum in Mayo and English and, beyond being motivated to communicate orally in their heritage language, wished to see this curriculum expanded to incorporate an additional focus on literacy, so that Mayo heritage could be preserved through the "telling" of traditional stories transmitted intergenerationally.

Another important finding from the ethnographic portion of the study concerns Juan's use of English teaching as a *catalyst* for heritage language maintenance, through his strategic promotion of multilingualism as a future asset for the students in their projected identities (Gee, 2003), representations that anticipated the benefits of having a working knowledge of multiple codes. I will further elaborate on the role of English in discussing the theoretical implications of this study. In this section, however, I would underscore the importance of Juan's *agency*, as a trilingual teacher of Mayo, Spanish, and English, on behalf of maintaining the Mayo language and culture. Through his pedagogical *judgments* and *dispositions* Juan represents a clear example of professional commitment to minority language survival and cultural maintenance.

Moreover, Juan's pedagogic efforts impelled an elevated level of involvement and commitment on the part of members of the Seagulls community (both parents and other stakeholders), the PIP, and the Office of Indigenous Affairs in the state of Sonora. While motivation to receive instruction in English as an additional language existed on the part of caregivers from the start, we observed how Juan, as a respected member of the Seagulls community, was able to bootstrap onto this initial motivation an appreciation and desire on the part of community members for their children to learn the Mayo language. Indeed, as a result of this teacher's agency, community stakeholders came to look upon the children's acquisition of Mayo as an enrichment to their cultural resources and linguistic repertoires. We note in this study's ethnographic findings how micro language policy and planning at the local level can go some distance to counteract the deleterious effects of inconsistent and/or unenlightened policy and planning on a macro level.

The preceding notwithstanding, toward the end of my fieldwork for this project, in the early months of 2010, the National Program of English in Elementary Schools (PNIEB) was established; and the implications were apparent to Juan after attending a mandated teacher training workshop. During this session, there was exclusive emphasis on an English-only curriculum. Juan's concerns were apparent during my last interview with him in August of that same year. He understood well that this new position was a byproduct of an ideology of *elite bilingualism* (Fishman, 1977; de Mejía, 2002), and would work to the detriment of developing an attitude towards the minority language as resource (Ruiz, 1984) in the community of Seagulls and other indigenous settings throughout Mexico.

Reconciling Policy and Textual Analyses

In this section, I connect findings from my analysis of macro educational policy in Mexico, with focus on IBE, with my textual analysis of current curricular materials representing Mexican citizenship and indigenous identity. A compelling finding that became apparent in the course of critical discourse analysis of copious documents was the fact that the idea of “intercultural education for all” is reaching only minority language students and not the mainstream Mestizo population in Mexico. (This concern was also made evident in a review of literature concerning IBE and indigenous educators; cf. Barriga, 2004.) In fact, the phrase “intercultural education for all” is not even directed to the mainstream population. In this regard, it is instructive that the two textbooks analyzed for the purposes of this study were used exclusively in conjunction with the education of indigenous children. Indeed, the policies, and the curricular materials designed to operationalize them, embody a nonofficial form of segregation, in that their agenda is to normalize linguistic and ethnic minorities within an overall project of national unification and modernization. From the deconstructions of policy and curriculum texts conducted, it became evident that the mainstream (i.e., Mestizo) education system and IBE run as parallel programs; and although some lip service is paid to the integration of indigenous groups, this latter goal is more ideal than real.

Another theme that emerged from the critical discourse analysis concerns the use of curricular materials to market *unity* and *patriotism* as common core values. The images that were included in my analysis portray a false sense of collective belonging to a nation-state. The illusion of unity in the Seven Sticks story heralding the value of family “sticking” together serves as a metaphor for the intended lesson to be taken from this folkloric narrative: that all Mexicans must stick together (notwithstanding pervasive racist practices among government officials

[Attanasio, 2015] who have been suspended for making discriminatory comments about indigenous people on social media). To this day, no educational space has been created for representatives of indigenous groups to air their perspectives on these identity representation issues, or on the programs of instruction that serve to instantiate these images.

Another finding concerns the subject positions (S. Hall, 1997, p. 56) embedded in *folklorization* of the indigenous body as essentially “rural” and backward. These reductionist discourses construct the subject positions of indigenous students as alien and unfamiliar and, in this manner, impact how the Other is perceived, contributing to a *slippery interculturalism* (Gnade-Muñoz, 2010). To indigenous students, these textbook images can be confusing and destabilizing, referencing an identity that is fragmented and incoherent and signaling a value system that is far removed from the projected attributes anticipated by the forward-looking elders of Seagulls. And although these subject positions are being challenged constantly by scholars and committed educators, such alternative constructions were not reflected in the images and activities of the textbooks analyzed here, which are still in use.

Implications of Research Findings

Theoretical Implications

From the inception of this project, beginning with the pilot study, I knew that I would need to reconsider my assumptions concerning the teaching of English as a second or foreign language in an indigenous context. Over the course of my observations it became apparent that, in the context of trilingual education in Seagulls, English was not being positioned by educators and other stakeholders attached to Benito Juárez Intercultural School such that it would serve in the role of “the killer language” (Pakir, 1997), and that it behooved me to interrogate the longstanding bias contained in the research literature on multilingualism in endangered language

contexts. Although in the wake of globalization processes the spread of English is unavoidable and irrevocable, this study has shown that with careful planning and community consultation at the local level, and a school-based commitment to support minority linguistic and cultural maintenance, the micro language policy context can be configured to promote a symbiotic relationship among the varieties, where one language supports and reinforces the other. Just such a configuration, or reconfiguration, took place at Benito Juárez Intercultural School at the time I conducted my dissertation study.

While we are well advised to avoid perpetuating the imperialistic notion of English as a neutral language, at the same time as scholars and language educators we might better serve those in whose interests we purport to work by considering English Language Teaching from a critical perspective that

provides for the possibility that, in everyday life, the powerless in postcolonial communities may find ways to negotiate, alter, and oppose political structures, and reconstruct their languages, cultures, and identities to their advantage. The intention is not to reject English, but to reconstitute it in more inclusive, ethical, and democratic terms (Canagarajah, 1999, p. 2).

A corollary to this finding regarding the relationship of Mayo and English within the context of the case study undertaken here relates to the theoretical binary *additive and subtractive bilingualism*, a construct that has been in longstanding use in applied linguistics (Lambert, 1975). As pointed out by my supervisor (Schechter, personal communication), the basic premise underlying this construct – i.e., that the learning of a hegemonic variety will be at “cost” (Baker, 2006) to the acquisition of the less influential language and therefore will impede overall linguistic and cognitive development – does not hold up in the context of my ethnographic

findings. Rather, influenced by the perspective of Juan and María regarding the anticipated benefits of bilingual Mayo-English language development, residents of Seagulls grew to attach a positive association to simultaneous learning of Mayo and English, seeing this scenario as *adding* to their life opportunities. The theoretical implications for this construct of the counterexample represented by my study's ethnographic findings are substantial.

Implications for Advocacy and Action

As shown in this dissertation, for language revitalization and maintenance to take hold, efforts must be made from all parts. In my depiction of a multilingual language program at Benito Juárez Intercultural School, I have focused primarily on the actions of the key stakeholders at the local level – the classroom teacher and school principal, caregivers, and local state administrators. However, these individuals represent only a small piece of a bigger puzzle.

In the case of Mayo, in 2009 the south campus of the University of Sonora experimented with teaching Mayo as an additional language to university students and faculty, a program that has continued until today. The Mayo instructor at the University of Sonora worked with Juan in preparing material that would support his teaching of the Mayo language. An important strategy for promoting minority language learning and maintenance is getting institutions such as universities to play an active role in creating symbolic and material resources to position minority languages such as Mayo on the same plane with other languages taught. The recognition by respected educators and intellectuals of minority languages alongside powerful global languages such as English sends a strong message to the effect that the indigenous language is an important national resource.

In addition, those of us working within teacher education circles need to incorporate a space within our teacher preparation programs and other appropriate venues for language

teachers and other stakeholders to become arbitrators of language policy (Baldauf, 2006; Sichra, 2006). In this manner, we will be active in promoting engaged, community-referenced language policy and planning (Davis, 2014; Schechter et al., 2014) that facilitates the articulation and reframing of positions and perspectives on IBE on the part of important stakeholders such as teachers, caregivers (parents), and community elders. Ironically, it may well be the local English Language Teaching (ELT) program that provides the most accessible venue for these discussions, since in the case of this study it was the decision to adopt such a program that provided the catalyst for stakeholders' engagement with the position of Mayo within the curriculum and community.

In sum, I am suggesting that a critical discussion and plan of action needs to unfold from the grassroots, and that this process of engaged language planning and practice should inform broader policy that addresses not only the educational needs of indigenous people but also their representations in educational texts and the media. This plan of action must also consider how issues of identity and representation as contained in state-sponsored policy and curriculum impact demographic groups outside of indigenous communities, notably the Mestizo population, in order to critically interrogate simplistic slogans such as “intercultural education for all” that mask the true agendas of agencies such as the General Office of Intercultural Education. In this matter, perhaps the concept of *middle ground* proposed by White (1999, cited in Lear, 2006) is one that could provide a productive framework for this discussion:

The middle ground is the place in between: in between cultures, peoples, and in between empires and the nonstate world of villages. . . . On the middle ground diverse peoples adjust their differences through what amounts to a process of creative, and often expedient, misunderstandings. . . . They often misinterpret and distort both the values and

the practices of those they deal with, but from these misunderstandings arise new meanings and through them new practices – the shared meanings and practices of the middle ground (Lear, 2006, pp. 29–30)

Finally, as discussed in Chapter 1, English is a commodity throughout Mexico. The state of Sonora is no exception; and it serves as fertile ground for the emergence of private “bilingual” schools where middle- and upper-class families send their children so that they will gain access to English. These schools follow an immersion-type model (see de Mejía, 2002, for similar examples in Colombia) that is marketed as a bilingual program. However, with the PNIEB firmly in place, English is now accessible to everyone. Therefore, part of the discussion that needs to take place regarding pedagogical programs in community schools such as Benito Juárez has to do with accessibility to the linguistic and intercultural resources that are deemed of value in society, taking into account issues of social justice surrounding language and human rights of minority communities in Mexico.

Suggestions for Future Research

A lot of work remains to be done with regard to the language revitalization (Paulston, Chen, & Connerty, 1993) of Mayo and, in particular, how speakers can access a level of Cognitive Academic Language Proficiency¹² (CALP- Cummins, 1982) that has proved possible in connection with other minority language revitalization efforts. Clearly, the promotion of minority languages at the macro and micro levels is a necessary first step in order to be able to consider the indigenous variety as a resource that holds potential for the expression of a full

¹² Cognitive Academic Language Proficiency, or CALP, is a concept proposed by Jim Cummins to represent the language that children need to use effectively in order to meet school-based, i.e., academic, literacy expectations. Cummins distinguishes this concept from BICS, referring to basic interactional and communication skills which he claims develop much earlier and without need for scaffolding (Cummins, 2008, p. 72).

spectrum of thought. Work that Hornberger and Johnson (2007) have carried out with the Quechua in Bolivia has led to indigenous graduate students writing their dissertations in the Quechua language. This work, as it promotes language revitalization by recording structural and phonological features of the variety, also strives to encourage minority language teachers to become agents of transformative practices in their communities. More such work combining fundamental and activist research - in both the teacher and stakeholders' levels - would be welcome with regard to other indigenous languages, as it was illustrated through the efforts of Juan, Rosa, and María in this dissertation.

In addition, rather than focus on assessing indigenous students' language competencies, efforts on behalf of language revitalization and maintenance would benefit significantly from ethnographic research from a language socialization perspective (Ochs, 1988; Schecter & Bayley, 2002; Schieffelin & Ochs, 1986) that provides detailed accounts of how language varieties are experienced and used in family groupings and within social and community networks. With regard to indigenous multilingual contexts, Schecter (2015) has documented ways in which ethnography has been used "to address issues related to how modernity has affected the ways in which children are socialized in and through language and how these changes shape language shift and cultural reproduction, including literacy practices (e.g., Kulick, 1992; Patrick, 2003)" (p. 199). In my view, this avenue of research is promising because the kind of information that researchers gather about students' lived realities, the linguistic resources to which they have access, and the relations among linguistic varieties in terms of who speaks what language to whom (Fishman, 1991) will assist educators in determining instructional approaches that will be most effective in their classrooms.

In this regard, I would mention that as a full-time instructor in a B.A. in ELT, I currently

supervise a master's-level student who is a 26-year-old, indigenous, trilingual (Spanish, Zapotec, and English) Zapotec woman who completed her B.A. in ELT at a university in Oaxaca where the program is grounded in the tenets of critical pedagogy and applied linguistics (Clemente, 2009; Lopez-Gopar, 2009). Marina's research project looks at language socialization practices among a group of adolescents in her hometown of Santiago Matatlán in Oaxaca. A recent teacher in a school in the community where these adolescents reside, Marina discovered that the youths do not speak Zapotec at school – even though it is permitted and the community is 90% indigenous. However, at the same time they reported that they spoke some Zapotec at home; and so Marina will visit participating families this summer to observe the focal youths' language practices in the home. Her hope is that by exploring the intersections of Zapotec and Spanish in the youths' interactions with their family members, she will be able to uncover domains of language use where youths might be receptive to the use of the indigenous variety.

Summary

During a visit to the Mayan Riviera in 2012, a friend and I took a guided tour of Chichén Itzá, one of the “seven wonders” and a Mayan pyramid. My friend and I are both graduate students at York, but from different disciplines. During the tour we could not avoid unpacking many of the tour guide's descriptions and representations, including a reference to Mexicans as the “new race” and an exaltation of the power of *mestizaje* (mixed-race). The guide noted that the country also includes Mayans who are “pure bloods” and exist in isolation, living in areas designated for Mayans only. In a way, I cannot disagree with this latter assertion, given my understanding of IBE being a form of segregation (see Guerrettaz, 2015). I recount the incident simply to reinforce the argument that notwithstanding that identity politics in relation to the

demographics of Mexico is a complex issue, the discourse of a Mexican identity continues to this day to be about an elusive Cosmic Race.

Set against this arrogant discourse, consider the noble mission of Intercultural Bilingual Education. Ironically, the PNIEB is modeled after the Common European Framework of Reference for Languages (CEFR) (Council of Europe, Language Policy Unit, 2001), which establishes plurilingualism, pluriculturalism, and the development of intercultural competence as a fundamental premise, stating the following:

The learner of a second or foreign language and culture does not cease to be competent in his or her mother tongue and the associated culture. Nor is the new competence kept entirely separate from the old. The learner does not simply acquire two distinct, unrelated ways of acting and communicating. The language learner becomes plurilingual and develops interculturality. (p. 43)

IBE is, like many other policies and institutions in my country, fraught with contradictions. Nonetheless, as I pointed out, I genuinely believe that many academics and pedagogues working in the field have good intentions. However, as Mexico became a victim of what I previously referred to as “an exuberant modernism with a deficient modernization” (García Canclini, 1995, p. 41), the country was pushed into a neoliberal project to change its policy with regard to language and education, and it did so in theory but not in praxis. It is time now to reconcile these various “misunderstandings,” in the words of White (1999, cited in Lear, 2006), born of haste and, yes, prejudice and discrimination, by engaging in the kind of knowledge mobilization that can lead to transformative meanings, practices, and policies at all levels of the political and social infrastructure. While we do not yet know everything we need to know, we know enough to proceed.

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APPENDIX A
INTERVIEW PROTOCOL FOR TEACHERS (SPANISH VERSION)

Guía de entrevista para profesores o empleados PIP

Primero que nada quiero comenzar por darle las gracias por aceptar participar en este estudio. Le hare una serie de preguntas de las cuales no existen respuestas correctas o incorrectas. Tome su tiempo respondiendo y tambien puede contestar o no a las preguntas que a usted le apetezca. El propósito de estas preguntas es conocer sus ideas acerca del programa para el cual trabaja, asi como tambien conocer sus experiencias.

Comenzare con las preguntas

Preguntas sobre el Programa de Inglés en Primaria en donde Usted trabaja:

1. ¿Cómo se enteró del trabajo para el Programa de Ingles en Primaria (PIP)?
2. ¿Cuánto tiempo tiene trabajando para el PIP?
3. ¿Cuáles eran sus expectativas del trabajo antes de comenzar?
4. ¿Podría describir con detalles a la escuela (i.e., ubicación, administración), a los estudiantes y a la comunidad (i.e., padres de familia) donde se encuentra trabajando actualmente? ¿Cuál es la situación lingüística actual?
5. ¿Ha recibido capacitación adicional por parte del PIP? ¿Qué tipo de cursos ofrece el PIP a maestros y futuros maestros?

Preguntas acerca de sus estudios previos:

1. ¿Cuenta Usted con un certificado o diploma de enseñanza? ¿Cuál es su área de especialidad?
2. Si cuenta con un diploma o certificado: ¿Dió clases antes de trabajar en el PIP? ¿Dónde?

Preguntas acerca de su experiencia enseñando en esta escuela y programa:

1. ¿Podría describir su experiencia impartiendo clases en esta escuela? Proporcione ejemplos específicos por favor.
2. ¿Cómo podría el PIP mejorar en esta escuela? Me refiero específicamente a la situación de enseñanza de Mayo-Inglés de esta comunidad.
3. ¿Existe una conexión entre el trabajo que se lleva a cabo en el PIP y el trabajo de la Coordinación General de Educación Intercultural Bilingüe (Dirección de asuntos indígenas)?
4. ¿Porqué piensa Usted que es importante enseñar inglés en esta escuela y otras en el noroeste de México?
5. ¿Cree Usted que el programa de Educación Intercultural Bilingüe es importante? ¿Porqué?
6. ¿Qué aspectos serían importantes conocer para futuros maestros (en términos de pedagogía, o áreas de conocimiento) acerca de programas como en el que Usted enseña (i.e., programas donde tres lenguas se enseñan de manera simultánea) sí se enfrentaran a una situación lingüística como la que Usted vive actualmente?

¡Gracias por su apoyo!

APPENDIX B
QUESTIONNAIRE FOR PARENTS AND CHILDREN OF BENITO JUÁREZ
INTERCULTURAL SCHOOL (SPANISH VERSION)

Cuestionario para padres y niños de la escuela Benito Juárez

Para padres de familia

1. ¿Cuántos miembros de la familia viven en casa?
2. ¿Cuáles son sus edades? ¿Género? ¿Lugar de nacimiento? ¿Ocupación y nivel escolar?
3. ¿Hablan todos mayo y español en casa?
4. ¿Qué lengua se habla más?
5. ¿Alternan de lengua a lengua?
6. ¿Usted eligió la escuela Benito Juárez? ¿Porqué?
7. ¿Cuál es su opinión sobre la escuela?

Para las niñas y niños

1. ¿Qué lengua hablas en casa? ¿Mayo? ¿Español? ¿Ambas? ¿Cuál te gusta más y porqué?
2. ¿Qué es lo que más te gusta de la escuela?
3. ¿Qué cosa no te gusta de la escuela?
4. ¿Te gustan tus clases de inglés? ¿Porqué?

APPENDIX C
GENERAL LAW OF LINGUISTIC RIGHTS OF THE INDIGENOUS PEOPLES



LEY GENERAL DE DERECHOS LINGÜÍSTICOS DE LOS PUEBLOS INDÍGENAS

TEXTO VIGENTE

Nueva Ley publicada en el Diario Oficial de la Federación el 13 de marzo de 2003

Al margen un sello con el Escudo Nacional, que dice: Estados Unidos Mexicanos.- Presidencia de la República.

VICENTE FOX QUESADA, Presidente de los Estados Unidos Mexicanos, a sus habitantes sabed:

Que el Honorable Congreso de la Unión, se ha servido dirigirme el siguiente

DECRETO

“EL CONGRESO GENERAL DE LOS ESTADOS UNIDOS MEXICANOS, D E C R E T A:

SE CREA LA LEY GENERAL DE DERECHOS LINGÜÍSTICOS DE LOS PUEBLOS INDÍGENAS Y REFORMA LA FRACCIÓN IV, DEL ARTÍCULO 7o. DE LA LEY GENERAL DE EDUCACIÓN

ARTÍCULO PRIMERO. Se crea la Ley General de Derechos Lingüísticos de los Pueblos Indígenas conforme al texto siguiente.

LEY GENERAL DE DERECHOS LINGÜÍSTICOS DE LOS PUEBLOS INDÍGENAS

Capítulo I DISPOSICIONES GENERALES

ARTÍCULO 1. La presente Ley es de orden público e interés social, de observancia general en los Estados Unidos Mexicanos y tiene por objeto regular el reconocimiento y protección de los derechos lingüísticos, individuales y colectivos de los pueblos y comunidades indígenas, así como la promoción del uso y desarrollo de las lenguas indígenas.

ARTÍCULO 2. Las lenguas indígenas son aquellas que proceden de los pueblos existentes en el territorio nacional antes del establecimiento del Estado Mexicano, además de aquellas provenientes de otros pueblos indoamericanos, igualmente preexistentes que se han arraigado en el territorio nacional con posterioridad y que se reconocen por poseer un conjunto ordenado y sistemático de formas orales funcionales y simbólicas de comunicación.

ARTÍCULO 3. Las lenguas indígenas son parte integrante del patrimonio cultural y lingüístico nacional. La pluralidad de lenguas indígenas es una de las principales expresiones de la composición pluricultural de la Nación Mexicana.

ARTÍCULO 4. Las lenguas indígenas que se reconozcan en los términos de la presente Ley y el español son lenguas nacionales por su origen histórico, y tienen la misma validez en su territorio, localización y contexto en que se hablen.

ARTÍCULO 5. El Estado a través de sus tres órdenes de gobierno, -Federación, Entidades Federativas y municipios-, en los ámbitos de sus respectivas competencias, reconocerá, protegerá y promoverá la preservación, desarrollo y uso de las lenguas indígenas nacionales.



ARTÍCULO 6. El Estado adoptará e instrumentará las medidas necesarias para asegurar que los medios de comunicación masiva difundan la realidad y la diversidad lingüística y cultural de la Nación Mexicana. Además, destinará un porcentaje del tiempo que dispone en los medios de comunicación masiva concesionados, de acuerdo a la legislación aplicable, para la emisión de programas en las diversas lenguas nacionales habladas en sus áreas de cobertura, y de programas culturales en los que se promueva la literatura, tradiciones orales y el uso de las lenguas indígenas nacionales de las diversas regiones del país.

ARTÍCULO 7. Las lenguas indígenas serán válidas, al igual que el español, para cualquier asunto o trámite de carácter público, así como para acceder plenamente a la gestión, servicios e información pública. Al Estado corresponde garantizar el ejercicio de los derechos previstos en este artículo, conforme a lo siguiente:

a).- En el Distrito Federal y las demás entidades federativas con municipios o comunidades que hablen lenguas indígenas, los Gobiernos correspondientes, en consulta con las comunidades indígenas originarias y migrantes, determinarán cuáles de sus dependencias administrativas adoptarán e instrumentarán las medidas para que las instancias requeridas puedan atender y resolver los asuntos que se les planteen en lenguas indígenas.

b).- En los municipios con comunidades que hablen lenguas indígenas, se adoptarán e instrumentarán las medidas a que se refiere el párrafo anterior, en todas sus instancias.

La Federación y las entidades federativas tendrán disponibles y difundirán a través de textos, medios audiovisuales e informáticos: leyes, reglamentos, así como los contenidos de los programas, obras, servicios dirigidos a las comunidades indígenas, en la lengua de sus correspondientes beneficiarios.

ARTÍCULO 8. Ninguna persona podrá ser sujeto a cualquier tipo de discriminación a causa o en virtud de la lengua que hable.

Capítulo II DE LOS DERECHOS DE LOS HABLANTES DE LENGUAS INDÍGENAS

ARTÍCULO 9. Es derecho de todo mexicano comunicarse en la lengua de la que sea hablante, sin restricciones en el ámbito público o privado, en forma oral o escrita, en todas sus actividades sociales, económicas, políticas, culturales, religiosas y cualesquiera otras.

ARTÍCULO 10. El Estado garantizará el derecho de los pueblos y comunidades indígenas el acceso a la jurisdicción del Estado en la lengua indígena nacional de que sean hablantes. Para garantizar ese derecho, en todos los juicios y procedimientos en que sean parte, individual o colectivamente, se deberán tomar en cuenta sus costumbres y especificidades culturales respetando los preceptos de la Constitución Política de los Estados Unidos Mexicanos.

Las autoridades federales responsables de la procuración y administración de justicia, incluyendo las agrarias y laborales, proveerán lo necesario a efecto de que en los juicios que realicen, los indígenas sean asistidos gratuitamente, en todo tiempo, por intérpretes y defensores que tengan conocimiento de su lengua indígena y cultura.

En los términos del artículo 5o., en las entidades federativas y en los municipios con comunidades que hablen lenguas indígenas, se adoptarán e instrumentarán las medidas a que se refiere el párrafo anterior, en las instancias que se requieran.



ARTÍCULO 11. Las autoridades educativas federales y de las entidades federativas, garantizarán que la población indígena tenga acceso a la educación obligatoria, bilingüe e intercultural, y adoptarán las medidas necesarias para que en el sistema educativo se asegure el respeto a la dignidad e identidad de las personas, independientemente de su lengua. Asimismo, en los niveles medio y superior, se fomentará la interculturalidad, el multilingüismo y el respeto a la diversidad y los derechos lingüísticos.

ARTÍCULO 12. La sociedad y en especial los habitantes y las instituciones de los pueblos y las comunidades indígenas serán corresponsables en la realización de los objetivos de esta Ley, y participantes activos en el uso y la enseñanza de las lenguas en el ámbito familiar, comunitario y regional para la rehabilitación lingüística.

Capítulo III

DE LA DISTRIBUCIÓN, CONCURRENCIA Y COORDINACIÓN DE COMPETENCIAS

ARTÍCULO 13. Corresponde al Estado en sus distintos órdenes de gobierno la creación de instituciones y la realización de actividades en sus respectivos ámbitos de competencia, para lograr los objetivos generales de la presente Ley, y en particular las siguientes:

I. Incluir dentro de los planes y programas, nacionales, estatales y municipales en materia de educación y cultura indígena las políticas y acciones tendientes a la protección, preservación, promoción y desarrollo de las diversas lenguas indígenas nacionales, contando con la participación de los pueblos y comunidades indígenas;

II. Difundir en las lenguas indígenas nacionales de los beneficiarios, el contenido de los programas, obras y servicios dirigidos a las comunidades indígenas;

III. Difundir a través de los medios de comunicación las lenguas indígenas nacionales de la región para promover su uso y desarrollo;

IV. Incluir en los programas de estudio de la educación básica y normal, el origen y evolución de las lenguas indígenas nacionales, así como de sus aportaciones a la cultura nacional;

V. Supervisar que en la educación pública y privada se fomente o implemente la interculturalidad, el multilingüismo y el respeto a la diversidad lingüística para contribuir a la preservación, estudio y desarrollo de las lenguas indígenas nacionales y su literatura;

VI. Garantizar que los profesores que atiendan la educación básica bilingüe en comunidades indígenas hablen y escriban la lengua del lugar y conozcan la cultura del pueblo indígena de que se trate;

VII. Impulsar políticas de investigación, difusión, estudios y documentación sobre las lenguas indígenas nacionales y sus expresiones literarias;

VIII. Crear bibliotecas, hemerotecas, centros culturales u otras instituciones depositarias que conserven los materiales lingüísticos en lenguas indígenas nacionales;

IX. Procurar que en las bibliotecas públicas se reserve un lugar para la conservación de la información y documentación más representativa de la literatura y lenguas indígenas nacionales;

X. Apoyar a las instituciones públicas y privadas, así como a las organizaciones de la sociedad civil, legalmente constituidas, que realicen investigaciones etnolingüísticas, en todo lo relacionado al cumplimiento de los objetivos de esta Ley;



XI. Apoyar la formación y acreditación profesional de intérpretes y traductores en lenguas indígenas nacionales y español;

XII. Garantizar que las instituciones, dependencias y oficinas públicas cuenten con personal que tenga conocimientos de las lenguas indígenas nacionales requeridas en sus respectivos territorios;

XIII. Establecer políticas, acciones y vías para proteger y preservar el uso de las lenguas y culturas nacionales de los migrantes indígenas en el territorio nacional y en el extranjero, y

XIV. Propiciar y fomentar que los hablantes de las lenguas indígenas nacionales participen en las políticas que promuevan los estudios que se realicen en los diversos órdenes de gobierno, espacios académicos y de investigación.

Capítulo IV DEL INSTITUTO NACIONAL DE LENGUAS INDÍGENAS

ARTÍCULO 14. Se crea el Instituto Nacional de Lenguas Indígenas, como organismo descentralizado de la Administración Pública Federal, de servicio público y social, con personalidad jurídica y patrimonio propio, sectorizado en la Secretaría de Educación Pública, cuyo objeto es promover el fortalecimiento, preservación y desarrollo de las lenguas indígenas que se hablan en el territorio nacional, el conocimiento y disfrute de la riqueza cultural de la Nación, y asesorar a los tres órdenes de gobierno para articular las políticas públicas necesarias en la materia. Para el cumplimiento de este objeto, el Instituto tendrá las siguientes características y atribuciones:

a) Diseñar estrategias e instrumentos para el desarrollo de las lenguas indígenas nacionales, en coordinación con los tres órdenes de gobierno y los pueblos y comunidades indígenas.

b) Promover programas, proyectos y acciones para vigorizar el conocimiento de las culturas y lenguas indígenas nacionales.

c) Ampliar el ámbito social de uso de las lenguas indígenas nacionales y promover el acceso a su conocimiento; estimular la preservación, conocimiento y aprecio de las lenguas indígenas en los espacios públicos y los medios de comunicación, de acuerdo a la normatividad en la materia.

d) Establecer la normatividad y formular programas para certificar y acreditar a técnicos y profesionales bilingües. Impulsar la formación de especialistas en la materia, que asimismo sean conocedores de la cultura de que se trate, vinculando sus actividades y programas de licenciatura y postgrado, así como a diplomados y cursos de especialización, actualización y capacitación.

e) Formular y realizar proyectos de desarrollo lingüístico, literario y educativo.

f) Elaborar y promover la producción de gramáticas, la estandarización de escrituras y la promoción de la lectoescritura en lenguas indígenas nacionales.

g) Realizar y promover investigación básica y aplicada para mayor conocimiento de las lenguas indígenas nacionales y promover su difusión.

h) Realizar investigaciones para conocer la diversidad de las lenguas indígenas nacionales, y apoyar al Instituto Nacional de Estadística, Geografía e Informática a diseñar la metodología para la realización del censo sociolingüístico para conocer el número y distribución de sus hablantes.



i) Actuar como órgano de consulta y asesoría de las dependencias y entidades de la Administración Pública Federal, así como de las instancias de los Poderes Legislativo y Judicial, de los gobiernos de los estados y de los municipios, y de las instituciones y organizaciones sociales y privadas en la materia.

j) Informar sobre la aplicación de lo que dispone la Constitución, los tratados internacionales ratificados por México y esta Ley, en materia de lenguas indígenas, y expedir a los tres órdenes de gobierno las recomendaciones y medidas pertinentes para garantizar su preservación y desarrollo.

k) Promover y apoyar la creación y funcionamiento de institutos en los estados y municipios, conforme a las leyes aplicables de las entidades federativas, según la presencia de las lenguas indígenas nacionales en los territorios respectivos.

l) Celebrar convenios, con apego a la Constitución Política de los Estados Unidos Mexicanos, con personas físicas o morales y con organismos públicos o privados, nacionales, internacionales o extranjeros, con apego a las actividades propias del Instituto y a la normatividad aplicable.

ARTÍCULO 15. La administración del Instituto Nacional de Lenguas Indígenas estará a cargo de un Consejo Nacional, como órgano colectivo de gobierno, y un Director General responsable del funcionamiento del propio Instituto. El domicilio legal del Instituto será la Ciudad de México, Distrito Federal.

ARTÍCULO 16. El Consejo Nacional se integrará con: siete representantes de la administración pública federal, tres representantes de escuelas, instituciones de educación superior y universidades indígenas, y tres representantes de instituciones académicas y organismos civiles que se hayan distinguido por la promoción, preservación y defensa del uso de las lenguas indígenas.

Los representantes de la Administración Pública Federal son los siguientes:

1).- El Secretario de Educación Pública, quien lo presidirá en su carácter de titular de la coordinadora de sector, con fundamento en lo establecido en la Ley Federal de Entidades Paraestatales.

2).- Un representante de la Secretaría de Hacienda y Crédito Público con el nivel de Subsecretario.

3).- Un representante de la Secretaría de Desarrollo Social.

4).- Un representante de la Secretaría de Comunicaciones y Transportes.

5).- Un representante del Consejo Nacional para la Cultura y las Artes.

6).- Un representante del Instituto Nacional Indigenista.

7).- Un representante de la Secretaría de Relaciones Exteriores.

El Director General será designado por el Presidente de los Estados Unidos Mexicanos, a propuesta de una terna presentada por el Consejo Nacional y podrá permanecer en el cargo por un periodo máximo de 6 años; preferentemente hablante nativo de alguna lengua indígena; con experiencia relacionada con alguna de las actividades sustantivas del Instituto y gozar de reconocido prestigio profesional y académico en la investigación, desarrollo, difusión y uso de las lenguas indígenas.

ARTÍCULO 17. Las reglas de funcionamiento del órgano de gobierno, la estructura administrativa y operativa, así como las facultades y reglas de ejecución del órgano de dirección del instituto, se establecerán en el Reglamento Interno del organismo y que serán expedidas por el Consejo Nacional.



El órgano de gobierno se reunirá cada seis meses de manera ordinaria, y de manera extraordinaria cuando sea convocado por su Presidente; se integrará por la mayoría de sus integrantes, y sus decisiones se adoptarán con la mayoría de los presentes.

ARTÍCULO 18. Para el cumplimiento de sus atribuciones el Director General tendrá las facultades de dominio, de administración y para pleitos y cobranzas, incluyendo las que requieran de cláusula especial, sin más limitaciones que las específicas que le llegue a imponer en forma general el Estatuto o temporales por parte del Consejo Nacional.

ARTÍCULO 19. El órgano de vigilancia administrativa del Instituto Nacional de Lenguas Indígenas estará integrado por un Comisario Público Propietario y un Suplente, designados por la Secretaría de la Contraloría y Desarrollo Administrativo.

ARTÍCULO 20. El Consejo Nacional del Instituto Nacional de Lenguas Indígenas, previa consulta a los estudios particulares de los Institutos Nacional de Antropología e Historia y Nacional de Estadística, Geografía e Informática, a propuesta conjunta de los representantes de los pueblos y comunidades indígenas, y de las instituciones académicas que formen parte del propio Consejo, hará el catálogo de las lenguas indígenas; el catálogo será publicado en el **Diario Oficial de la Federación**.

ARTÍCULO 21. El patrimonio del Instituto Nacional de Lenguas Indígenas se integrará con los bienes que enseguida se enumeran:

- I. La cantidad que anualmente le fije como subsidio el Gobierno Federal, a través del Presupuesto de Egresos;
- II. Con los productos que adquiera por las obras que realice y por la venta de sus publicaciones, y
- III. Los que adquiera por herencia, legados, donaciones o por cualquier otro título de personas o de instituciones públicas o privadas.

ARTÍCULO 22. Para garantizar el cumplimiento de las obligaciones y atribuciones señaladas en esta Ley y conforme a lo dispuesto en el penúltimo párrafo del Apartado B, del artículo 2o. de la Constitución Política de los Estados Unidos Mexicanos, en materia de derechos y cultura indígena, la Cámara de Diputados del Congreso de la Unión, las Legislaturas de las Entidades Federativas y los Ayuntamientos, en el ámbito de sus respectivas competencias, establecerán las partidas específicas en los presupuestos de egresos que aprueben para proteger, promover, preservar, usar y desarrollar las lenguas indígenas.

ARTÍCULO 23. Las relaciones laborales del Instituto Nacional de Lenguas Indígenas y sus trabajadores se regirán por la Ley Federal de los Trabajadores al Servicio del Estado, reglamentaria del Apartado A del artículo 123 Constitucional.

ARTÍCULO 24. El Instituto Nacional de Lenguas Indígenas y sus correlativos estatales en su caso, promoverán que las autoridades correspondientes expidan las leyes que sancionen y penalicen la comisión de cualquier tipo de discriminación, exclusión y explotación de las personas hablantes de lenguas indígenas nacionales, o que transgredan las disposiciones que establecen derechos a favor de los hablantes de lenguas indígenas nacionales, consagrados en esta ley.

ARTÍCULO 25. Las autoridades, instituciones, servidores y funcionarios públicos que contravengan lo dispuesto en la presente ley serán sujetos de responsabilidad, de conformidad con lo previsto en el Título Cuarto de la Constitución Política de los Estados Unidos Mexicanos referente a la responsabilidad de los servidores públicos y sus leyes reglamentarias.



ARTÍCULO SEGUNDO.

TRANSITORIOS

Primero. El presente Decreto entrará en vigor al día siguiente de su publicación en el **Diario Oficial de la Federación**.

Segundo. El Consejo Nacional del Instituto Nacional de Lenguas Indígenas se constituirá dentro de los seis meses siguientes a la publicación de este Decreto en el **Diario Oficial de la Federación**. Para este efecto, el Secretario de Educación Pública convocará a los directores y rectores de las escuelas, instituciones de educación superior y universidades indígenas, instituciones académicas, incluyendo entre éstas específicamente al Centro de Investigación y Estudios Superiores en Antropología Social, así como organismos civiles para que hagan la propuesta de sus respectivos representantes para que integren el Consejo Nacional del Instituto. Recibidas dichas propuestas, el Secretario de Educación Pública, los representantes de las Secretarías de Hacienda y Crédito Público, de la Secretaría de Desarrollo Social, de la Secretaría de Comunicaciones y Transportes, del Consejo Nacional para la Cultura y las Artes, del Instituto Nacional Indigenista, de la Secretaría de Relaciones Exteriores, resolverán sobre la integración del primer Consejo Nacional del Instituto que fungirá por el periodo de un año. Concluido este plazo deberá integrarse el Consejo Nacional en los términos que determine el Estatuto que deberá expedirse por el primer Consejo Nacional dentro del plazo de seis meses contado a partir de su instalación.

Tercero. El catálogo a que hace referencia el artículo 20 de la Ley General de Derechos Lingüísticos de los Pueblos Indígenas, deberá hacerse dentro del plazo de un año siguiente a la fecha en que quede constituido el Consejo Nacional del Instituto Nacional de Lenguas Indígenas, conforme al artículo transitorio anterior.

Cuarto. El primer censo sociolingüístico deberá estar levantado y publicado dentro del plazo de dos años contado a partir de la entrada en vigor de este Decreto. Los subsecuentes se levantarán junto con el Censo General de Población y Vivienda.

Quinto. La Cámara de Diputados del Congreso de la Unión establecerá dentro del Presupuesto de Egresos de la Federación, la partida correspondiente al Instituto Nacional de Lenguas Indígenas, para que cumpla con los objetivos establecidos en la presente ley.

Sexto. Los congresos estatales analizarán, de acuerdo con sus especificidades etnolingüísticas, la debida adecuación de las leyes correspondientes de conformidad con lo establecido en esta ley.

Séptimo. En relación con la fracción VI del artículo 13 de la presente Ley, en el caso de que las autoridades educativas correspondientes no contaran con el personal capacitado de manera inmediata, éstas dispondrán de un plazo de hasta dos años, a partir de la publicación de la presente Ley, para formar al personal necesario. Con el fin de cumplir cabalmente con dicha disposición, las normales incluirán la licenciatura en educación indígena.

Octavo. Se derogan todas las disposiciones que contravengan al presente Decreto.

México, D.F., a 15 de diciembre de 2002.- Sen. **Enrique Jackson Ramírez**, Presidente.- Dip. **Beatriz Elena Paredes Rangel**, Presidenta.- Sen. **Sara I. Castellanos Cortés**, Secretario.- Dip. **Adela Cerezo Bautista**, Secretario.- Rúbricas”.



LEY GENERAL DE DERECHOS LINGÜÍSTICOS DE LOS PUEBLOS INDÍGENAS

Cámara de Diputados del H. Congreso de la Unión
Secretaría General
Secretaría de Servicios Parlamentarios
Dirección General de Bibliotecas

Nueva Ley DOF 13-03-2003

En cumplimiento de lo dispuesto por la fracción I del Artículo 89 de la Constitución Política de los Estados Unidos Mexicanos, y para su debida publicación y observancia, expido el presente Decreto en la Residencia del Poder Ejecutivo Federal, en la Ciudad de México, Distrito Federal, a los diez días del mes de marzo de dos mil tres.- **Vicente Fox Quesada**.- Rúbrica.- El Secretario de Gobernación, **Santiago Creel Miranda**.- Rúbrica.

APPENDIX D
FEDERAL LAW OF PREVENTION AND ELIMINATION OF DISCRIMINATION



LEY FEDERAL PARA PREVENIR Y ELIMINAR LA DISCRIMINACIÓN

Nueva Ley publicada en el Diario Oficial de la Federación el 11 de junio de 2003

TEXTO VIGENTE

Última reforma publicada DOF 20-03-2014

Al margen un sello con el Escudo Nacional, que dice: Estados Unidos Mexicanos.- Presidencia de la República.

VICENTE FOX QUESADA, Presidente de los Estados Unidos Mexicanos, a sus habitantes sabed:

Que el Honorable Congreso de la Unión, se ha servido dirigirme el siguiente

DECRETO

"EL CONGRESO DE LOS ESTADOS UNIDOS MEXICANOS, DECRETA:

SE EXPIDE LA LEY FEDERAL PARA PREVENIR Y ELIMINAR LA DISCRIMINACIÓN

ARTÍCULO ÚNICO.- Se expide la **Ley Federal para Prevenir y Eliminar la Discriminación**, para quedar como sigue:

CAPÍTULO I DISPOSICIONES GENERALES

Artículo 1.- Las disposiciones de esta Ley son de orden público y de interés social. El objeto de la misma es prevenir y eliminar todas las formas de discriminación que se ejerzan contra cualquier persona en los términos del Artículo 1 de la Constitución Política de los Estados Unidos Mexicanos, así como promover la igualdad de oportunidades y de trato.

Para los efectos de esta ley se entenderá por:

- I. Ajustes razonables: Las modificaciones y adaptaciones necesarias y adecuadas en la infraestructura y los servicios, que al realizarlas no impongan una carga desproporcionada o afecten derechos de terceros, que se aplican cuando se requieran en un caso particular, para garantizar que las personas gocen o ejerzan sus derechos en igualdad de condiciones con las demás;
- II. Consejo: El Consejo Nacional para Prevenir la Discriminación;
- III. Discriminación: Para los efectos de esta ley se entenderá por discriminación toda distinción, exclusión, restricción o preferencia que, por acción u omisión, con intención o sin ella, no sea objetiva, racional ni proporcional y tenga por objeto o resultado obstaculizar, restringir, impedir, menoscabar o anular el reconocimiento, goce o ejercicio de los derechos humanos y libertades, cuando se base en uno o más de los siguientes motivos: el origen étnico o nacional, el color de piel, la cultura, el sexo, el género, la edad, las discapacidades, la condición social, económica, de salud o jurídica, la religión, la apariencia física, las características genéticas, la situación migratoria, el embarazo, la lengua, las opiniones, las preferencias sexuales, la identidad o filiación política, el estado civil, la situación familiar, las responsabilidades familiares, el idioma, los antecedentes penales o cualquier otro motivo;



También se entenderá como discriminación la homofobia, misoginia, cualquier manifestación de xenofobia, segregación racial, antisemitismo, así como la discriminación racial y otras formas conexas de intolerancia;

- IV. Diseño universal: Se entenderá el diseño de productos, entornos, programas y servicios que puedan utilizar todas las personas, en la mayor medida posible, sin necesidad de adaptación ni diseño especializado;
- V. Estatuto: El Estatuto Orgánico del Consejo Nacional para Prevenir la Discriminación;
- VI. Igualdad real de oportunidades: Es el acceso que tienen las personas o grupos de personas al igual disfrute de derechos, por la vía de las normas y los hechos, para el disfrute de sus derechos;
- VII. Ley: La Ley Federal para Prevenir y Eliminar la Discriminación;
- VIII. Poderes públicos federales: Las autoridades, dependencias y entidades del Poder Ejecutivo Federal, de los Poderes Legislativo y Judicial y los organismos constitucionales autónomos;
- IX. Programa: El Programa Nacional para la Igualdad y no Discriminación, y
- X. Resolución por disposición: Resolución emitida por el Consejo, con carácter vinculante, por medio de la cual se declara que se acreditó una conducta o práctica social discriminatoria, y por tanto, de manera fundada y motivada se imponen medidas administrativas y de reparación a quien resulte responsable de dichas conductas o prácticas.

Párrafo con fracciones adicionado DOF 20-03-2014

Artículo 2.- Corresponde al Estado promover las condiciones para que la libertad y la igualdad de las personas sean reales y efectivas. Los poderes públicos federales deberán eliminar aquellos obstáculos que limiten en los hechos su ejercicio e impidan el pleno desarrollo de las personas así como su efectiva participación en la vida política, económica, cultural y social del país y promoverán la participación de las autoridades de los demás órdenes de Gobierno y de los particulares en la eliminación de dichos obstáculos.

Artículo 3.- Cada uno de los poderes públicos federales adoptará las medidas que estén a su alcance, tanto por separado como coordinadamente, de conformidad con la disponibilidad de recursos que se haya determinado para tal fin en el Presupuesto de Egresos de la Federación del ejercicio correspondiente, para que toda persona goce, sin discriminación alguna, de todos los derechos y libertades consagrados en la Constitución Política de los Estados Unidos Mexicanos, en las leyes y en los tratados internacionales de los que el estado mexicano sea parte.

En el Presupuesto de Egresos de la Federación, para cada ejercicio fiscal, se incluirán las asignaciones correspondientes para promover las acciones de nivelación, de inclusión y las acciones afirmativas a que se refiere el capítulo III de esta Ley.

Artículo reformado DOF 20-03-2014

Artículo 4.- Queda prohibida toda práctica discriminatoria que tenga por objeto o efecto impedir o anular el reconocimiento o ejercicio de los derechos y la igualdad real de oportunidades en términos del artículo 1o. constitucional y el artículo 1, párrafo segundo, fracción III de esta Ley.

Artículo reformado DOF 12-06-2013, 20-03-2014



Artículo 5.- No se considerarán discriminatorias las acciones afirmativas que tengan por efecto promover la igualdad real de oportunidades de las personas o grupos. Tampoco será juzgada como discriminatoria la distinción basada en criterios razonables, proporcionales y objetivos cuya finalidad no sea el menoscabo de derechos.

Artículo reformado DOF 27-11-2007, 20-03-2014

Artículo 6.- La interpretación del contenido de esta Ley, así como la actuación de los poderes públicos federales se ajustará con los instrumentos internacionales aplicables de los que el Estado Mexicano sea parte en materia de derechos humanos, así como con la jurisprudencia emitida por los órganos jurisdiccionales internacionales, las recomendaciones y resoluciones adoptadas por los organismos multilaterales y regionales y demás legislación aplicable.

Artículo reformado DOF 20-03-2014

Artículo 7.- Para los efectos del artículo anterior, cuando se presenten diferentes interpretaciones, se deberá preferir aquella que proteja con mayor eficacia a las personas o a los grupos que sean afectados por conductas discriminatorias.

Artículo 8.- En la aplicación de la presente Ley intervendrán los poderes públicos federales, así como el Consejo Nacional para Prevenir la Discriminación, en sus correspondientes ámbitos de competencia.

Artículo reformado DOF 20-03-2014

CAPÍTULO II MEDIDAS PARA PREVENIR LA DISCRIMINACIÓN

Artículo 9.- (Se deroga el anterior párrafo primero y se recorren los demás en su orden)

Párrafo derogado DOF 20-03-2014

Con base en lo establecido en el artículo primero constitucional y el artículo 1, párrafo segundo, fracción III de esta Ley se consideran como discriminación, entre otras:

Párrafo reformado DOF 20-03-2014

I. Impedir el acceso o la permanencia a la educación pública o privada, así como a becas e incentivos en los centros educativos;

Fracción reformada DOF 20-03-2014

II. Establecer contenidos, métodos o instrumentos pedagógicos en que se asignen papeles contrarios a la igualdad o que difundan una condición de subordinación;

III. Prohibir la libre elección de empleo, o restringir las oportunidades de acceso, permanencia y ascenso en el mismo;

IV. Establecer diferencias en la remuneración, las prestaciones y las condiciones laborales para trabajos iguales;

V. Limitar el acceso y permanencia a los programas de capacitación y de formación profesional;

Fracción reformada DOF 20-03-2014

VI. Negar o limitar información sobre derechos sexuales y reproductivos o impedir el libre ejercicio de la determinación del número y espaciamiento de los hijos e hijas;

Fracción reformada DOF 20-03-2014

VII. Negar o condicionar los servicios de atención médica, o impedir la participación en las decisiones sobre su tratamiento médico o terapéutico dentro de sus posibilidades y medios;



VIII. Impedir la participación en condiciones equitativas en asociaciones civiles, políticas o de cualquier otra índole;

IX. Negar o condicionar el derecho de participación política y, específicamente, el derecho al sufragio activo o pasivo, la elegibilidad y el acceso a todos los cargos públicos, así como la participación en el desarrollo y ejecución de políticas y programas de gobierno, en los casos y bajo los términos que establezcan las disposiciones aplicables;

X. Impedir el ejercicio de los derechos de propiedad, administración y disposición de bienes de cualquier otro tipo;

XI. Impedir o limitar el acceso a la procuración e impartición de justicia;

Fracción reformada DOF 07-06-2013

XII. Impedir, negar o restringir el derecho a ser oídos y vencidos, a la defensa o asistencia; y a la asistencia de personas intérpretes o traductoras en los procedimientos administrativos o judiciales, de conformidad con las normas aplicables; así como el derecho de las niñas y niños a ser escuchados;

Fracción reformada DOF 20-03-2014

XIII. Aplicar cualquier tipo de uso o costumbre que atente contra la igualdad, dignidad e integridad humana;

Fracción reformada DOF 20-03-2014

XIV. Impedir la libre elección de cónyuge o pareja;

XV. Promover el odio y la violencia a través de mensajes e imágenes en los medios de comunicación;

Fracción reformada DOF 20-03-2014

XVI. Limitar la libre expresión de las ideas, impedir la libertad de pensamiento, conciencia o religión, o de prácticas o costumbres religiosas, siempre que éstas no atenten contra el orden público;

XVII. Negar asistencia religiosa a personas privadas de la libertad, que presten servicio en las fuerzas armadas o que estén internadas en instituciones de salud o asistencia;

XVIII. Restringir el acceso a la información, salvo en aquellos supuestos que sean establecidos por las leyes nacionales e instrumentos jurídicos internacionales aplicables;

XIX. Obstaculizar las condiciones mínimas necesarias para el crecimiento y desarrollo integral, especialmente de las niñas y los niños, con base al interés superior de la niñez;

Fracción reformada DOF 20-03-2014

XX. Impedir el acceso a la seguridad social y a sus beneficios o establecer limitaciones para la contratación de seguros médicos, salvo en los casos que la ley así lo disponga;

XXI. Limitar el derecho a la alimentación, la vivienda, el recreo y los servicios de atención médica adecuados, en los casos que la ley así lo prevea;

XXII. Impedir el acceso a cualquier servicio público o institución privada que preste servicios al público, así como limitar el acceso y libre desplazamiento en los espacios públicos;

XXII. Bis. La falta de accesibilidad en el entorno físico, el transporte, la información, tecnología y comunicaciones, en servicios e instalaciones abiertos al público o de uso público;

Fracción adicionada DOF 20-03-2014



XXII. Ter. La denegación de ajustes razonables que garanticen, en igualdad de condiciones, el goce o ejercicio de los derechos de las personas con discapacidad;

Fracción adicionada DOF 20-03-2014

XXIII. Explotar o dar un trato abusivo o degradante;

XXIV. Restringir la participación en actividades deportivas, recreativas o culturales;

XXV. Restringir o limitar el uso de su lengua, usos, costumbres y cultura, en actividades públicas o privadas, en términos de las disposiciones aplicables;

XXVI. Limitar o negar el otorgamiento de concesiones, permisos o autorizaciones para el aprovechamiento, administración o usufructo de recursos naturales, una vez satisfechos los requisitos establecidos en la legislación aplicable;

XXVII. Incitar al odio, violencia, rechazo, burla, injuria, persecución o la exclusión;

Fracción reformada DOF 20-03-2014

XXVIII. Realizar o promover violencia física, sexual, o psicológica, patrimonial o económica por la edad, género, discapacidad, apariencia física, forma de vestir, hablar, gesticular o por asumir públicamente su preferencia sexual, o por cualquier otro motivo de discriminación;

Fracción reformada DOF 20-03-2014

XXIX. Estigmatizar o negar derechos a personas con adicciones; que han estado o se encuentren en centros de reclusión, o en instituciones de atención a personas con discapacidad mental o psicosocial;

Fracción adicionada DOF 20-03-2014

XXX. Negar la prestación de servicios financieros a personas con discapacidad y personas adultas mayores;

Fracción adicionada DOF 20-03-2014

XXXI. Difundir sin consentimiento de la persona agraviada información sobre su condición de salud;

Fracción adicionada DOF 20-03-2014

XXXII. Estigmatizar y negar derechos a personas con VIH/SIDA;

Fracción adicionada DOF 20-03-2014

XXXIII. Implementar o ejecutar políticas públicas, programas u otras acciones de gobierno que tengan un impacto desventajoso en los derechos de las personas, y

Fracción adicionada DOF 20-03-2014

XXXIV. En general cualquier otro acto u omisión discriminatorio en términos del artículo 1, párrafo segundo, fracción III de esta Ley.

Fracción reformada y recorrida DOF 20-03-2014

CAPÍTULO III MEDIDAS POSITIVAS Y COMPENSATORIAS A FAVOR DE LA IGUALDAD DE OPORTUNIDADES

Artículo 10.- Derogado.

Artículo reformado DOF 07-06-2013. Derogado DOF 20-03-2014

Artículo 11.- Derogado.

Artículo reformado DOF 24-12-2013. Derogado DOF 20-03-2014



Artículo 12.- Derogado.

Artículo derogado DOF 20-03-2014

Artículo 13.- Derogado.

Artículo derogado DOF 20-03-2014

Artículo 14.- Derogado.

Artículo derogado DOF 20-03-2014

Artículo 15.- Derogado.

Artículo derogado DOF 20-03-2014

CAPÍTULO IV DE LAS MEDIDAS DE NIVELACIÓN, MEDIDAS DE INCLUSIÓN Y ACCIONES AFIRMATIVAS

Capítulo adicionado DOF 20-03-2014

Artículo 15 Bis.- Cada uno de los poderes públicos federales y aquellas instituciones que estén bajo su regulación o competencia, están obligados a realizar las medidas de nivelación, las medidas de inclusión y las acciones afirmativas necesarias para garantizar a toda persona la igualdad real de oportunidades y el derecho a la no discriminación.

La adopción de estas medidas forma parte de la perspectiva antidiscriminatoria, la cual debe ser incorporada de manera transversal y progresiva en el quehacer público, y de manera particular en el diseño, implementación y evaluación de las políticas públicas que lleven a cabo cada uno de los poderes públicos federales.

Artículo adicionado DOF 20-03-2014

Artículo 15 Ter.- Las medidas de nivelación son aquellas que buscan hacer efectivo el acceso de todas las personas a la igualdad real de oportunidades eliminando las barreras físicas, comunicacionales, normativas o de otro tipo, que obstaculizan el ejercicio de derechos y libertades prioritariamente a las mujeres y a los grupos en situación de discriminación o vulnerabilidad.

Artículo adicionado DOF 20-03-2014

Artículo 15 Quáter.- Las medidas de nivelación incluyen, entre otras:

- I. Ajustes razonables en materia de accesibilidad física, de información y comunicaciones;
- II. Adaptación de los puestos de trabajo para personas con discapacidad;
- III. Diseño y distribución de comunicaciones oficiales, convocatorias públicas, libros de texto, licitaciones, entre otros, en formato braille o en lenguas indígenas;
- IV. Uso de intérpretes de lengua de señas mexicana en los eventos públicos de todas las dependencias gubernamentales y en los tiempos oficiales de televisión;
- V. Uso de intérpretes y traductores de lenguas indígenas;
- VI. La accesibilidad del entorno social, incluyendo acceso físico, de comunicaciones y de información;
- VII. Derogación o abrogación de las disposiciones normativas que impongan requisitos discriminatorios de ingreso y permanencia a escuelas, trabajos, entre otros, y



VIII. Creación de licencias de paternidad, homologación de condiciones de derechos y prestaciones para los grupos en situación de discriminación o vulnerabilidad.

Artículo adicionado DOF 20-03-2014

Artículo 15 Quintus.- Las medidas de inclusión son aquellas disposiciones, de carácter preventivo o correctivo, cuyo objeto es eliminar mecanismos de exclusión o diferenciaciones desventajosas para que todas las personas gocen y ejerzan sus derechos en igualdad de trato.

Artículo adicionado DOF 20-03-2014

Artículo 15 Sextus.- Las medidas de inclusión podrán comprender, entre otras, las siguientes:

- I. La educación para la igualdad y la diversidad dentro del sistema educativo nacional;
- II. La integración en el diseño, instrumentación y evaluación de las políticas públicas del derecho a la igualdad y no discriminación;
- III. El desarrollo de políticas contra la homofobia, xenofobia, la misoginia, la discriminación por apariencia o el adultocentrismo;
- IV. Las acciones de sensibilización y capacitación dirigidas a integrantes del servicio público con el objetivo de combatir actitudes discriminatorias, y
- V. El llevar a cabo campañas de difusión al interior de los poderes públicos federales.

Artículo adicionado DOF 20-03-2014

Artículo 15 Séptimus.- Las acciones afirmativas son las medidas especiales, específicas y de carácter temporal, a favor de personas o grupos en situación de discriminación, cuyo objetivo es corregir situaciones patentes de desigualdad en el disfrute o ejercicio de derechos y libertades, aplicables mientras subsistan dichas situaciones. Se adecuarán a la situación que quiera remediarse, deberán ser legítimas y respetar los principios de justicia y proporcionalidad. Estas medidas no serán consideradas discriminatorias en términos del artículo 5 de la presente Ley.

Artículo adicionado DOF 20-03-2014

Artículo 15 Octavus.- Las acciones afirmativas podrán incluir, entre otras, las medidas para favorecer el acceso, permanencia y promoción de personas pertenecientes a grupos en situación de discriminación y subrepresentados, en espacios educativos, laborales y cargos de elección popular a través del establecimiento de porcentajes o cuotas.

Las acciones afirmativas serán prioritariamente aplicables hacia personas pertenecientes a los pueblos indígenas, afro descendientes, mujeres, niñas, niños y adolescentes, personas con discapacidad y personas adultas mayores.

Artículo adicionado DOF 20-03-2014

Artículo 15 Novenus.- Las instancias públicas que adopten medidas de nivelación, medidas de inclusión y acciones afirmativas, deben reportarlas periódicamente al Consejo para su registro y monitoreo. El Consejo determinará la información a recabar y la forma de hacerlo en los términos que se establecen en el estatuto.

Artículo adicionado DOF 20-03-2014

CAPÍTULO V DEL CONSEJO NACIONAL PARA PREVENIR LA DISCRIMINACIÓN

Capítulo recorrido (antes Capítulo IV) DOF 20-03-2014

Sección Primera



Denominación, Objeto, Domicilio y Patrimonio.

Artículo 16.- El Consejo Nacional para Prevenir la Discriminación, en adelante el Consejo, es un organismo descentralizado sectorizado a la Secretaría de Gobernación, con personalidad jurídica y patrimonio propios. Para el desarrollo de sus atribuciones, el Consejo gozará de autonomía técnica y de gestión, y contará con los recursos suficientes que anualmente se le asignen en el Presupuesto de Egresos de la Federación. De igual manera, para dictar las resoluciones que en términos de la presente Ley se formulen en el procedimiento de queja, el Consejo no estará subordinado a autoridad alguna y adoptará sus decisiones con plena independencia.

Artículo reformado DOF 20-03-2014

Artículo 17.- El Consejo tiene como objeto:

- I. Contribuir al desarrollo cultural, social y democrático del país;
- II. Llevar a cabo, las acciones conducentes para prevenir y eliminar la discriminación;
- III. Formular y promover políticas públicas para la igualdad de oportunidades y de trato a favor de las personas que se encuentren en territorio nacional, y
- IV. Coordinar las acciones de las dependencias y entidades del Poder Ejecutivo Federal, en materia de prevención y eliminación de la discriminación.

Artículo 18.- El domicilio del Consejo es la Ciudad de México, Distrito Federal, pero podrá establecer delegaciones y oficinas en otros lugares de la República Mexicana.

Artículo 19.- El patrimonio del Consejo se integrará con:

- I. Los recursos presupuestales que le asigne la Cámara de Diputados del Congreso de la Unión a través del Presupuesto de Egresos de la Federación correspondiente;
- II. Los bienes muebles e inmuebles que le sean asignados;
- III. Los bienes que adquiera por cualquier otro título lícito;
- IV. Los fondos que obtenga por el financiamiento de programas específicos, y
- V. Las aportaciones, donaciones, legados y demás liberalidades que reciba de personas físicas y morales.

Sección Segunda De las Atribuciones.

Artículo 20.- Son atribuciones del Consejo:

Párrafo reformado DOF 20-03-2014

I. Derogada.

Fracción derogada DOF 20-03-2014

II. Derogada.

Fracción derogada DOF 20-03-2014

III. Derogada.



IV. Derogada.

Fracción derogada DOF 20-03-2014

V. Derogada.

Fracción derogada DOF 20-03-2014

VI. Derogada.

Fracción derogada DOF 20-03-2014

VII. Derogada.

Fracción derogada DOF 20-03-2014

VIII. Derogada.

Fracción derogada DOF 20-03-2014

IX. Derogada.

Fracción derogada DOF 20-03-2014

X. Derogada.

Fracción derogada DOF 20-03-2014

XI. Derogada.

Fracción derogada DOF 20-03-2014

XII. Derogada.

Fracción derogada DOF 20-03-2014

XIII. Derogada.

Fracción derogada DOF 20-03-2014

XIV. Derogada.

Fracción derogada DOF 20-03-2014

XV. Derogada.

Fracción derogada DOF 20-03-2014

XVI. Derogada.

Fracción derogada DOF 20-03-2014

XVII. Derogada.

Fracción derogada DOF 20-03-2014

XVIII. Derogada.

Fracción derogada DOF 20-03-2014

XIX. Derogada.

Fracción derogada DOF 20-03-2014

Fracción derogada DOF 20-03-2014

XX. Generar y promover políticas, programas, proyectos o acciones cuyo objetivo o resultado esté encaminado a la prevención y eliminación de la discriminación;

Fracción adicionada DOF 20-03-2014

XXI. Elaborar instrumentos de acción pública que contribuyan a incorporar la perspectiva de no discriminación en el ámbito de las políticas públicas;



Fracción adicionada DOF 20-03-2014

XXII. Elaborar, coordinar y supervisar la instrumentación del Programa, que tendrá el carácter de especial y de cumplimiento obligatorio de conformidad con la Ley de Planeación;

Fracción adicionada DOF 20-03-2014

XXIII. Formular observaciones, sugerencias y directrices a quien omita el cumplimiento o desvíe la ejecución del Programa y facilitar la articulación de acciones y actividades que tengan como finalidad atender su cumplimiento;

Fracción adicionada DOF 20-03-2014

XXIV. Verificar que los poderes públicos federales e instituciones y organismos privados, adopten medidas y programas para prevenir y eliminar la discriminación;

Fracción adicionada DOF 20-03-2014

XXV. Requerir a los poderes públicos federales la información que juzgue pertinente sobre la materia para el desarrollo de sus objetivos;

Fracción adicionada DOF 20-03-2014

XXVI. Participar en el diseño del Plan Nacional de Desarrollo, en los programas que de él se deriven y en los programas sectoriales, procurando que en su contenido se incorpore la perspectiva del derecho a la no discriminación;

Fracción adicionada DOF 20-03-2014

XXVII. Promover que en el Presupuesto de Egresos de la Federación se destinen los recursos necesarios para la efectiva realización de las obligaciones en materia de no discriminación;

Fracción adicionada DOF 20-03-2014

XXVIII. Elaborar guías de acción pública con la finalidad de aportar elementos de política pública para prevenir y eliminar la discriminación;

Fracción adicionada DOF 20-03-2014

XXIX. Promover el derecho a la no discriminación mediante campañas de difusión y divulgación;

Fracción adicionada DOF 20-03-2014

XXX. Promover una cultura de denuncia de prácticas discriminatorias;

Fracción adicionada DOF 20-03-2014

XXXI. Difundir las obligaciones asumidas por el Estado mexicano en los instrumentos internacionales que establecen disposiciones en materia de no discriminación, así como promover su cumplimiento por parte de los poderes públicos federales, para lo cual podrá formular observaciones generales o particulares;

Fracción adicionada DOF 20-03-2014

XXXII. Elaborar, difundir y promover que en los medios de comunicación se incorporen contenidos orientados a prevenir y eliminar las prácticas discriminatorias;

Fracción adicionada DOF 20-03-2014

XXXIII. Promover el uso no sexista del lenguaje e introducir formas de comunicación incluyentes en el ámbito público y privado;

Fracción adicionada DOF 20-03-2014

XXXIV. Elaborar y difundir pronunciamientos sobre temas relacionados con la no discriminación que sean de interés público;

Fracción adicionada DOF 20-03-2014



XXXV. Promover en las instituciones públicas y privadas y organizaciones de la sociedad civil la aplicación de acciones afirmativas, buenas prácticas y experiencias exitosas en materia de no discriminación;

Fracción adicionada DOF 20-03-2014

XXXVI. Establecer una estrategia que permita a las instituciones públicas, privadas y organizaciones sociales, llevar a cabo programas y medidas para prevenir y eliminar la discriminación en sus prácticas, instrumentos organizativos y presupuestos;

Fracción adicionada DOF 20-03-2014

XXXVII. Reconocer públicamente a personas que en lo individual con sus acciones se distingan o se hayan distinguido en su trayectoria, por impulsar una cultura de igualdad de oportunidades y de no discriminación y el ejercicio real de los derechos de todas las personas;

Fracción adicionada DOF 20-03-2014

XXXVIII. Desarrollar acciones y estrategias de promoción cultural que incentiven el uso de espacios, obras, arte y otras expresiones para sensibilizar sobre la importancia del respeto a la diversidad y la participación de la sociedad en pro de la igualdad y la no discriminación;

Fracción adicionada DOF 20-03-2014

XXXIX. Proporcionar orientación, formación y capacitación bajo diversas modalidades;

Fracción adicionada DOF 20-03-2014

XL. Sensibilizar, capacitar y formar a personas servidoras públicas en materia de no discriminación;

Fracción adicionada DOF 20-03-2014

XLI. Instrumentar la profesionalización y formación permanente del personal del Consejo;

Fracción adicionada DOF 20-03-2014

XLII. Elaborar programas de formación para las personas y organizaciones de la sociedad civil a fin de generar activos y recursos multiplicadores capaces de promover y defender el derecho a la igualdad y no discriminación;

Fracción adicionada DOF 20-03-2014

XLIII. Proponer a las instituciones del sistema educativo nacional, lineamientos y criterios para el diseño, elaboración o aplicación de contenidos, materiales pedagógicos y procesos de formación en materia de igualdad y no discriminación y celebrar convenios para llevar a cabo procesos de formación que fortalezcan la multiplicación y profesionalización de recursos en la materia;

Fracción adicionada DOF 20-03-2014

XLIV. Conocer e investigar los presuntos casos de discriminación que se presenten, cometidos por personas servidoras públicas, poderes públicos federales o particulares y velar porque se garantice el cumplimiento de todas las resoluciones del propio Consejo;

Fracción adicionada DOF 20-03-2014

XLV. Orientar y canalizar a las personas, grupos y comunidades a la instancia correspondiente en caso de que no se surta la competencia del Consejo;

Fracción adicionada DOF 20-03-2014

XLVI. Emitir resoluciones por disposición e informes especiales y, en su caso, establecer medidas administrativas y de reparación contra las personas servidoras públicas federales, los poderes públicos federales o particulares en caso de cometer alguna acción u omisión de discriminación previstas en esta Ley;

Fracción adicionada DOF 20-03-2014



XLVII. Promover la presentación de denuncias por actos que puedan dar lugar a responsabilidades previstas en ésta u otras disposiciones legales; así como ejercer ante las Instancias competentes acciones colectivas para la defensa del derecho a la no discriminación.

Fracción adicionada DOF 20-03-2014

XLVIII. Celebrar convenios de colaboración con los Poderes Públicos Federales, estatales y municipales, con los órganos de la administración del Distrito Federal, con particulares, con organismos internacionales u organizaciones de la sociedad civil;

Fracción adicionada DOF 20-03-2014

XLIX. Efectuar, fomentar, coordinar y difundir estudios e investigaciones sobre el derecho a la no discriminación;

Fracción adicionada DOF 20-03-2014

L. Emitir opiniones con relación a los proyectos de reformas en la materia que se presenten en el honorable Congreso de la Unión;

Fracción adicionada DOF 20-03-2014

LI. Emitir opiniones sobre las consultas que, relacionadas con el derecho a la no discriminación, se le formulen;

Fracción adicionada DOF 20-03-2014

LII. Proponer al Ejecutivo Federal reformas legislativas, reglamentarias o administrativas que protejan y garanticen el derecho a la no discriminación;

Fracción adicionada DOF 20-03-2014

LIII. Diseñar indicadores para la evaluación de las políticas públicas con perspectiva de no discriminación;

Fracción adicionada DOF 20-03-2014

LIV. Elaborar un informe anual de sus actividades;

Fracción adicionada DOF 20-03-2014

LV. Proponer modificaciones al Estatuto Orgánico, y

Fracción adicionada DOF 20-03-2014

LVI. Las demás establecidas en esta Ley, en el Estatuto Orgánico y en otras disposiciones aplicables.

Fracción adicionada DOF 20-03-2014

Artículo 21.- El Consejo difundirá periódicamente los avances, resultados e impactos de las políticas, programas y acciones en materia de prevención y eliminación de la discriminación, a fin de mantener informada a la sociedad.

Sección Tercera De los Órganos de Administración.

Artículo 22.- La Administración del Consejo corresponde a:

I. La Junta de Gobierno, y

II. La Presidencia del Consejo.

Sección Cuarta



De la Junta de Gobierno

Sección adicionada DOF 20-03-2014

Artículo 23.- La Junta de Gobierno estará integrada por la persona que ocupe la Presidencia del Consejo, siete representantes del Poder Ejecutivo Federal y siete de la Asamblea Consultiva del Consejo.

La representación del Poder Ejecutivo Federal se conformará con las siguientes dependencias y entidades:

- I. Secretaría de Gobernación;
- II. Secretaría de Hacienda y Crédito Público;
- III. Secretaría de Salud;
- IV. Secretaría de Educación Pública;
- V. Secretaría del Trabajo y Previsión Social;
- VI. Secretaría de Desarrollo Social, e
- VII. Instituto Nacional de las Mujeres.

Cada persona representante tendrá el nivel de titular de subsecretaría o rango inferior al titular, y las personas suplentes, del inferior jerárquico inmediato al de aquélla.

Las personas integrantes designadas por la Asamblea Consultiva y sus respectivas personas suplentes durarán en su encargo tres años, pudiendo ser ratificadas por otro período igual por una sola ocasión, o hasta la terminación de su periodo como integrante de la Asamblea Consultiva. Este cargo tendrá carácter honorario.

La Junta de Gobierno será presidida por la persona que ocupe la presidencia del Consejo.

Serán invitadas permanentes a la Junta de Gobierno con derecho a voz, pero no a voto, las siguientes entidades: Consejo Nacional para el Desarrollo y la Inclusión de las Personas con Discapacidad, Instituto Mexicano de la Juventud, Comisión Nacional para el Desarrollo de los Pueblos Indígenas, Instituto Nacional de las Personas Adultas Mayores, Consejo Nacional para la Prevención y Control del VIH/SIDA, Instituto Nacional de Migración y Sistema Nacional para el Desarrollo Integral de la Familia.

Artículo reformado DOF 20-03-2014

Artículo 24.- La Junta de Gobierno tendrá, además de aquellas que establece el artículo 58 de la Ley Federal de las Entidades Paraestatales, las siguientes atribuciones:

- I. Aprobar y modificar su reglamento de sesiones, y el Estatuto Orgánico del Consejo, con base en la propuesta que presente la presidencia;
- II. Aprobar los ordenamientos administrativos que regulen el funcionamiento interno del Consejo propuestos por quien ocupe la presidencia, así como establecer los lineamientos y las políticas generales para su conducción con apego a esta Ley, su Estatuto Orgánico, los reglamentos de la Junta de Gobierno y de la Asamblea Consultiva, el Programa Nacional para la Igualdad y no Discriminación y Eliminar la Discriminación, y las demás disposiciones legales aplicables;

Fracción reformada DOF 20-03-2014

Fracción reformada DOF 20-03-2014



II Bis. Aprobar la estrategia, criterios y lineamientos propuestos por la Presidencia del Consejo, que permitan a las instituciones públicas, privadas y organizaciones sociales llevar a cabo programas y medidas para prevenir y eliminar la discriminación en sus prácticas, instrumentos organizativos y presupuestos;

Fracción adicionada DOF 20-03-2014

III. Aprobar el proyecto de presupuesto y del programa operativo anual que someta a su consideración la Presidencia del Consejo y conocer los informes de su ejercicio y ejecución;

Fracción reformada DOF 20-03-2014

IV. Aprobar el informe anual de actividades que rendirá la Presidencia del Consejo a los Poderes de la Unión;

Fracción reformada DOF 20-03-2014

V. Autorizar el nombramiento o remoción a propuesta de la Presidencia del Consejo, de los servidores públicos de éste que ocupen cargos en las dos jerarquías administrativas inferiores a la de aquél;

Fracción reformada DOF 20-03-2014

VI. Emitir los criterios a los cuales se sujetará el Consejo en el ejercicio de sus atribuciones;

Fracción reformada DOF 20-03-2014

VII. Aprobar el tabulador de salarios del Consejo y prestaciones al personal de nivel operativo del mismo, siempre que su presupuesto lo permita;

Fracción reformada DOF 20-03-2014

VIII. Derogada.

Fracción derogada DOF 20-03-2014

IX. Considerar las opiniones de la Asamblea Consultiva en materia de prevención y eliminación de la discriminación;

Fracción adicionada DOF 20-03-2014

X. Acordar la realización de las operaciones inherentes al objeto del organismo con sujeción a las disposiciones aplicables, y

Fracción adicionada DOF 20-03-2014

XI. Las demás que le confieran éste u otros ordenamientos.

Fracción recorrida DOF 20-03-2014

Artículo 25.- La Junta de Gobierno sesionará válidamente cuando se encuentren presentes más de la mitad de las personas representantes, siempre que esté la persona titular de la Presidencia de la Junta de Gobierno, o la persona que establezca el Estatuto Orgánico en caso de ausencia de la persona titular.

Los acuerdos se adoptarán por mayoría de votos y, en caso de empate, la persona que ocupe la presidencia del Consejo, tendrá voto de calidad.

Las sesiones serán ordinarias y extraordinarias; las ordinarias se llevarán a cabo por lo menos seis veces al año, y las extraordinarias cuando las convoque la persona titular de la Presidencia, o la mitad más uno de las y los integrantes de la Junta de Gobierno.

Artículo reformado DOF 20-03-2014

Sección Quinta De la Presidencia



Sección adicionada DOF 20-03-2014

Artículo 26.- La persona que ocupe la presidencia del Consejo, quien presidirá la Junta, será designada por el titular del Poder Ejecutivo Federal.

Para ocupar la presidencia del Consejo se requiere:

- I. Contar con título profesional;
- II. Haberse desempeñado destacadamente en actividades profesionales, sociales, de servicio público o académicas, relacionadas con la materia de esta Ley, y
- III. No haberse desempeñado como secretario/a de Estado, procurador/a General de la República, gobernador/a, jefe/a del gobierno, senador/a, diputado/a federal o local, o dirigente de un partido o asociación política durante los dos años previos al día de su nombramiento.

Artículo reformado DOF 20-03-2014

Artículo 27.- Durante su encargo la persona que ocupe la Presidencia del Consejo no podrá desempeñar algún otro empleo, cargo o comisión distintos, que sean remunerados, con excepción de los de carácter docente o científico.

Artículo reformado DOF 20-03-2014

Artículo 28.- La persona que ocupe la presidencia del Consejo durará en su cargo cuatro años y podrá ser ratificada por un periodo igual, por una sola ocasión.

Artículo reformado DOF 20-03-2014

Artículo 29.- La persona que ocupe la presidencia del Consejo podrá ser removida de sus funciones y, en su caso, sujeta a responsabilidad, sólo por las causas y mediante los procedimientos establecidos por el Título Cuarto de la Constitución Política de los Estados Unidos Mexicanos.

Artículo reformado DOF 20-03-2014

Artículo 30.- La Presidencia del Consejo tendrá, además de aquellas que establece el artículo 59 de la Ley Federal de las Entidades Paraestatales, las siguientes atribuciones:

Párrafo reformado DOF 20-03-2014

I. Planear, organizar, coordinar, dirigir, controlar y evaluar el funcionamiento del Consejo, con sujeción a las disposiciones aplicables;

I. **Bis.** Proponer a la Junta de Gobierno, para su aprobación, los ordenamientos administrativos que regulen el funcionamiento interno del Consejo, incluyendo el Estatuto Orgánico, manuales, lineamientos, reglamentos, así como las políticas generales para su conducción;

Fracción adicionada DOF 20-03-2014

I **Ter.** Someter a la Junta de Gobierno, para su aprobación, la estrategia, criterios o lineamientos que permitan a las instituciones públicas, privadas y organizaciones sociales llevar a cabo programas y medidas para prevenir y eliminar la discriminación en sus prácticas, instrumentos organizativos y presupuestos;

Fracción adicionada DOF 20-03-2014

II. Presentar a la consideración de la Junta de Gobierno, para su aprobación, el proyecto del Programa Nacional para la Igualdad y no Discriminación;

Fracción reformada DOF 20-03-2014



III. Someter a la consideración de la Junta de Gobierno, para su aprobación, y a la Asamblea Consultiva, el informe anual de actividades y el relativo al ejercicio presupuestal del Consejo.

Fracción reformada DOF 20-03-2014

IV. Ejecutar los acuerdos y demás disposiciones de la Junta de Gobierno, así como supervisar y verificar su cumplimiento por parte de las unidades administrativas del Consejo;

Fracción reformada DOF 20-03-2014

V. Enviar a los Poderes de la Unión el informe anual de actividades del Consejo, así como de su ejercicio presupuestal; éste último, previa opinión de la Secretaría de Hacienda y Crédito Público;

Fracción reformada DOF 20-03-2014

VI. Derogada.

Fracción derogada DOF 20-03-2014

VII. Proponer el nombramiento o remoción de las personas servidoras públicas del Consejo, a excepción de aquellas que ocupen los dos niveles jerárquicos inferiores inmediatos al de la Presidencia;

Fracción reformada DOF 20-03-2014

VIII. Ejercer la representación legal del Consejo, así como delegarla cuando no exista prohibición expresa para ello;

IX. Promover y celebrar convenios de colaboración con dependencias y entidades de la administración pública federal, de los estados de la federación, municipios, organizaciones de la sociedad civil u otras de carácter privado, organismos nacionales e internacionales;

Fracción reformada DOF 20-03-2014

X. Proponer a la Junta de Gobierno, para su aprobación, el tabulador salarial del Consejo y prestaciones al personal de nivel operativo del Consejo, siempre que su presupuesto lo permita;

Fracción reformada DOF 20-03-2014

XI. Solicitar a la Asamblea Consultiva opiniones relacionadas con el desarrollo de los programas y actividades que realice el Consejo, y con cuestiones en materia de prevención y eliminación de la discriminación, y

Fracción adicionada DOF 20-03-2014

XII. Las demás que le confieran esta ley u otros ordenamientos.

Fracción reformada y recorrida DOF 20-03-2014

Sección Sexta De la Asamblea Consultiva

Sección recorrida (antes Sección Cuarta) DOF 20-03-2014

Artículo 31.- La Asamblea Consultiva es un órgano de opinión y asesoría de las acciones, políticas públicas, programas y proyectos que desarrolle el Consejo en Materia de Prevención y Eliminación de la Discriminación.

Artículo 32.- La Asamblea Consultiva estará integrada por no menos de diez ni más de veinte personas representantes de los sectores privado, social y de la comunidad académica que, por su experiencia o especialidad puedan contribuir a la prevención y eliminación de la discriminación y a la consolidación del principio de igualdad real de oportunidades. La asamblea no podrá estar integrada con más del 50 por ciento de personas del mismo sexo.



Las personas que la integren serán propuestas por la persona que ocupe la presidencia del Consejo, la Asamblea Consultiva, y los sectores y comunidad señalados, y su nombramiento estará a cargo de la Junta de Gobierno en los términos de lo dispuesto en el Estatuto Orgánico.

Artículo reformado DOF 20-03-2014

Artículo 33.- Los integrantes de la Asamblea Consultiva, no recibirán retribución, emolumento, o compensación alguna por su participación, ya que su carácter es honorífico.

Artículo 34.- Son facultades de la Asamblea Consultiva:

I. Presentar opiniones ante la Junta de Gobierno, relacionadas con el desarrollo de los programas y actividades que realice el Consejo;

Fracción reformada DOF 20-03-2014

II. Asesorar tanto a la Junta de Gobierno como a la Presidencia del Consejo en cuestiones relacionadas con la prevención y eliminación de la discriminación;

Fracción reformada DOF 20-03-2014

III. Atender las consultas y formular las opiniones que le sean solicitadas por la Junta de Gobierno o por la Presidencia del Consejo;

Fracción reformada DOF 20-03-2014

IV. Contribuir en el impulso de las acciones, políticas públicas, programas y proyectos en materia de prevención y eliminación de la discriminación;

V. Nombrar de entre sus integrantes a las siete personas que la representarán y formarán parte de la Junta de Gobierno y a sus respectivas o respectivos suplentes;

Fracción reformada DOF 20-03-2014

VI. Participar en las reuniones y eventos a los que la convoque el Consejo, para intercambiar experiencias e información de carácter nacional e internacional relacionadas con la materia;

Fracción reformada DOF 20-03-2014

VII. Derogada.

Fracción derogada DOF 20-03-2014

VIII. Las demás que señalen el Estatuto Orgánico y otras disposiciones aplicables.

Fracción reformada DOF 20-03-2014

Artículo 35.- Las personas integrantes de la Asamblea Consultiva durarán en su cargo tres años, y podrán ser ratificadas por un período igual, en los términos de lo dispuesto en el Estatuto Orgánico. Cada año se renovará al menos cuatro de sus integrantes.

Artículo reformado DOF 20-03-2014

Artículo 36.- Las reglas de funcionamiento y organización de la Asamblea Consultiva se establecerán en el Estatuto Orgánico.

Artículo 37.- El Consejo proveerá a la Asamblea Consultiva de los recursos necesarios para el desempeño de sus actividades.

Sección Séptima De los Órganos de Vigilancia

Sección recorrida (antes Sección Quinta) DOF 20-03-2014



Artículo 38.- El Consejo contará con una contraloría, órgano de control interno, al frente de la cual estará la persona designada en los términos de la Ley Orgánica de la Administración Pública Federal.

Corresponderá al órgano constitucional autónomo en materia anticorrupción por sí o a través del órgano interno de control del Consejo, el ejercicio de las atribuciones que en materia de control, inspección, vigilancia y evaluación le confieren la Ley Orgánica de la Administración Pública Federal, sin perjuicio de las facultades que corresponden a la Auditoría Superior de la Federación.

Párrafo reformado DOF 09-04-2012, 20-03-2014

El órgano de vigilancia del Consejo estará integrado por un Comisario Público propietario y suplente, designados por el órgano constitucional autónomo a que hace referencia el párrafo anterior, quienes ejercerán sus funciones de acuerdo con las disposiciones legales aplicables.

Párrafo reformado DOF 09-04-2012, 20-03-2014

El Comisario acudirá con voz pero sin voto, a las sesiones de la Junta de Gobierno.

Artículo 39.- El Comisario Público, tendrá las siguientes facultades:

I. Vigilar el cumplimiento de las disposiciones legales, así como de las reglamentarias, administrativas y de política general que se emitan;

II. Promover y vigilar que el Consejo establezca indicadores básicos de gestión en materia de operación, productividad, de finanzas y de impacto social, que permitan medir y evaluar su desempeño;

III. Vigilar que el Consejo proporcione con la oportunidad y periodicidad que se señale, la información que requiera en cuanto a los ingresos y gastos públicos realizados;

IV. Solicitar a la Junta de Gobierno o al Presidente del Consejo, la información que requiera para el desarrollo de sus funciones, y

V. Las demás inherentes a su función y las que le señale expresamente el órgano constitucional autónomo en materia anticorrupción, en el ámbito de su competencia.

Fracción reformada DOF 09-04-2012, 20-03-2014

Sección Octava Prevenciones Generales

Sección recorrida (antes Sección Sexta) DOF 20-03-2014

Artículo 40.- El Consejo se regirá por lo dispuesto en esta Ley y su Estatuto Orgánico en lo relativo a su estructura, funcionamiento, operación, desarrollo y control. Para tal efecto contará con las disposiciones generales a la naturaleza y características del organismo, a sus órganos de administración, a las unidades que integran estos últimos, a la vigilancia, y demás que se requieran para su regulación interna, conforme a lo establecido en la legislación de la materia y por esta Ley.

Artículo 41.- Queda reservado a los Tribunales Federales el conocimiento y resolución de todas las controversias en que sea parte el Consejo.

Sección Novena Régimen de Trabajo

Sección recorrida (antes Sección Séptima) DOF 20-03-2014



Artículo 42.- Las relaciones de trabajo del organismo y su personal se regirán por la Ley Federal del Trabajo, reglamentaria del apartado "A" del artículo 123 de la Constitución Política de los Estados Unidos Mexicanos.

CAPÍTULO V (sic DOF 20-03-2014) **DEL PROCEDIMIENTO DE QUEJA**

Capítulo recorrido y denominación reformada DOF 20-03-2014

Sección Primera **Disposiciones Generales.**

Artículo 43.- El Consejo conocerá de las quejas por los presuntos actos, omisiones o prácticas sociales discriminatorias a que se refiere esta ley, atribuidas a particulares, personas físicas o morales, así como a personas servidoras públicas federales, y a los poderes públicos federales, e impondrá en su caso las medidas administrativas y de reparación que esta Ley previene.

Toda persona podrá presentar quejas por presuntos actos, omisiones o prácticas sociales discriminatorias ante el Consejo, ya sea directamente o por medio de su representante.

Las organizaciones de la sociedad civil podrán presentar quejas en los términos de esta Ley, designando un representante.

Cuando fueren varios las o los peticionarios que formulan una misma queja, nombrarán a una persona representante común; la omisión dará lugar a que el Consejo la designe de entre aquéllas, con quien se practicarán las notificaciones.

Artículo reformado DOF 20-03-2014

Artículo 44.- Las quejas que se presenten ante el Consejo sólo podrán admitirse dentro del plazo de un año, contado a partir de que se haya iniciado la realización de los presuntos actos, omisiones o prácticas sociales discriminatorias, o de que la persona peticionaria tenga conocimiento de estos.

En casos excepcionales, y tratándose de actos, omisiones o prácticas sociales discriminatorias graves a juicio del Consejo, éste podrá ampliar dicho plazo mediante un acuerdo fundado y motivado.

Artículo reformado DOF 20-03-2014

Artículo 45.- El Consejo podrá proporcionar orientación a las personas peticionarias y agraviadas respecto a los derechos que les asisten y los medios para hacerlos valer y, en su caso, las canalizará ante las instancias correspondientes en la defensa de los citados derechos, en los términos establecidos en el Estatuto Orgánico.

Artículo reformado DOF 20-03-2014

Artículo 46.- El Consejo, dentro del ámbito de su competencia, iniciará sus actuaciones a petición de parte; también podrá actuar de oficio en aquellos casos en que la Presidencia así lo determine.

Artículo 47.- En todo lo no previsto en esta Ley respecto a los procedimientos que la misma establece, se estará a lo dispuesto en el Código Federal de Procedimientos Civiles.

Artículo 48.- Tanto las personas particulares, como las personas servidoras públicas y los poderes públicos federales, están obligados a auxiliar al personal del Consejo en el desempeño de sus funciones y a rendir los informes que se les soliciten en los términos requeridos.

En el supuesto de que las autoridades o personas servidoras públicas federales sean omisas para atender los requerimientos del Consejo, se informará a su superior jerárquico de esa situación, y en caso



de continuar con el incumplimiento, se dará vista al órgano interno de control correspondiente para que aplique las sanciones administrativas conducentes.

Artículo reformado DOF 20-03-2014

Artículo 48 Bis.- Las quejas se tramitarán conforme a lo dispuesto en esta Ley. El procedimiento será breve y sencillo, y se regirá por los principios pro persona, de inmediatez, concentración, eficacia, profesionalismo, buena fe, gratuidad y suplencia de la deficiencia de la queja.

Artículo adicionado DOF 20-03-2014

Artículo 49.- Las quejas podrán presentarse por escrito, con la firma o huella digital y datos generales de la parte peticionaria, así como la narración de los hechos que las motivan.

También podrán formularse verbalmente mediante comparecencia en el Consejo, por vía telefónica, fax, por la página web institucional o el correo electrónico institucional, las cuales deberán ratificarse dentro de los cinco días hábiles siguientes a su presentación, pues de lo contrario se tendrán por no presentadas.

Artículo reformado DOF 20-03-2014

Artículo 50.- El Consejo no admitirá quejas anónimas, ni aquellas que resulten evidentemente improcedentes, infundadas o no expongan conductas o prácticas discriminatorias, dentro del ámbito de su competencia, o éstas consistan en la reproducción de una queja ya examinada y determinada anteriormente.

Las quejas que no contengan el nombre de la parte peticionaria, como consecuencia del temor a represalias, se podrán registrar, debiéndose mantener sus datos de identificación en estricta reserva, los cuales le serán solicitados con el único fin de tenerla ubicada y poder de esta forma realizar las gestiones necesarias para la preservación de sus derechos.

La reserva de los datos procederá sólo en los casos en que con ello no se imposibilite la investigación de la queja o la actuación del Consejo.

Artículo reformado DOF 20-03-2014

Artículo 51.- Si el Consejo no resulta competente o no se trata de un acto, omisión o práctica social discriminatoria, podrá brindar a la parte interesada la orientación necesaria para que, en su caso, acuda ante la instancia a la cual le corresponda conocer del caso.

Artículo reformado DOF 20-03-2014

Artículo 52.- Cuando de la narración de los hechos motivo de queja no se puedan deducir los elementos mínimos para la intervención del Consejo, se solicitará por cualquier medio a la persona peticionaria que los aclare dentro del plazo de cinco días hábiles siguientes a la petición.

De omitir atender tal solicitud, se practicará un segundo requerimiento con igual plazo y, de insistir en la omisión, se emitirá acuerdo de conclusión del expediente por falta de interés.

Artículo reformado DOF 20-03-2014

Artículo 53.- En ningún momento la presentación de una queja ante el Consejo interrumpirá la prescripción de las acciones judiciales o recursos administrativos previstos por la legislación correspondiente.

Artículo reformado DOF 20-03-2014

Artículo 54.- El Consejo, por conducto de la persona que ocupe la presidencia, de manera excepcional y previa consulta con la Junta de Gobierno, podrá excusarse de conocer de un determinado caso si éste puede afectar su autoridad moral o autonomía.

Artículo reformado DOF 20-03-2014



Artículo 55.- Cuando se presenten dos o más quejas que se refieran a los mismos hechos, actos, omisiones o prácticas sociales presuntamente discriminatorias, el Consejo, a su juicio, podrá acumularlas para su trámite y resolución, cuando reúnan los requisitos de procedibilidad y proporcionen elementos relevantes al caso que se investiga, de conformidad con lo establecido en el Estatuto Orgánico.

Artículo reformado DOF 20-03-2014

Artículo 56.- Derogado.

Artículo derogado DOF 20-03-2014

Artículo 57.- Derogado.

Artículo derogado DOF 20-03-2014

Sección Segunda De la Reclamación. (Se deroga)

Sección derogada DOF 20-03-2014

Artículo 58.- Derogado.

Artículo derogado DOF 20-03-2014

Artículo 59.- Derogado.

Artículo derogado DOF 20-03-2014

Artículo 60.- Derogado.

Artículo derogado DOF 20-03-2014

Artículo 61.- Derogado.

Artículo derogado DOF 20-03-2014

Artículo 62.- Derogado.

Artículo derogado DOF 20-03-2014

Artículo 63.- Derogado.

Artículo derogado DOF 20-03-2014

Sección Tercera De la Sustanciación

Sección adicionada DOF 20-03-2014

Artículo 63 Bis.- La persona titular de la Presidencia, la persona titular de la Dirección General Adjunta de Quejas, así como las personas titulares de las direcciones, subdirecciones y jefaturas de departamento de la Dirección General Adjunta que tendrán a su cargo la tramitación de expedientes de queja y el personal que al efecto se designe, tendrán en sus actuaciones fe pública para certificar la veracidad de los hechos con relación a las quejas presentadas ante dicho Consejo; las orientaciones que se proporcionen; la verificación de medidas administrativas y de reparación, entre otras necesarias para la debida sustanciación del procedimiento.

Para los efectos de esta Ley, la fe pública consistirá en la facultad de autenticar documentos preexistentes o declaraciones y hechos que tengan lugar o estén aconteciendo en su presencia.

Las declaraciones y hechos a que se refiere el párrafo anterior, se harán constar en el acta circunstanciada que al efecto levantará la persona servidora pública correspondiente.

Artículo adicionado DOF 20-03-2014



Artículo 63 Ter.- En los casos de los que tenga conocimiento el Consejo y se consideren graves, podrá solicitar a cualquier particular o autoridad la adopción de las medidas precautorias o cautelares necesarias para evitar consecuencias de difícil o imposible reparación; lo anterior, a través del área que proporcione orientación o en la tramitación de los expedientes de queja.

Artículo adicionado DOF 20-03-2014

Artículo 63 Quáter.- Dentro de los cinco días hábiles siguientes a la presentación de la queja, o al de su aclaración, se resolverá respecto a su admisión.

Artículo adicionado DOF 20-03-2014

Artículo 63 Quintus.- Dentro de los cinco días hábiles siguientes a la admisión de la queja, las imputaciones se harán del conocimiento de la persona particular, física o moral, persona servidora pública o poderes públicos federales a quienes se atribuyan éstas, o a su superior jerárquico o al representante legal, para que rindan un informe dentro del plazo máximo de diez días hábiles siguientes al de la fecha de su notificación.

Artículo adicionado DOF 20-03-2014

Artículo 63 Sextus.- En la contestación se afirmarán, refutarán o negarán todos y cada uno de los hechos actos, omisiones o prácticas discriminatorias imputadas, además de incluir un informe detallado y documentado de los antecedentes del asunto, sus fundamentos y motivaciones y, en su caso, los elementos jurídicos o de otra naturaleza que los sustenten y demás que considere necesarios.

Artículo adicionado DOF 20-03-2014

Artículo 63 Séptimus.- A la persona particular, física o moral, persona servidora pública o poderes públicos federales a quienes se atribuyan los presuntos actos, omisiones o prácticas sociales discriminatorias, se les apercibirá de que de omitir dar contestación a las imputaciones, o dar respuesta parcial, se tendrán por ciertas las conductas o prácticas sociales presuntamente discriminatorias que se le atribuyan, salvo prueba en contrario, y se le notificará del procedimiento conciliatorio, cuando así proceda, para efectos de su participación.

Artículo adicionado DOF 20-03-2014

Artículo 63 Octavus.- Los particulares que consideren haber sido discriminados por actos de autoridades o de servidores públicos en el ejercicio de sus funciones o con motivo de ellas que acudan en queja ante la Comisión Nacional de los Derechos Humanos y si ésta fuera admitida, el Consejo estará impedido para conocer de los mismos hechos que dieron fundamento a la queja.

Artículo adicionado DOF 20-03-2014

Sección Cuarta De la Conciliación

Sección recorrida (antes Sección Tercera) DOF 20-03-2014

Artículo 64.- La conciliación es la etapa del procedimiento de queja por medio del cual personal de este Consejo intenta, en los casos que sea procedente, avenir a las partes para resolverla, a través de alguna de las soluciones que se propongan, mismas que siempre velarán por la máxima protección de los derechos de las personas presuntamente víctimas de conductas o prácticas sociales discriminatorias.

Cuando el contenido de la queja, a juicio del Consejo, se refiera a casos graves, o bien exista el riesgo inminente de revictimizar a la persona peticionaria y o agraviada, el asunto no podrá someterse al procedimiento de conciliación con las autoridades o particulares presuntamente responsables de la discriminación, por lo que se continuará con la investigación o, si se contara con los elementos suficientes, se procederá a su determinación.

Artículo reformado DOF 20-03-2014



Artículo 65.- Una vez admitida la queja, lo cual se hará del conocimiento del presunto agraviado por conductas discriminatorias, se le citará para que se presente en la fecha y hora señalada a la audiencia de conciliación, la cual deberá llevarse a cabo en los quince días hábiles siguientes a aquel en que se notificó a las partes dicha celebración. Esta audiencia tendrá verificativo en las instalaciones del Consejo.

Artículo reformado DOF 20-03-2014

Artículo 65 Bis.- En el caso de que las partes residan fuera del domicilio del Consejo, la conciliación podrá efectuarse por escrito, medios electrónicos u otros, con la intermediación del Consejo.

En caso de que las partes acepten la conciliación, ya sea en sus comparecencias iniciales, o en cualquier otro momento, dentro de los quince días hábiles siguientes se efectuará la audiencia respectiva, para cuya celebración el Consejo fijará día y hora.

El Consejo podrá realizar esa conciliación aun sin la presencia de la parte peticionaria o agraviada, siempre y cuando se cuente con la anuencia de cualquiera de éstas.

Artículo adicionado DOF 20-03-2014

Artículo 66.- Al preparar la audiencia, la persona conciliadora solicitará a las partes los elementos de juicio que considere convenientes para ejercer adecuadamente sus atribuciones, pudiendo aquéllas ofrecer los medios de prueba que estimen necesarios.

Artículo reformado DOF 20-03-2014

Artículo 67.- En caso de que la parte peticionaria o a quien se atribuyan los hechos motivo de queja no comparezcan a la audiencia de conciliación y justifiquen su inasistencia dentro del plazo de los tres días hábiles siguientes, por única ocasión se señalará nuevo día y hora para su celebración.

Artículo reformado DOF 20-03-2014

Artículo 68.- La persona conciliadora expondrá a las partes un resumen de la queja y de los elementos de juicio con los que se cuente hasta ese momento y las exhortará a resolverla por esa vía, ponderando que las pretensiones y acuerdos que se adopten sean proporcionales y congruentes con la competencia del Consejo.

Artículo reformado DOF 20-03-2014

Artículo 69.- La audiencia de conciliación podrá ser suspendida a juicio de la persona conciliadora o a petición de ambas partes de común acuerdo hasta en una ocasión, debiéndose reanudar, en su caso, dentro de los cinco días hábiles siguientes.

Artículo reformado DOF 20-03-2014

Artículo 70.- De lograr acuerdo se suscribirá convenio conciliatorio; el cual tendrá autoridad de cosa juzgada y traerá aparejada ejecución, y el Consejo dictará acuerdo de conclusión del expediente de queja, sin que sea admisible recurso alguno, quedando sujeto el convenio a seguimiento hasta su total cumplimiento.

Artículo reformado DOF 20-03-2014

Artículo 71.- En el supuesto de que el Consejo verifique la falta de cumplimiento de lo convenido, su ejecución podrá promoverse ante los tribunales competentes en la vía de apremio o en juicio ejecutivo, a elección de la parte interesada o por la persona que designe el Consejo, a petición de aquélla.

A juicio del Consejo se podrá decretar la reapertura del expediente de queja, con motivo del incumplimiento total o parcial del convenio.

Artículo reformado DOF 20-03-2014



Artículo 72.- De no lograrse conciliación entre las partes, se abrirá la etapa de la investigación, o se determinará la queja de considerar el Consejo que cuenta con los elementos o pruebas necesarias para ello.

Artículo reformado DOF 20-03-2014

Sección Quinta De la Investigación

Sección recorrida (antes Sección Cuarta) DOF 20-03-2014

Artículo 73.- El Consejo efectuará la investigación, para lo cual tendrá las siguientes facultades:

Párrafo reformado DOF 20-03-2014

I. Solicitar a las autoridades o particulares a los que se atribuyen los hechos motivo de queja la remisión de informes complementarios y documentos relacionados con el asunto materia de la investigación;

Fracción reformada DOF 20-03-2014

II. Solicitar a otras personas físicas o morales, personas servidoras públicas o poderes públicos federales que puedan tener relación con los hechos o motivos de la queja, la remisión de informes o documentos vinculados con el asunto.

Para realizar la investigación no será impedimento el carácter confidencial o reservado de la información; sin embargo, el Consejo deberá manejar ésta en la más estricta confidencialidad y con apego a la Ley Federal de Transparencia y Acceso a la Información Pública Gubernamental.

Fracción reformada DOF 20-03-2014

III. Practicar inspecciones en el o los lugares en que se presume ocurrieron los hechos, así como en los archivos de particulares, de las autoridades, personas servidoras públicas o entidad de los poderes públicos imputados. En su caso, se asistirá de personal técnico o profesional especializado;

Fracción reformada DOF 20-03-2014

IV. Citar a las personas que deben comparecer como testigos o peritos, y

V. Efectuar todas las demás acciones que el Consejo juzgue convenientes para el mejor conocimiento del asunto.

Fracción reformada DOF 20-03-2014

Artículo 74.- Para documentar debidamente las evidencias, el Consejo podrá solicitar la rendición y desahogo de todas aquellas pruebas que estime necesarias, con la única condición de que éstas se encuentren previstas como tales por el orden jurídico mexicano.

Artículo 75.- Las pruebas que se presenten por las partes, así como las que de oficio se allegue el Consejo, serán valoradas en su conjunto, de acuerdo con los principios de la lógica, la experiencia y la legalidad, a fin de que puedan producir convicción sobre los hechos motivo de queja.

Artículo reformado DOF 20-03-2014

Artículo 76.- Derogado.

Artículo derogado DOF 20-03-2014

Artículo 77.- Derogado.

Artículo derogado DOF 20-03-2014

Sección Sexta De la Resolución



Sección recorrida (antes Sección Quinta) DOF 20-03-2014

Artículo 77 Bis.- Las resoluciones por disposición que emita el Consejo, estarán basadas en las constancias del expediente de queja.

Artículo adicionado DOF 20-03-2014

Artículo 77 Ter.- La resolución por disposición contendrá una síntesis de los puntos controvertidos, las motivaciones y los fundamentos de derecho interno e internacional que correspondan y los resolutivos en los que con toda claridad se precisará su alcance y las medidas administrativas y de reparación que procedan conforme a esta Ley. En la construcción de los argumentos que la funden y motiven se atenderá a los criterios y principios de interpretación dispuestos en esta Ley.

Artículo adicionado DOF 20-03-2014

Artículo 77 Quáter.- El Consejo puede dictar acuerdos de trámite en el curso del procedimiento de queja, los cuales serán obligatorios para las partes; su incumplimiento traerá aparejadas las medidas administrativas y responsabilidades señaladas en este ordenamiento.

Artículo adicionado DOF 20-03-2014

Artículo 78.- Si al concluir la investigación no se logra comprobar que se hayan cometido los actos, omisiones o prácticas sociales discriminatorias imputadas, el Consejo dictará el acuerdo de no discriminación, atendiendo a los requisitos a que se refiere el Estatuto Orgánico.

Artículo reformado DOF 20-03-2014

Artículo 79.- Si una vez finalizada la investigación, el Consejo comprueba los actos, omisiones o prácticas sociales discriminatorias formulará la correspondiente resolución por disposición, en la cual se señalarán las medidas administrativas y de reparación a que se refiere el capítulo correspondiente de esta Ley, así como los demás requisitos que prevé el Estatuto Orgánico del Consejo.

La notificación de la resolución que se emita en el procedimiento de queja, que en su caso contenga la Imposición de medidas administrativas y de reparación previstas en esta ley, se realizará personalmente, por mensajería o por correo certificado con acuse de recibo.

De no ser posible la notificación por cualquiera de esos medios, podrá realizarse por estrados, de conformidad con lo señalado en el Estatuto Orgánico.

Artículo reformado DOF 20-03-2014

Artículo 79 Bis.- Con la finalidad de visibilizar y hacer del conocimiento de la opinión pública aquellos casos relacionados con presuntos actos, omisiones o prácticas sociales discriminatorias que a juicio del Consejo sean graves, reiterativos o que tengan una especial trascendencia, podrá emitir informes especiales en los que se expondrán los resultados de las investigaciones; en su caso, las omisiones u obstáculos atribuibles a particulares y personas servidoras públicas; estableciendo propuestas de acciones y medidas para lograr condiciones de igualdad y no discriminación.

Artículo adicionado DOF 20-03-2014

Artículo 79 Ter.- Las personas servidoras públicas federales a quienes se les compruebe que cometieron actos, omisiones o prácticas sociales discriminatorias, además de las medidas administrativas y de reparación que se les impongan, quedarán sujetas a las responsabilidades en que hayan incurrido, en los términos de la Ley Federal de Responsabilidades Administrativas de los Servidores Públicos.

El Consejo enviará la resolución al órgano constitucional autónomo en materia anticorrupción, al contralor interno o al titular del área de responsabilidades de la dependencia, entidad u órgano público federal al que se encuentre o se hubiese encontrado adscrita la persona servidora pública responsable. La resolución emitida por el Consejo constituirá prueba plena dentro del procedimiento respectivo.

Artículo adicionado DOF 20-03-2014



Sección Sexta Del Procedimiento Conciliatorio entre Particulares.

(Se deroga la anterior Sección Sexta)

Sección derogada DOF 20-03-2014

Artículo 80.- Derogado.

Artículo derogado DOF 20-03-2014

Artículo 81.- Derogado.

Artículo derogado DOF 20-03-2014

Artículo 82.- Derogado.

Artículo derogado DOF 20-03-2014

CAPÍTULO VI (sic DOF 20-03-2014) DE LAS MEDIDAS ADMINISTRATIVAS Y DE REPARACIÓN

Capítulo recorrido y denominación reformada DOF 20-03-2014

Sección Primera De las Medidas Administrativas y de Reparación

Sección adicionada DOF 20-03-2014

Artículo 83.- El Consejo dispondrá la adopción de las siguientes medidas administrativas para prevenir y eliminar la discriminación:

- I. La impartición de cursos o talleres que promuevan el derecho a la no discriminación y la igualdad de oportunidades;
Fracción reformada DOF 20-03-2014
- II. La fijación de carteles donde se señale que en ese establecimiento, asociación o institución se realizaron hechos, actos, omisiones o prácticas sociales discriminatorias, o mediante los que se promueva la igualdad y la no discriminación;
Fracción reformada DOF 20-03-2014
- III. La presencia de personal del Consejo para promover y verificar la adopción de medidas a favor de la igualdad de oportunidades y la eliminación de toda forma de discriminación;
Fracción reformada DOF 20-03-2014
- IV. La difusión de la versión pública de la resolución en el órgano de difusión del Consejo, y
Fracción reformada DOF 20-03-2014
- V. La publicación o difusión de una síntesis de la resolución en los medios impresos o electrónicos de comunicación.
Fracción reformada DOF 20-03-2014

(Se deroga el último párrafo)

Párrafo derogado DOF 20-03-2014

Artículo 83 Bis.- El Consejo podrá imponer las siguientes medidas de reparación:

- I. Restitución del derecho conculcado por el acto, omisión o práctica social discriminatoria;
- II. Compensación por el daño ocasionado;



III. Amonestación pública;

IV. Disculpa pública o privada, y

V. Garantía de no repetición del acto, omisión, o práctica social discriminatoria.

Artículo adicionado DOF 20-03-2014

Artículo 83 Ter.- Las medidas administrativas y de reparación señaladas se impondrán sin perjuicio de la responsabilidad administrativa, civil o penal a que hubiere lugar.

Artículo adicionado DOF 20-03-2014

Sección Segunda

De los Criterios para la Imposición de Medidas Administrativas y de Reparación

Sección adicionada DOF 20-03-2014

Artículo 84.- Para la imposición de las medidas administrativas y de reparación, se tendrá en consideración:

Párrafo reformado DOF 20-03-2014

I. Derogada.

Fracción derogada DOF 20-03-2014

II. La gravedad de la conducta o práctica social discriminatoria;

Fracción reformada DOF 20-03-2014

II Bis. La concurrencia de dos o más motivos o formas de discriminación;

Fracción adicionada DOF 20-03-2014

III. La reincidencia, entendiéndose por ésta cuando la misma persona incurra en igual, semejante o nueva violación al derecho a la no discriminación, sea en perjuicio de la misma o diferente parte agraviada;

Fracción reformada DOF 20-03-2014

IV. El efecto producido por la conducta o práctica social discriminatoria.

Fracción adicionada DOF 20-03-2014

Artículo 85.- Derogado.

Artículo derogado DOF 20-03-2014

Sección Tercera

De la Ejecución de las Medidas Administrativas y de Reparación

Sección adicionada DOF 20-03-2014

Artículo 86.- Tratándose de personas servidoras públicas, la omisión en el cumplimiento a la resolución por disposición en el plazo concedido, dará lugar a que el Consejo lo haga del conocimiento del órgano constitucional autónomo en materia anticorrupción y de la autoridad, dependencia, instancia o entidad del poder público competente para que procedan conforme a sus atribuciones.

Si se trata de particulares, personas físicas o morales, que omitan cumplir, total o parcialmente, la resolución por disposición, el Consejo podrá dar vista a la autoridad competente por la desobediencia en que haya incurrido.

Artículo adicionado DOF 20-03-2014



Artículo 87.- El Consejo tendrá a su cargo la aplicación de las medidas administrativas y de reparación previstas en los artículos 83 y 83 Bis de esta ley.

No obstante, los costos que se generen por esos conceptos deberán ser asumidos por la persona a la que se le haya imputado el acto u omisión discriminatoria.

Artículo adicionado DOF 20-03-2014

Sección Cuarta Del Recurso de Revisión

Sección adicionada DOF 20-03-2014

Artículo 88.- Contra las resoluciones y actos del Consejo los interesados podrán interponer el recurso de revisión, de conformidad con la Ley Federal del Procedimiento Administrativo.

Artículo adicionado DOF 20-03-2014

TRANSITORIOS

Artículo Primero.- La presente Ley entrará en vigor al día siguiente de su publicación en el **Diario Oficial de la Federación**.

Artículo Segundo.- La designación del Presidente del Consejo deberá realizarse dentro de los 30 días siguientes a la entrada en vigor del presente decreto.

La primera designación del Presidente del Consejo durará hasta el treinta de diciembre del año 2006 pudiendo ser ratificado sólo por un periodo de tres años.

Artículo Tercero.- La designación de la Junta de Gobierno deberá realizarse dentro de los 90 días siguientes a la publicación de la Ley. En tanto se instala la Asamblea Consultiva, la Junta de Gobierno dará inicio a sus funciones con la presencia de los representantes del Poder Ejecutivo Federal y de cinco integrantes designados por única vez por el Presidente del Consejo, quienes durarán en dicho cargo seis meses, pudiendo ser ratificados por la Asamblea Consultiva, una vez instalada, en cuyo caso sólo ejercerán el cargo hasta completar los tres años desde su primera designación.

Artículo Cuarto.- La Presidencia del Consejo someterá a la aprobación de la Junta de Gobierno el proyecto del Estatuto Orgánico dentro de los 120 días siguientes a su nombramiento.

Los procedimientos a que alude el Capítulo V de este decreto, empezarán a conocerse por parte del Consejo, después de los 150 días de haber entrado en vigor la presente Ley.

Artículo Quinto.- Una vez designada la persona titular de la Presidencia del Consejo, la Secretaría de Hacienda y Crédito Público proveerá, con sujeción a las previsiones que para tal efecto estén contenidas en el Presupuesto de Egresos de la Federación, los recursos necesarios para dar inicio a las actividades de la institución y la Secretaría de Contraloría y Desarrollo Administrativo llevará a cabo las acciones necesarias en su ámbito de competencia.

México, D.F., a 29 de abril de 2003.- Dip. **Armando Salinas Torre**, Presidente.- Sen. **Enrique Jackson Ramírez**, Presidente.- Dip. **Rodolfo Dorador Pérez Gavilán**, Secretario.- Sen. **Yolanda E. González Hernández**, Secretaria.- Rúbricas".

En cumplimiento de lo dispuesto por la fracción I del Artículo 89 de la Constitución Política de los Estados Unidos Mexicanos, y para su debida publicación y observancia, expido el presente Decreto en la Residencia del Poder Ejecutivo Federal, en la Ciudad de México, Distrito Federal, a los diez días del mes



LEY FEDERAL PARA PREVENIR Y ELIMINAR LA DISCRIMINACIÓN

CÁMARA DE DIPUTADOS DEL H. CONGRESO DE LA UNIÓN
Secretaría General
Secretaría de Servicios Parlamentarios

Última Reforma DOF 20-03-2014

de junio de dos mil tres.- **Vicente Fox Quesada**.- Rúbrica.- El Secretario de Gobernación, **Santiago Creel Miranda**.- Rúbrica.



ARTÍCULOS TRANSITORIOS DE DECRETOS DE REFORMA

DECRETO por el que se reforma la fracción IV del artículo 5 de la Ley Federal para Prevenir y Eliminar la Discriminación.

Publicado en el Diario Oficial de la Federación el 27 de noviembre de 2007

ARTÍCULO ÚNICO.- Se reforma la fracción IV del artículo 5 de la Ley Federal para Prevenir y Eliminar la Discriminación, para quedar como sigue:

.....

TRANSITORIO

Único.- El presente Decreto entrará en vigor al día siguiente de su publicación en el Diario Oficial de la Federación.

México, D.F., a 2 de octubre de 2007.- Dip. **Ruth Zavaleta Salgado**, Presidenta.- Sen. **Santiago Creel Miranda**, Presidente.- Dip. **Esmeralda Cardenas Sanchez**, Secretaria.- Sen. **Adrián Rivera Pérez**, Secretario.- Rúbricas.”

En cumplimiento de lo dispuesto por la fracción I del Artículo 89 de la Constitución Política de los Estados Unidos Mexicanos, y para su debida publicación y observancia, expido el presente Decreto en la Residencia del Poder Ejecutivo Federal, en la Ciudad de México, Distrito Federal, a veintiuno de noviembre de dos mil siete.- **Felipe de Jesús Calderón Hinojosa**.- Rúbrica.- El Secretario de Gobernación, **Francisco Javier Ramírez Acuña**.- Rúbrica.



DECRETO por el que se reforman diversas Leyes Federales, con el objeto de actualizar todos aquellos artículos que hacen referencia a las Secretarías de Estado cuya denominación fue modificada y al Gobierno del Distrito Federal en lo conducente; así como eliminar la mención de los departamentos administrativos que ya no tienen vigencia.

Publicado en el Diario Oficial de la Federación el 9 de abril de 2012

ARTÍCULO QUINCUGÉSIMO SEGUNDO. Se reforman los artículos 38, párrafos segundo y tercero; y 39, fracción V de la Ley Federal para Prevenir y Eliminar la Discriminación, para quedar como sigue:

.....

TRANSITORIOS

Primero. El presente decreto entrará en vigor al día siguiente de su publicación en el Diario Oficial de la Federación.

Segundo. A partir de la fecha en que entre en vigor este Decreto, se dejan sin efecto las disposiciones que contravengan o se opongan al mismo.

México, D.F., a 21 de febrero de 2012.- Dip. **Guadalupe Acosta Naranjo**, Presidente.- Sen. **José González Morfín**, Presidente.- Dip. **Laura Arizmendi Campos**, Secretaria.- Sen. **Renán Cleominio Zoreda Novelo**, Secretario.- Rúbricas."

En cumplimiento de lo dispuesto por la fracción I del Artículo 89 de la Constitución Política de los Estados Unidos Mexicanos, y para su debida publicación y observancia, expido el presente Decreto en la Residencia del Poder Ejecutivo Federal, en la Ciudad de México, Distrito Federal, a treinta de marzo de dos mil doce.- **Felipe de Jesús Calderón Hinojosa**.- Rúbrica.- El Secretario de Gobernación, **Alejandro Alfonso Poiré Romero**.- Rúbrica.



DECRETO por el que se reforma la fracción XI del artículo 9 y se adiciona la fracción V al artículo 10 de la Ley Federal para Prevenir y Eliminar la Discriminación.

Publicado en el Diario Oficial de la Federación el 7 de junio de 2013

ARTÍCULO ÚNICO.- Se reforma la fracción XI del artículo 9 y se adiciona la fracción V al artículo 10 de la Ley Federal para Prevenir y Eliminar la Discriminación, para quedar como sigue:

.....

TRANSITORIO

ÚNICO. El presente Decreto entrará en vigor el día siguiente de su publicación en el Diario Oficial de la Federación.

México, D.F., a 24 de abril de 2013.- Dip. **Francisco Arroyo Vieyra**, Presidente.- Sen. **Ernesto Cordero Arroyo**, Presidente.- Dip. **Magdalena del Socorro Nuñez Monreal**, Secretaria.- Sen. **Lilia Guadalupe Merodio Reza**, Secretaria.- Rúbricas."

En cumplimiento de lo dispuesto por la fracción I del Artículo 89 de la Constitución Política de los Estados Unidos Mexicanos, y para su debida publicación y observancia, expido el presente Decreto en la Residencia del Poder Ejecutivo Federal, en la Ciudad de México, Distrito Federal, a cinco de junio de dos mil trece.- **Enrique Peña Nieto**.- Rúbrica.- El Secretario de Gobernación, **Miguel Ángel Osorio Chong**.- Rúbrica.



DECRETO por el que se reforma el artículo 4o. de la Ley Federal para Prevenir y Eliminar la Discriminación.

Publicado en el Diario Oficial de la Federación el 12 de junio de 2013

ARTÍCULO ÚNICO.- Se reforma el artículo 4o. de la Ley Federal para Prevenir y Eliminar la Discriminación.

TRANSITORIO

ÚNICO. El presente decreto entrará en vigor el día siguiente al de su publicación en el Diario Oficial de la Federación.

México, D.F., a 30 de abril de 2013.- Dip. **Francisco Arroyo Vieyra**, Presidente.- Sen. **Ernesto Cordero Arroyo**, Presidente.- Dip. **Magdalena del Socorro Núñez Monreal**, Secretaria.- Sen. **María Elena Barrera Tapia**, Secretaria.- Rúbricas."

En cumplimiento de lo dispuesto por la fracción I del Artículo 89 de la Constitución Política de los Estados Unidos Mexicanos, y para su debida publicación y observancia, expido el presente Decreto en la Residencia del Poder Ejecutivo Federal, en la Ciudad de México, Distrito Federal, a diez de junio de dos mil trece.- **Enrique Peña Nieto**.- Rúbrica.- El Secretario de Gobernación, **Miguel Ángel Osorio Chong**.- Rúbrica.



DECRETO por el que se reforma la fracción V del artículo 11 de la Ley Federal para Prevenir y Eliminar la Discriminación.

Publicado en el Diario Oficial de la Federación el 24 de diciembre de 2013

ARTÍCULO ÚNICO. Se reforma la fracción V del artículo 11 de la Ley Federal para Prevenir y Eliminar la Discriminación, para quedar como sigue:

.....

TRANSITORIO

ÚNICO.- El Decreto entrará en vigor al día siguiente de su publicación en el Diario Oficial de la Federación.

México, D.F., a 12 de noviembre de 2013.- Dip. **Ricardo Anaya Cortés**, Presidente.- Sen. **Raúl Cervantes Andrade**, Presidente.- Dip. **Xavier Azuara Zúñiga**, Secretario.- Sen. **Rosa Adriana Díaz Lizama**, Secretaria.- Rúbricas."

En cumplimiento de lo dispuesto por la fracción I del Artículo 89 de la Constitución Política de los Estados Unidos Mexicanos, y para su debida publicación y observancia, expido el presente Decreto en la Residencia del Poder Ejecutivo Federal, en la Ciudad de México, Distrito Federal, a veintitrés de diciembre de dos mil trece.- **Enrique Peña Nieto**.- Rúbrica.- El Secretario de Gobernación, **Miguel Ángel Osorio Chong**.- Rúbrica.



DECRETO por el que se reforman, adicionan y derogan diversas disposiciones de la Ley Federal para Prevenir y Eliminar la Discriminación.

Publicado en el Diario Oficial de la Federación el 20 de marzo de 2014

ARTÍCULO ÚNICO.- Se reforman los artículos 3, 4, 5, 6 y 8; el párrafo segundo del 9 y sus fracciones I, V, VI, XII, XIII, XV y la XXIX que pasa a ser la fracción XXXIV, así como sus fracciones XXVII, XXVIII; el artículo 16; el primer párrafo del artículo 20; el artículo 23 en sus párrafos primero, segundo, tercero, cuarto y quinto, que pasa a ser el sexto, y sus fracciones I a V; las fracciones I, II, III, IV, V, VI, VII del artículo 24; el artículo 25; el párrafo primero del artículo 26; los artículos 27, 28 y 29; el primer párrafo y las fracciones II, III, IV, V, VII, VIII, IX, X y XI del artículo 30; los artículos 32, 34 y 35; el segundo y tercer párrafos del artículo 38; la fracción V del artículo 39; la denominación del Capítulo Quinto “De los Procedimientos”; el primer párrafo del artículo 43 que se recorre al segundo párrafo; el primer párrafo del artículo 44; el artículo 45; el primer párrafo del artículo 48; el artículo 49; el primer párrafo del artículo 50; los artículos 51, 52, 53, 54 y 55; el primer párrafo del artículo 64; los artículos 65, 66, 67, 68, 69 y 70; el primer párrafo del artículo 71; el artículo 72; el primer párrafo y las fracciones I, II primer párrafo y V del artículo 73; los artículos 75 y 78; el primer párrafo del artículo 79; las fracciones I a V del artículo 83; el primer párrafo y las fracciones II y III del artículo 84; Se adicionan un párrafo segundo y las fracciones I, II, III, IV, V, VI, VII, VIII, IX y X al artículo 1; las fracciones XXII Bis, XXII Ter, XXIX a XXXIII al 9; un capítulo IV “De las Medidas de Nivelación, Medidas de Inclusión y Acciones Afirmativas” conformado por los artículos 15 Bis, 15 Ter, 15 Quáter, 15 Quintus, 15 Sextus, 15 Septimus, 15 Octavus y 15 Novenus, recorriéndose el orden del actual Capítulo IV “Del Consejo Nacional para Prevenir la Discriminación” y los subsecuentes; las fracciones XX a LVI al artículo 20; una Sección Cuarta “De la Junta de Gobierno” y una Sección Quinta “De la Presidencia” al Capítulo V “Del Consejo Nacional para Prevenir la Discriminación” recorriéndose a la Sección Sexta la actual Sección Cuarta “De la Asamblea Consultiva” y el orden de las subsecuentes secciones; las fracciones VI, VII y el párrafo quinto -recorriéndose el orden del subsecuente- al artículo 23; las fracciones II Bis, IX y X del artículo 24, recorriendo la actual fracción IX a la XI; un segundo párrafo y las fracciones I, II y III al artículo 26; las fracciones I Bis, I Ter y XI del artículo 30, recorriendo el orden de sus actuales fracciones XI a la XII; un primer y cuarto párrafo al artículo 43, recorriéndose el orden de sus actuales párrafos primero y segundo; un segundo párrafo al artículo 44; un párrafo segundo al artículo 48; un artículo 48 Bis; los párrafos segundo y tercero al artículo 50; la Sección Tercera “De la Sustanciación” del Capítulo V “De los Procedimientos”, recorriéndose el orden de las subsecuentes secciones; un segundo párrafo al artículo 64; un artículo 65 Bis, un segundo párrafo al artículo 71; un segundo párrafo a la fracción II del artículo 73; los artículos 77 Bis, 77 Ter y 77 Quáter; el segundo y tercer párrafo al artículo 79; los artículos 79 Bis y 79 Ter; el Capítulo VI “De las medidas administrativas y de reparación” y su Sección Primera “De las medidas administrativas y de reparación”; los artículos 83 Bis y 83 Ter; la Sección Segunda “De los criterios para la imposición de medidas administrativas y de reparación” al Capítulo VI “De las medidas administrativas y de reparación”; las fracciones II Bis y IV al artículo 84; la Sección Tercera “De la ejecución de las medidas administrativas y de reparación” al Capítulo VI “De las medidas administrativas y de reparación” integrada por los artículos 86 y 87; la Sección Cuarta “Del recurso de revisión” al Capítulo VI “De las medidas administrativas y de reparación”; Se DEROGAN las fracciones I a VIII del artículo 5; el primer párrafo del artículo 9, recorriéndose el orden de los subsecuentes; los artículos 10, 11, 12, 13, 14 y 15; las fracciones I a XIX del artículo 20; la fracción VIII del artículo 24; la fracción VI del artículo 30; la fracción VII del artículo 34; la Sección Segunda “De la Reclamación” del actual Capítulo V “De los Procedimientos”, los artículos 56 y 57; el artículo 63; el segundo párrafo del artículo 65; los artículos 76 y 77; la actual Sección Sexta “Del Procedimiento Conciliatorio entre Particulares” del Capítulo V “De los Procedimientos”; el último párrafo del artículo 83; la fracción I del artículo 84, y el artículo 85 de la Ley Federal para Prevenir y Eliminar la Discriminación, para quedar como siguen:

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TRANSITORIOS



PRIMERO. El presente Decreto entrará en vigor el día siguiente al de su publicación en el Diario Oficial de la Federación.

SEGUNDO. Se derogan todas las disposiciones que se opongan al presente decreto.

TERCERO. El período de duración a que hace referencia esta ley para la persona que ocupe el cargo de la presidencia del Consejo Nacional para Prevenir la Discriminación entrará en vigor a partir del siguiente nombramiento que se realice.

CUARTO. El sistema para iniciar la renovación escalonada de las personas integrantes de la Asamblea Consultiva se propondrá mediante acuerdo de dicho órgano colegiado, y se pondrá a consideración de la Junta de Gobierno para su aprobación.

QUINTO. Dentro de los sesenta días siguientes a la entrada en vigor del presente decreto, el Consejo Nacional para Prevenir la Discriminación deberá emitir los lineamientos que regulen la aplicación de las medidas previstas en los artículos 83 y 83 Bis de la presente Ley.

SEXTO. Conforme a lo dispuesto en el artículo segundo transitorio del Decreto por el que se reforman, adicionan y derogan diversas disposiciones de la Ley Orgánica de la Administración Pública Federal, publicado en el Diario Oficial de la Federación el 2 de enero de 2013, las modificaciones previstas en el presente Decreto para los artículos 38, 39, 73 Ter y 86 de esta Ley, exclusivamente por lo que se refiere a la desaparición y transferencia de las atribuciones de la Secretaría de la Función Pública, entrarán en vigor en la fecha en que el órgano constitucional autónomo que se propone crear en materia anticorrupción entre en funciones, conforme a las disposiciones constitucionales y legales que le den existencia jurídica.

Entre tanto se expiden y entran en vigor las disposiciones a que se refiere este artículo, la Secretaría de la Función Pública continuará ejerciendo sus atribuciones conforme a los ordenamientos vigentes al momento de expedición de este decreto.

México, D.F., a 6 de febrero de 2014.- Dip. **Ricardo Anaya Cortés**, Presidente.- Sen. **Raúl Cervantes Andrade**, Presidente.- Dip. **Angelina Carreño Mijares**, Secretaria.- Sen. **Lilia Guadalupe Merodio Reza**, Secretaria.- Rúbricas."

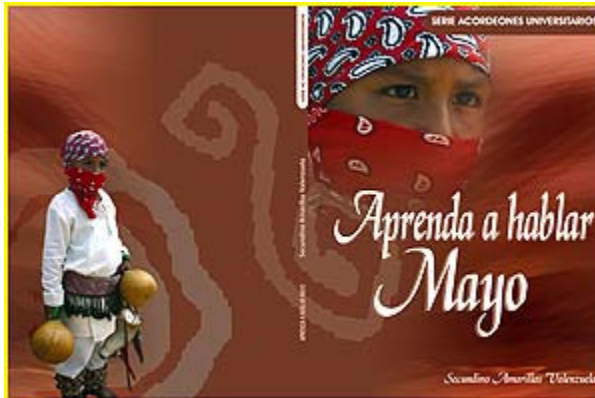
En cumplimiento de lo dispuesto por la fracción I del Artículo 89 de la Constitución Política de los Estados Unidos Mexicanos, y para su debida publicación y observancia, expido el presente Decreto en la Residencia del Poder Ejecutivo Federal, en la Ciudad de México, Distrito Federal, a doce de marzo de dos mil catorce.- **Enrique Peña Nieto**.- Rúbrica.- El Secretario de Gobernación, **Miguel Ángel Osorio Chong**.- Rúbrica.

APPENDIX E
UNIVERSITY NEWS OF MAYO COURSES



Noticias

Invita Unison, campus Navojoa, a aprender la lengua Mayo
2 de Septiembre de 2009



La Unidad Regional Sur de la Universidad de Sonora invita a todas las personas interesadas en iniciar o continuar estudios para aprender a hablar la lengua Mayo y participar en los cursos semestrales del ciclo 2009-2 en horarios matutino y vespertino para primer nivel.

El coordinador de los cursos de lengua Mayo en la Unison, José Enrique Vilches Valenzuela, dio a conocer que se ofrece el curso básico los días martes, de 15:00 a 19:00 horas y los miércoles y jueves de 8:00 a 10:00 de la mañana.

Quienes ya acreditaron el primer nivel tienen la opción de continuar con la enseñanza de la lengua

materna de la etnia Mayo, los sábados de 9:00 a 13:00 horas y a partir del presente ciclo escolar se ofrecerá un taller de conversación con la finalidad de crear un espacio para quienes hayan cursado los dos niveles básicos que ofrece la institución, los sábados de 9:00 a 13:00 horas.

Vilches Valenzuela informó que las inscripciones se realizan en horario de nueve de la mañana a seis de la tarde en la Coordinación de Comunicación, ubicada en el primer piso del edificio de vicerrectoría de la Unidad Sur y los requisitos son una copia de identificación con foto y el pago de la cuota semestral.

Indicó que la Unison unidad sur ha editado el libro "Aprenda a hablar Mayo", un importante material de apoyo que es base para la enseñanza de la lengua y que fue elaborado por Secundino Amarillas Valenzuela, instructor de los cursos. El libro se encuentra disponible para toda persona interesada en la lengua yoreme.

Los cursos de lengua Mayo que ofrece la Unison unidad Navojoa, son abiertos a toda la comunidad interesada en conocer la cultura Mayo, su historia, costumbres, tradiciones, pero sobre todo aprender la lengua yoreme, considerada en estos tiempos en riesgo de desaparecer.

Más informes sobre estos cursos en el teléfono: 4259950, o al correo: evilches@navojoa.uson.mx.

RESPONSABLE DE ESTA PUBLICACIÓN
DIRECCIÓN DE COMUNICACIÓN
Preguntas, comentarios o dudas

APPENDIX F
RESULTS OF PARENTS' QUESTIONNAIRES

APPENDIX F
RESULTS OF PARENTS' QUESTIONNAIRES

Results of Grade 5 Parents' Questionnaire

Student's initial	# people in household	Ages in years	Gender f- female m-male	Place of birth	Occupation	Last school degree	# people who speak Mayo	What language is spoken the most?	Did you choose this school? Why?	What do you think about the English class
MM girl	4	33 33 12 10	4 – f	Huatabampo	Preschool teacher	B.A.	1	Spanish, random words in Mayo to children	Yes, because I work for the indigenous school system and I'm interested in my children reinforcing their identity	That it is an important part of children's development and that they should recognize it at an early age
F boy	6	33 29 10 9 6 4	5 – m 1 - f	Navojoa Bacabachi	Fieldworker housewife	Junior high school	1	Spanish	Yes, because it's better	It's good that the children learn English
D boy	6	33 33 29 13 10 3	3 – f 3 – m	Navojoa	housewife	Junior high school	1	Spanish	Yes, because it's the best in the school district.	Nowadays it's very important that they teach them English.
J boy	5	51 42 19 16 11	3 – m 2 – f	Navojoa	housewife	Junior high school	none	Just one	Yes, because it's the best	Very good.

JM boy	5	32 31 11 7 3	2 – f 3 – m	Carrizo Navojoa Huatabampo	Housewife Fisherman students	Junior and high school	none	Only Spanish	Because they liked it (the kids)	It's good that they offer this course.
S boy	7	39 38 16 11 7 5 4	5 – m 2 – f	Navojoa Masiaca Las bocas	housewife	Junior high school	2	both	Because it's the closest and they offer courses in and Mayo language.	That's very good, so they can learn better
V boy	7	58 37 10 9 7 4 9 mo	f	Basiroa	housewife	Grade 5	1	both	Yes, because they provide a good education.	That is good for kids so they can learn more stuff.
R boy	4	28 10 6 4	2 – m 1 – f	Navojoa	housewife	Junior high school	3	Both are spoken well	Yes, because everyone in our family went there and it's a good school.	It's good because this way they will not only speak two but three languages and that gives them a greater advantage.
MJ girl	6	34 29 12 11 9 1	2 – m 4 - f	Las bocas	housewife	Junior high school	none	Spanish	Yes, because everyone in our family went there and I wanted my children to study there	They are good and they have learned well

Results of Grade 6 Parents' Questionnaire

Student's initial	# people in household	Ages in years	Gender f- female m-male	Place of birth	Occupation	Last school degree	# people who speak Mayo	What language is spoken the most?	Did you choose this school? Why?	What do you think about the English class
MM girl	4	33 33 12 10	4 – f	Huatabampo	Preschool teacher	B.A.	1	Spanish, random words in Mayo to children	Yes, because I work for the indigenous school system and I'm interested in my children reinforcing their identity	That it is an important part of children's development and that they should recognize it at an early age
F boy	6	33 29 10 9 6 4	5 – m 1 - f	Navojoa Bacabachi	Fieldworker housewife	Junior high school	1	Spanish	Yes, because it's better	It's good that the children learn English
D boy	6	33 33 29 13 10 3	3 – f 3 – m	Navojoa	housewife	Junior high school	1	Spanish	Yes, because it's the best in the school district.	Nowadays it's very important that they teach them English.

J boy	5	51 42 19 16 11	3 – m 2 – f	Navojoa	housewife	Junior high school	none	Just one	Yes, because it's the best	Very good.
JM boy	5	32 31 11 7 3	2 – f 3 – m	Carrizo Navojoa Huatabampo	Housewife Fisherman students	Junior and high school	none	Only Spanish	Because they liked it (the kids)	It's good that they offer this course.
S boy	7	39 38 16 11 7 5 4	5 – m 2 – f	Navojoa Masiaca Las bocas	housewife	Junior high school	2	both	Because it's the closest and they offer courses in Mayo language.	That's very good, so they can learn better
V boy	7	58 37 10 9 7 4 9 mo	f	Basiroa	housewife	Grade 5	1	both	Yes, because they provide a good education.	That is good for kids so they can learn more stuff.
R boy	4	28 10 6 4	2 – m 1 – f	Navojoa	housewife	Junior high school	3	Both are spoken well	Yes, because everyone in our family went there and it's a good school.	It's good because this way they will not only speak two but three languages and that gives them a greater advantage.
MJ girl	6	34 29 12 11 9 1	2 – m 4 – f	Las bocas	housewife	Junior high school	none	Spanish	Yes, because everyone in our family went there and I wanted my children to study there	They are good and they have learned well