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Information about California Requirements for Limited English Proficient Students

Office of Bilingual Education and Minority Languages Affairs

California Law

- The California Bilingual-Bicultural Education Act of 1976 was sunsetted on June 30, 1987.
- The former State Bilingual Education Act established specific bilingual program requirements for identification, instruction, staffing assignments, classroom composition, reclassification and parent involvement.
- California currently has no existing requirements for bilingual education of its own. On July 14, 1995, the State Board of Education (SBE) adopted a policy statement on educational programs and services for Limited English Proficient (LEP) students. The policy is not binding on school districts.
- However, Section 62002 states that if the Legislature does not enact legislation to continue a program listed in The Bilingual-Bicultural Education Act of 1976, “the funding of that program shall continue for the general purposes as specified in the provisions relating to the establishment and operation of the program.” The funds shall be used for the intended purposes of the program. There are eight intended purposes:
 - ▶ The primary goal of all (bilingual) programs is, as effectively and efficiently as possible, to develop in each child fluency in English.
 - ▶ The program must provide equal opportunity for academic achievement, including, when necessary, academic instruction through the primary language.
 - ▶ The program must provide “positive reinforcement of the self image of participating children”.
 - ▶ The program must promote “cross-cultural understanding”.
 - ▶ California school districts are required to offer “bilingual learning opportunities” to each pupil of limited English-proficiency enrolled in the public schools.”
 - ▶ California school districts are required to “provide adequate supplemental financial support” in order to offer such bilingual learning opportunities.
 - ▶ Insofar as the individual pupil is concerned participation in bilingual programs is voluntary on the part of the parent or guardian.”
 - ▶ School districts must “provide for in-service programs to qualify

existing and future personnel in the bilingual and cross-cultural skills necessary to serve the pupils of Limited English- Proficiency of this state.”

- The Bilingual-Bicultural Education Act of 1976 provided for parent advisory committees and school site councils to continue subsequent to the termination of funding for the programs sunsetted and that provision continues.

Some California Facts:

- The number of Limited English Proficient students has nearly doubled in less than a decade.
- Nearly 80 percent of the California LEP population is Hispanic.
- The California State Department of Education estimates that there is a shortage of 21,000 qualified bilingual teachers in California.
- About 30 percent of all LEP students receive instruction in the academic subjects through the primary language.
- In California, Hispanics have a 50 percent dropout rate.
- An average annual rate for transfer out of a bilingual program is 5 percent.
- In 1997, the total LEP population in California was 1,381,393.

- 29.70% received English Language Development (ELD) and Primary Language Instructional services X
- 21.61% received ELD, Specifically Designed Academic Instruction in English (SDAIE) and Primary Language support services X
- 19.91% receive ELD and SDAIE services
- 16.00% receive **no** special services
- 11.50% receive ELD services
- 1.40% withdrawn from services

SDAIE
Primary Language Support
services

California Funding

- Distribution of Education Funds in California--about 60% of the money is for general purposes, and about 40% is earmarked for special purposes or categories of students. Each district has its own combination of federal, state and local sources. The amount depends on: 1) the average number of students (Average Daily Attendance or ADA), 2) the general purpose money the district is allowed to have for each student (its revenue limit) and 3) the special support for which it qualifies (categorical aid). (EDFACT Sheet, September 1996. EdSource).
- Schools fund bilingual programs through their General Fund. Each district receives a set amount of general purpose income (“revenue limit”) from a combination of state

prop to LEP
shel

aid and local property taxes for each pupil (ADA). Revenue limit income is the largest portion of each district's budget. The school board decides how to spend this support (i.e. whether and how to fund bilingual education programs or LEP services). (EDFACT Sheet, October 1996. EdSource).

- Schools also fund bilingual programs through Economic Impact Aid (EIA). This funding is based on the number of special category, including LEP and economically disadvantaged, students. EIA funds are used at the district's discretion. Each individual district decides what percent of EIA money will be allocated to LEP services and what percent will be allocated to other categories. (Leroy Hamm at the Bilingual Compliance Unit of Economic Impact Aid).

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September 28, 1997

Ms. Glenda Booth
Office of Senator Dianne Feinstein
U. S. Senate

Dear Glenda:

I am pleased to offer the following comments about the proposed California ballot initiative, "English Language Education for Children in Public Schools", authored by Mr. Ron K. Unz.

1. The initiative focuses exclusively on the language of instruction, and does not address the quality of instruction in the content areas (such as reading, math, science and social studies). Research amply demonstrates that program quality involves multiple factors, of which the language of instruction is just one. The goal of educational reform should be the continuous improvement in all instructional aspects of schools, not just whether the environment is conducive to the learning of English.
2. The initiative assumes that sheltered immersion in English will result in more rapid and efficient acquisition of English. This is not the case. Exposure to programs that use the student's native language does not appear to slow down their progress in English. At least one major study funded by the U.S. Department of Education and subsequently reviewed by an independent panel of statisticians at the National Academy of Sciences¹ showed no difference between immersion and short- and long-term bilingual education programs in how long it took students to learn English. Language minority students across the U.S. appear to be learning English "at the speed limit" across program types. Research does show considerable variation across individuals -- mostly, the speed of English acquisition is related to family education background and level of development in their native language.²
3. The initiative assumes that there is no finding supporting the efficacy of bilingual education programs. But at least two independent committees of the National Academy of Sciences that reviewed the evidence of program effectiveness concluded, tersely but in no uncertain terms, that: "the panel still sees the elements of positive relationships that are consistent with empirical results from other

¹ M. Meyer & S. Fienberg (1992), *Assessing Evaluation Studies: The Case of Bilingual Education Strategies*. Washington, DC: National Academy Press.

² Bialystok, E. & Hakuta, K. (1994), *In Other Words: The Science and Psychology of Second Language Acquisition*. New York: Basic Books.

studies that support the theory underlying native language instruction"³ In the study that compared immersion and short- and long-term bilingual education programs, the cleanest comparisons showed the short-term bilingual education programs to be significantly better than immersion program in the areas of reading and mathematics achievement.

In sum, I believe that the initiative is misguided because it will focus attention on English acquisition, and away from attending to academic standards. Children are learning English anyway. Attention needs to be directed toward why, despite successfully learning English, many language minority students (80 percent of whom are economically poor) do poorly in our schools. This initiative does not help us focus on this key issue, and instead drags us back into the 30-year-old debate of language of instruction, a trap from which most serious educators are hoping to escape.

Please do not hesitate to contact me if I can provide you with any additional information or supporting documents.

Sincerely,



Kenji Hakuta
Professor

³ August, D. & Hakuta, K. (1997), *Improving Schooling for Language-Minority Children: A Research Agenda*. Washington, DC: National Academy Press.

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English Language Education for Children in Public Schools

by [Ron K. Unz](#) and [Gloria Matta Tuchman](#)

Text:

SECTION 1. Chapter 3 (commencing with Section 300) is added to Part 1 of the Educational Code, to read:

CHAPTER 3. ENGLISH LANGUAGE EDUCATION FOR IMMIGRANT CHILDREN

ARTICLE 1. Findings and Declarations

300. The People of California find and declare as follows:

(a) WHEREAS the English language is the national public language of the United States of America and of the state of California, is spoken by the vast majority of California residents, and is also the leading world language for science, technology, and international business, thereby being the language of economic opportunity; and

(b) WHEREAS immigrant parents are eager to have their children acquire a good knowledge of English, thereby allowing them to fully participate in the American Dream of economic and social advancement; and

(c) WHEREAS the government and the public schools of California have a moral obligation and a constitutional duty to provide all of California's children, regardless of their ethnicity or national origins, with the skills necessary to become productive members of our society, and of these skills, literacy in the English language is among the most important; and

(d) WHEREAS the public schools of California currently do a poor job of educating immigrant children, wasting financial resources on costly experimental language programs whose failure over the past two decades is demonstrated by the current high drop-out rates and low English literacy levels of many immigrant children; and

(e) WHEREAS young immigrant children can easily acquire full fluency in a new language, such as English, if they are heavily exposed to that language in the classroom at an early age.

(f) THEREFORE it is resolved that: all children in California public schools shall be taught English as rapidly and effectively as possible.

ARTICLE 2. English Language Education

305. Subject to the exceptions provided in Article 3 (commencing with Section 310), all children in California public schools shall be taught English by being taught in English. In particular, this shall require that all children be placed in English language classrooms. Children who are English learners shall be educated through sheltered English immersion during a temporary

transition period not normally intended to exceed one year. Local schools shall be permitted to place in the same classroom English learners of different ages but whose degree of English proficiency is similar. Local schools shall be encouraged to mix together in the same classroom English learners from different native-language groups but with the same degree of English fluency. Once English learners have acquired a good working knowledge of English, they shall be transferred to English language mainstream classrooms. As much as possible, current supplemental funding for English learners shall be maintained, subject to possible modification under Article 8 (commencing with Section 335) below.

306. The definitions of the terms used in this article and in Article 3 (commencing with Section 310) are as follows:

- (a) "English learner" means a child who does not speak English or whose native language is not English and who is not currently able to perform ordinary classroom work in English, also known as a Limited English Proficiency or LEP child.
- (b) "English language classroom" means a classroom in which the language of instruction used by the teaching personnel is overwhelmingly the English language, and in which such teaching personnel possess a good knowledge of the English language.
- (c) "English language mainstream classroom" means a classroom in which the students either are native English language speakers or already have acquired reasonable fluency in English.
- (d) "Sheltered English immersion" or "structured English immersion" means an English language acquisition process for young children in which nearly all classroom instruction is in English but with the curriculum and presentation designed for children who are learning the language.
- (e) "Bilingual education/native language instruction" means a language acquisition process for students in which much or all instruction, textbooks, and teaching materials are in the child's native language.

ARTICLE 3. Parental Exceptions

310. The requirements of Section 305 may be waived with the prior written informed consent, to be provided annually, of the child's parents or legal guardian under the circumstances specified below and in Section 311. Such informed consent shall require that said parents or legal guardian personally visit the school to apply for the waiver and that they there be provided a full description of the educational materials to be used in the different educational program choices and all the educational opportunities available to the child. Under such parental waiver conditions, children may be transferred to classes where they are taught English and other subjects through bilingual education techniques or other generally recognized educational methodologies permitted by law. Individual schools in which 20 students or more of a given grade level receive a waiver shall be required to offer such a class; otherwise, they must allow the students to transfer to a public school in which such a class is offered.

311. The circumstances in which a parental exception waiver may be granted under Section 310 are as follows:

(a) Children who already know English: the child already possesses good English language skills, as measured by standardized tests of English vocabulary comprehension, reading, and writing, in which the child scores at or above the state average for his grade level or at or above the 5th grade average, whichever is lower; or

(b) Older children: the child is age 10 years or older, and it is the informed belief of the school principal and educational staff that an alternate course of educational study would be better suited to the child's rapid acquisition of basic English language skills; or

(c) Children with special needs: the child already has been placed for a period of not less than thirty days during that school year in an English language classroom and it is subsequently the informed belief of the school principal and educational staff that the child has such special physical, emotional, psychological, or educational needs that an alternate course of educational study would be better suited to the child's overall educational development. A written description of these special needs must be provided and any such decision is to be made subject to the examination and approval of the local school superintendent, under guidelines established by and subject to the review of the local Board of Education and ultimately the State Board of Education. The existence of such special needs shall not compel issuance of a waiver, and the parents shall be fully informed of their right to refuse to agree to a waiver.

ARTICLE 4. Community-Based English Tutoring

315. In furtherance of its constitutional and legal requirement to offer special language assistance to children coming from backgrounds of limited English proficiency, the state shall encourage family members and others to provide personal English language tutoring to such children, and support these efforts by raising the general level of English language knowledge in the community. Commencing with the fiscal year in which this initiative is enacted and for each of the nine fiscal years following thereafter, a sum of fifty million dollars (\$50,000,000) per year is hereby appropriated from the General Fund for the purpose of providing additional funding for free or subsidized programs of adult English language instruction to parents or other members of the community who pledge to provide personal English language tutoring to California school children with limited English proficiency.

316. Programs funded pursuant to this section shall be provided through schools or community organizations. Funding for these programs shall be administered by the Office of the Superintendent of Public Instruction, and shall be disbursed at the discretion of the local school boards, under reasonable guidelines established by, and subject to the review of, the State Board of Education.

ARTICLE 5. Legal Standing and Parental Enforcement

320. As detailed in Article 2 (commencing with Section 305) and Article 3 (commencing with Section 310), all California school children have the right to be provided with an English language public education. If a California school child has been denied the option of an English language instructional curriculum in public school, the child's parent or legal guardian shall have legal standing to sue for enforcement of the provisions of this statute, and if successful shall be awarded normal and customary attorney's fees and actual damages, but not punitive or consequential damages. Any school board

member or other elected official or public school teacher or administrator who willfully and repeatedly refuses to implement the terms of this statute by providing such an English language educational option at an available public school to a California school child may be held personally liable for fees and actual damages by the child's parents or legal guardian.

ARTICLE 6. Severability

325. If any part or parts of this statute are found to be in conflict with federal law or the United States or the California State Constitution, the statute shall be implemented to the maximum extent that federal law, and the United States and the California State Constitution permit. Any provision held invalid shall be severed from the remaining portions of this statute.

ARTICLE 7. Operative Date

330. This initiative shall become operative for all school terms which begin more than sixty days following the date at which it becomes effective.

ARTICLE 8. Amendment.

335. The provisions of this act may be amended by a statute that becomes effective upon approval by the electorate or by a statute to further the act's purpose passed by a two-thirds vote of each house of the Legislature and signed by the Governor.

ARTICLE 9. Interpretation

340. Under circumstances in which portions of this statute are subject to conflicting interpretations, Section 300 shall be assumed to contain the governing intent of the statute.

END

Ron K. Unz, a high-technology entrepreneur, is Chairman of One Nation/One California, 555 Bryant St. #371, Palo Alto, CA 94301.

Gloria Matta Tuchman, an elementary school teacher, is Chair of REBILLED, the Committee to Reform Bi-Lingual Education, 1742 Lerner Lane, Santa Ana, CA 92705.

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Analysis of Unz Initiative
Office of Bilingual Education and Minority Languages Affairs

- All children are to be placed in English language classrooms.
- English learners shall receive their education in a sheltered English immersion program. *LEP students*
- After acquiring "a good working knowledge of English" the children will be transferred to English language mainstream classes.
- Parent waivers must be in writing, acknowledged each year by a personal visit to the school by the parents or guardians.
- The waivers will be granted if:
 - the child already possesses good English language skills,
 - the child is age 10 years or older, or
 - the child has special physical, emotional, psychological, or educational need.
- Adult English instruction will be provided for parents or members of the community who pledge to provide personal tutoring to California LEP students. \$50,000,000 per year for ten years will be appropriated from the General Fund for this purpose.
- Parents will have the right to sue for enforcement of the provisions of this statute. Administrators or elected officials or teachers can be held personally liable.

English For the Children



Let's teach English to *all* of California's children and end bilingual education by June 1998.



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The 1998 California "English for the Children" Initiative

Begun with the best of theoretical intentions some twenty or thirty years ago, bilingual education has proven itself a dismal practical failure, especially in California. Today, nearly one-quarter of all California children in public schools---over 1,200,000---are classified as not proficient in English.

During the past decade, the number of these non-English-speaking immigrant children has more than doubled. Yet under the current system, centered on bilingual education, only about 5% of these children each year are found to have gained proficiency in English. **Thus, our state's current system of language instruction has an annual failure rate of 95%.**

Last year, immigrant parents were forced to begin a public boycott of Ninth Street Elementary in Los Angeles after the school administration refused to allow their children to be taught English. Enormous numbers of California schoolchildren today leave years of schooling with limited spoken English and almost no ability to read or write English. We believe that the unity and prosperity our of society is gravely threatened by government efforts to prevent young immigrant children from learning English.

Our initiative will end bilingual education by ensuring that all California schoolchildren are taught English, unless there are special circumstances and their parents object. If it passes, today's immigrant children will be given the same opportunity to become educated, productive members of society that our own immigrant ancestors enjoyed.

Our effort is bipartisan, supported by Democrats and Republicans, liberals and conservatives, immigrants and the native-born. All of us share the belief that young children should be taught English in California public schools.

With your help, we can end bilingual education in California by June 1998!

English for the Children

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Oct 15, 1997 — Study #400

LOS ANGELES TIMES® POLL ALERT

English-Only Education Initiative Would Garner Widespread Support

■ Initiative would virtually end bilingual education in California public schools. Californians are against legislative meddling in political use of union membership dues.

The latest Times poll measured early public perception of the issues behind a handful of initiatives aimed at the June 1998 primary ballot. The poll found widespread support for ending bilingual education in the public schools, opposition to legislative meddling in the political life of the Democrat-leaning unions, approval of the state's assault weapons ban and a wish to strengthen it further, as well as support for the notion of requiring minor girls to get permission from their parents before having an abortion.

Bilingual Education in California Public Schools

California voters ranked education as one of the top three problems facing the state in the latest Times poll and bilingual education is a hot-but-ton issue in the debate over what changes will bring the most improvement to the state's public school system. An initiative that will in effect nearly dismantle the program is currently in the process of getting signatures to qualify for the June primary vote.

The poll found that opponents of bilingual education and the "English for Children" initiative have widespread backing from the state's voters. Eighty percent of California voters agree with those who say that students are better served by learning English in an intensive program designed to bring them up to proficiency in one year. Proponents of this system claim that students in bilingual programs are pushed into a "separate and unequal" track which leaves them less than proficient in the English skills they require, and segregated from their English-speaking peers. Supporters of bilingual education say that many children from non-English speaking households need school instruction in their first language in order not to fall behind in other subjects while they are learning English.

Sponsored by Republicans—former gubernatorial candidate Ron Unz and Latina public school teacher Gloria Matta Tuchman are co-sponsors—the measure has been characterized by opponents as the latest embodiment of the sort of anti-immigrant and anti-Latino prejudice found in Propositions 187 and 209 and by its supporters as the true path to English language proficiency for

non-native speakers. However, support for the fledgling initiative is actually slightly stronger among Latino (84% to 16%) than among white voters who favor the measure 80% to 18%.

Early support for the measure is broad as well as deep. The hypothetical vote does not significantly divide along age or socioeconomic lines. Strongest support was found among women in the Republican Party at 93%. Eighty-eight percent of the elderly and 89% of all Republicans along with 73% of Democrats and 73% of the youngest voters also support the initiative. Even 2 out of every 3 liberals support the initiative. A pocket of possible opposition can be found only among 35% of self-identified liberal Democrats at this time.

“ Much depends on how Latino community leaders respond to the English-only initiative, and how divided the community is over this complex issue. ”

It is worth noting that a Times poll measured majority Latino support for the much more Draconian measures of Proposition 187 at 52% to 42% as late as the first week of September, 1994. One month later, Latino voters were split 46% to 48% on the issue and by late October, a solid 65% majority of Latino voters were arrayed against the initiative. Opposition to Prop 187 continued to grow in the Latino community—our

exit poll measured 77% of Latinos who cast opposing ballots on election day. It is possible that we may see changes of this kind over time in the support for the English-only initiative, as well. Much depends on how Latino community leaders respond to the measure, and how divided the community is over this complex issue.

Union Dues and Soft Money

Another Republican-backed initiative aimed at the June 1998 ballot is a bill which would require unions to get written advance permission from each member before adding the portion of their dues to the pot that is used by union leaders to make donations to—usually Democratic—political campaigns. This is a state version of the "Paycheck Protection Act" amendment that effectively killed the campaign finance reform bill recently in the U.S. Senate.

Californians don't much like the idea of legislative meddling in union affairs. When asked whether they would vote for or against such a measure, 59% of California voters told the Times

Poll that they would vote against it. A third of all voters would vote for it and 8% aren't sure at this time. The measure finds only slightly stronger opposition among union members than among non-members. Sixty three percent of union members who are registered to vote oppose the bill, 33% are for it and 4% aren't sure while among non-members the vote is 58% to 33% with 9% not sure.

Opposition to the measure is found across political party lines. Support is slightly stronger among Republicans, but falls well short of a majority at 37% while 54% would vote against it. Even self-identified conservatives can only muster 39% support while 55% would vote no. Men are a bit more positive about the measure, voting 42% to 53% while Republican men split evenly at 47% to 48%.

Assault Weapons Ban

California voters not only approve of the assault weapons ban, but they also want to see it strengthened, the poll found. Nearly three out of every four California voters are in favor of the 1989 legislation banning the manufacture, sale or possession of certain types of semiautomatic weapons. Even a majority of the 3 out of every 5 of voters who feel that the law has been ineffective in reducing the use of automatic weapons by criminals in California are in favor of it—by 63% to 35% opposed.

Fifty-eight percent of all Californians and 60% of registered voters feel that the 1989 law has been "not too effective", or "not effective at all" in reducing the use of semiautomatic weapons by criminals in California. When asked if they would be in favor of the bill intended to close the loopholes in the original law, 71% of all Californians and registered voters said they were.

The Times poll found that 28% of all California households keep at least one gun in their home or garage. Protection was the top mention at 14% when respondents were asked to give up to two reasons why guns are kept in the home. Nine percent of responses cited gun-collecting or hunting as the main or secondary reason. Among Californians who keep a gun in their home, 63% favor the 1989 ban while 34% oppose, 67% feel that the ban has not been effective while 34% say effective and 56% are in favor of strengthening the ban while 38% oppose.

Parental Consent

A large majority of Californians continue to support a women's right to obtain an abortion in the first trimester—59% of all residents and 62% of registered voters expressed support for the 1973 U.S. Supreme Court Roe vs. Wade decision. Abortion is both a political issue and one of personal ideology for most voters and the widest disagreement lies between liberal Democrats—who support the Roe vs. Wade decision 79% to 12%—and conservative Republicans who are the main opposition to abortion rights at 41% to 46%. One way to measure the broad support that women's choice enjoys in California is to note that Roe vs. Wade is supported by all Republicans at 49% to 40% and even among self-identified conservatives at 45% to 41%.

When it comes to minors, however, 67% of Californians feel that girls should be required to obtain permission from their parents before having an abortion, while 26% feel that minor girls should be allowed to make that decision for themselves. Registered voters reflect the state at large at 65% for, 28% against.

The California Supreme Court recently overturned a never-enforced state law requiring girls under 18 to seek parental con-

sent, citing privacy protections written into the state Constitution. Opponents of the court's decision have vowed to campaign for the ouster of two of the state Supreme Court justices who voted to overturn the law. In addition, they have said they will place an initiative on the ballot to amend the privacy protection in the Constitution to exclude minor girls. Such an amendment would likely prove popular with the state's voters, based on the poll's findings, and if passed would allow enforcement of the legislation passed by voters in 1987 which has been tied up in the courts ever since.

Support for requiring girls to consult their parents in this matter is widespread, but is most popular among the state's black residents, at 79% for, 18% against. Latinos, despite being overwhelmingly (81%) Roman Catholic, are nearly split on the issue of abortion rights in general at 43% opposed to 39% in favor and support the requirement of parental consent by 76% to 15%. White residents weigh in at 64% to 29% on this issue.

California's New Open Primary

Under the new California "open primary" rules, registered voters may cast their ballot for the candidate of their choice regardless of party. Registered voters who decline to state a party—voters commonly referred to as "Independents"—will be able to cast ballots for a primary candidate for the first time under the new rule. California's open primary plan is currently under scrutiny by the court, but is likely to still be in effect for the 1998 primary season.

The poll found that 77% of voters who are registered in a political party—registered as Democrats, Republicans, etc.—can think of a circumstance where they might cast their primary ballot for a candidate of another party. The vast majority (86%) of those who said that they might vote for another party's candidate said that they would do so because they favor the candidate as an alternative choice in the general election while only 5% said that they might be more inclined to vote to help insure a weaker opponent for the candidate of their choice in the general election. This is a much talked-about concern among opponents of the open primary system, but the real impact of rogue voters making trouble in this way seems to be minimal at this time.

Independent voters—those who are registered but have declined to state a party—look forward to voting for the first time in the open primary. Seventy-one percent of Independents say they will now vote for candidates for elected office as well as the primary initiatives, while 12% say they will continue to vote only for initiatives. The large majority of these voters—87%—plan to vote for the candidate they like while a tiny number—2% say they are likely to use their vote to help insure a weaker opponent for the candidate of their choice.

Analysis by JILL DARLING RICHARDSON

Oct 15, 1997 — Study #400

LOS ANGELES TIMES® POLL ALERT

HOW THE POLL WAS CONDUCTED

The Times Poll contacted 1,396 adults, including 1,092 registered voters, statewide by telephone October 4 through October 7. Telephone numbers were chosen from a list of all exchanges in the state. Random-digit dialing techniques were used so that listed and non-listed numbers could be contacted. The sample was weighted slightly to conform with census figures for sex, race, age, education, region and registration. The margin of sampling error for all adults and registered voters is plus or minus 3 percentage points; for certain subgroups the error margin may be somewhat higher. Poll results can also be affected by other factors such as question wording and the order in which questions are presented.

NOTES

All answer frequencies are given in percentages.
 “-” indicates less than 0.5%.
 Totals may exceed 100% where more than one reply was accepted.
 The wording of some questions has been abridged.

SELECTED RESULTS FROM THE TIMES POLL CALIFORNIA SURVEY Oct 4-7, 1997

(A full summary of results will be available at a later date through the Los Angeles Times Poll)

GUIDE TO COLUMN HEADINGS

ALL	All California adults
RV	Registered voters
DEM	Registered Democrats
IND	Registered independents
REP	Registered Republicans

(ASKED OF VOTERS REGISTERED IN A PARTY)

Will you continue to vote only for candidates of your own party in the new “open” primaries, or can you think of circumstances where you might vote for candidates from other parties?

	<u>RV</u>	<u>DEM</u>	<u>REP</u>
Vote only for my own party	15	17	14
Might vote for other party candidates	77	75	78
Depends on candidate (Vol.)	7	8	6
Don't know	1	-	2

(ASKED OF REGISTERED VOTERS IN A PARTY WHO SAY THEY MIGHT VOTE FOR OTHER PARTY'S CANDIDATE)
 Would you be more likely to vote for another party's candidate in the primary because you favor that candidate as an alternative choice in the general election, or because you think they would be a weaker opponent for your own party's candidate in the general election, or is there some other reason you would vote for a candidate from another party?

	<u>RV</u>	<u>DEM</u>	<u>REP</u>
Favor as alternative choice	86	90	82
Weaker opponent for own candidate	5	3	7
Other	4	3	4
Don't know	5	4	7

(ASKED OF VOTERS REGISTERED AS AN INDEPENDENT/DECLINE TO STATE)

Will you continue to vote just for the initiatives in the primaries, or will you now vote for candidates running for elected office?

	<u>IND</u>
Continue to vote just for initiatives	12
Now vote for candidates	71
Depends on who runs (Vol.)	7
Don't know	10

(ASKED OF INDEPENDENTS/DECLINE TO STATE VOTERS WHO SAY THEY WILL NOW VOTE FOR CANDIDATES)

Now that you are able to vote for candidates running for elected office in the June primary, will you vote for a candidate because you like what he or she stands for, or will you vote for a weaker opponent to help insure that the candidate you want wins in the general election in November?

	<u>IND</u>
Vote for candidate you like	87
Vote for weaker opponent	2
Depends (Vol.)	9
Don't know	2

(ASKED OF ALL REGISTERED VOTERS)

There is a new initiative trying to qualify for the June primary ballot that would require all public school instruction to be conducted in English and for students not fluent in English to be placed in a short-term English immersion program. If the June 1998 primary election were being held today, would you vote for or against this measure? (INCLUDES LEANERS)

	<u>RV</u>	<u>DEM</u>	<u>IND</u>	<u>REP</u>
Vote for	80	73	80	89
Vote against	18	23	17	10
Don't know	2	4	3	1

	<u>WHITES</u>	<u>LATINOS</u>
Vote for	80	84
Vote against	18	16
Don't know	2	-

FOR COMPARISON

How the prospective Latino vote on Proposition 187 changed as the Nov. 8, 1994 election approached:

If the November 1994 general election were held today, would you vote for or against Proposition 187? (ASKED OF REGISTERED VOTERS)

	<u>Oct. 22-25, 1994</u> <u>LATINOS</u>	<u>Oct 8-11, 1994</u> <u>LATINOS</u>	<u>Sept 8-11, 1994</u> <u>LATINOS</u>
Vote for	22	46	52
Vote against	65	48	42
Don't know	13	6	6

Election results, from the Times' exit poll:

	<u>Nov 8, 1994</u> <u>LATINOS</u>
Vote for	23
Vote against	77

There is another initiative trying to qualify for the June primary ballot that would require union members to approve part of their membership dues to be used for political candidates or initiatives. If the June 1998 primary election were being held today, would you vote for or against this measure? (INCLUDES LEANERS)

	<u>RV</u>	<u>DEM</u>	<u>IND</u>	<u>REP</u>
Vote for	33	31	29	37
Vote against	59	62	64	54
Don't know	8	7	7	9

	<u>UNION MEMBERS</u>	<u>NON-UNION MEMBERS</u>
Vote for	33	33
Vote against	63	58
Don't know	4	9

(ASKED OF EVERYONE)

As you may know, in 1973, the United States Supreme Court handed down a landmark decision, called *Roe vs. Wade*, which essentially accepted abortion in principle.

Generally speaking, are you in favor of the Supreme Court decision which permits a woman to get an abortion from a doctor at any time within the first three months of her pregnancy, or are you opposed to that, or are you indifferent on the subject or haven't you heard enough about that yet to say?

	<u>ALL</u>	<u>RV</u>	<u>DEM</u>	<u>IND</u>	<u>REP</u>
Haven't heard enough	1	1	1	-	1
Favor	59	62	69	67	49
Indifferent	10	9	9	11	8
Oppose	28	26	18	19	40
Don't know	2	2	3	3	2

The California Supreme Court recently overturned a state law requiring girls under 18 to obtain parental consent before having an abortion, saying it violated privacy protection guaranteed by the Constitution.

Should girls under 18 be required to obtain their parent's consent before they may have an abortion, or not?

	<u>ALL</u>	<u>RV</u>	<u>DEM</u>	<u>IND</u>	<u>REP</u>
Should be required	67	65	59	68	74
Should not be required	26	28	34	21	19
Depends on family circumstances (Vol.)	4	4	3	10	5
Don't know	3	3	4	1	2

	<u>FAVOR ROE V. WADE</u>	<u>OPPOSE ROE V. WADE</u>
Should be required	56	90
Should not be required	38	5
Depends on family circumstances (Vol.)	3	3
Don't know	3	2

In 1989 a California law was passed banning the manufacture, sale or possession of semi-automatic assault weapons. The measure exempts many types of guns used by hunters and other sports enthusiasts. Do you favor or oppose maintaining this ban on the manufacture, sale and possession of semi-automatic assault weapons?

	<u>ALL</u>	<u>RV</u>	<u>DEM</u>	<u>IND</u>	<u>REP</u>
Favor	73	74	81	67	67
Oppose	24	24	17	28	31
Don't know	3	2	2	5	2

	<u>GUN OWNERS</u>	<u>NON-GUN OWNERS</u>
Favor	63	78
Oppose	34	20
Don't know	3	2

Do you feel that this law has been effective in reducing the use of semiautomatic weapons by criminals in California?

	<u>ALL</u>	<u>RV</u>	<u>DEM</u>	<u>IND</u>	<u>REP</u>
Effective	33	31	36	31	24
Not effective	58	60	53	59	69
Don't know	9	9	11	10	7

	<u>GUN OWNERS</u>	<u>NON-GUN OWNERS</u>
Effective	26	36
Not effective	67	53
Don't know	7	11

A bill to strengthen the 1989 assault weapons ban is pending in the state Legislature. This new assault weapons bill would close the loopholes of the 1989 law by expanding the definition of what constitutes an illegal assault weapon and would also include copycat weapons that are cosmetically different from the restricted firearms. Are you in favor of the Legislature passing a bill to strengthen the assault weapons ban or are you opposed to this?

	<u>ALL</u>	<u>RV</u>	<u>DEM</u>	<u>IND</u>	<u>REP</u>
Favor	71	71	80	77	58
Oppose	23	24	15	22	34
Don't know	6	5	5	1	8

	<u>GUN OWNERS</u>	<u>NON-GUN OWNERS</u>
Favor	56	78
Oppose	38	16
Don't know	6	6

Are there any guns or revolvers in your home or garage? (IF YES) What's the main reason why guns are kept in your home? Is it part of a collection, or is it kept for hunting, or is it needed for your job, or is it kept for protection, or target practice, or why are guns kept in your home? Is there another reason why guns are kept in your home, or not? (ACCEPTED UP TO TWO REPLIES)

	<u>ALL</u>	<u>RV</u>	<u>DEM</u>	<u>IND</u>	<u>REP</u>
No guns	69	65	73	63	55
Guns (Net)	28	32	25	31	41
Protection	14	16	10	12	24
Collection	9	11	11	9	12
Hunting	9	11	8	14	13
Target practice	5	5	2	7	7
Needed for job	1	1	1	-	2
Some other reason	1	1	1	3	1
Don't know	3	3	2	6	4

Tables compiled by RAY ENSLOW



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HELP?



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Wednesday, October 15, 1997

THE TIMES POLL


Bilingual Education Gets Little Support


By MARK Z. BARABAK, TIMES POLITICAL WRITER




MAIN PAGE


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 pponents of bilingual education enjoy overwhelming support in a brewing ballot fight that has sparked early skirmishing in the 1998 campaign, with strong backing among California voters of all races, ethnicities and political persuasions.

A proposed measure to virtually dismantle California's system of bilingual public education garnered huge support among the state's electorate, with 80% in favor and 18% against, according to a new Los Angeles Times poll.

Support was in the 75% to 80% range virtually across the board, among all races, income levels and age groups. Latinos voters surveyed favored the initiative by a slightly higher margin--84% to 16%--than whites, at 80% to 18%.

Even two-thirds of self-described liberals supported the proposed initiative, aimed at the June 1998 ballot.

The Times survey offered the first independent sounding of public opinions on a wide range of social and public policy issues that could face California voters when they go to the polls next year.

Among its other findings:

* A proposed measure aimed at curbing the influence of organized labor by restricting the political use of union dues was opposed by nearly 2 to 1. Those not in unions were only slightly less opposed than union members.

* Californians evidently look forward to their expanded choices under the state's new "open primary" law, which allows them to vote next June for whichever candidate they prefer, regardless of party. Only a minuscule percentage said they intended to use the opportunity to make political mischief.

* Californians strongly support the state's ban on assault weapons, though most question its effectiveness. Such doubts notwithstanding, an overwhelming majority would like to see the ban strengthened.

* Californians strongly support legalized abortion during the first three months of pregnancy. At the same time, however, a large majority believe parental consent should be required for girls under 18.

The poll surveyed 1,396 adults statewide Oct. 4-7. The margin of sampling error is plus or minus 3 percentage points.

Much of the early attention surrounding the 1998 campaign has focused on the proposed bilingual education initiative. The measure, pushed by Silicon Valley businessman Ron Unz and

Orange County schoolteacher Gloria Matta Tuchman, promotes English-only instruction for California's 1.3 million students with limited English skills.

Some Latino political activists have criticized the proposal and the negative reaction has, in turn, made some Republican leaders skittish about associating the party with the so-called Unz initiative, for fear of a backlash.

But the GOP rank and file was solidly behind the measure, with 89% support. Seventy-three percent of Democrats backed the initiative.

"The immigrant community has long viewed education as a way up the socioeconomic ladder," said Susan Pinkus, director of the Times Poll. But, she continued, "a lot will depend on how the campaign for the Unz initiative is waged and how the Latino community responds."

As a case in point, she noted the polling history of Proposition 187, the 1994 anti-illegal immigration initiative. A Times poll conducted in September 1994 found that Latinos supported Proposition 187, 52% to 42%.

However, sentiment toward the initiative had turned decidedly negative by election day, after a campaign that many Latinos perceived as scapegoating their community. Although Proposition 187 won statewide approval by a handy margin, exit interviews conducted at polling places found that 77% of Latinos ended up voting against the measure.

"The Unz initiative starts out a lot less controversial," Pinkus said. "The campaign to follow will determine if it stays that way."

A second proposed ballot initiative fraught with potential political undertones aims to inhibit the use of union dues for campaign activities.

The measure, also intended for the June ballot, would require union members to expressly approve part of their membership dues to be used for political candidates or initiatives.

Republicans have seized upon the issue as a way to undercut the influence of Democratic-leaning labor unions. In Washington, the controversy over a similar provision sidetracked campaign finance reform legislation.

In California, Gov. Pete Wilson has enthusiastically embraced the initiative, sponsored by conservative activists, and has indicated that he may use the issue to help him realize his presidential ambitions.

But the Times Poll found little initial support among voters for the concept of a crackdown on unions' political activities, with opposition to the proposed ballot measure running 59% to 33%. Sixty-three percent of union members were opposed, only slightly more than the 58% among those not in unions.

Democrats were strongly opposed, 62% to 31%, with Republicans less so, 54% to 37%.

"That finding is counterintuitive," said Pinkus, noting the political import that leading Republicans have staked on the issue.

One of the ballot measures that voters approved last year will have its first tryout next June. Under the so-called open primary system, California voters can cast their ballots for any candidate, regardless of party registration.

Proponents of the measure suggested that it would

encourage voter participation and promote bipartisanship and problem-solving in government by boosting more moderate candidates.

Opponents--including the two major political parties--have gone to court seeking to overturn the measure. Among their objections, Democratic and Republican leaders have asserted that the law impinges on the rights of their members to choose their own parties' nominees, and invites mischief by cross-over voters.

But the Times poll suggests that voters are enticed by the notion of greater choice and not terribly interested in causing trouble.

Seventy-seven percent of voters said they could think of circumstances in which they might vote for a candidate from a party other than their own. Seventy-eight percent of Republicans said so, along with 75% of Democrats.

Independents and voters who decline to state a party preference stand to gain the most from the new primary system because, for the first time in years, they can vote for candidates seeking office. Before, independents and decline-to-state registrants could vote only for initiatives on the ballot. Seventy-one percent of those surveyed said they would take advantage of their new status to cast ballots in contested primaries.

As for mischief-making, most voters said they would mix and match their ballots with benign intent. Eighty-six percent of those registered in a party said they would vote for a candidate of a different party because they supported that individual. A mere 5% said they would support an opposing party's candidate in hopes of sabotaging that party by nominating the weakest possible general-election candidate.

On the assault weapons issue, 59% of respondents strongly favored the 1989 California law banning possession, sale or manufacture of 75 specific semiautomatic firearms, with an additional 14% somewhat favorably disposed. Sixteen percent were strongly opposed to the legislation, with an additional 8% somewhat opposed.

Eighty-one percent of Democrats viewed the ban favorably, compared with 67% of Republicans and a like percentage of independents.

Despite the strong support for the 1989 legislation, 58% of respondents felt the ban had done little or nothing to take such weapons out of the hands of criminals. Thirty-three percent felt the ban had been somewhat or very effective.

An overwhelming majority, 71%, expressed support for legislation that would close the loopholes in the 1989 law and expand the definition of what constitutes an illegal weapon to include so-called copycat firearms.

Even 63% of those who felt the 1989 ban was ineffective favored strengthening the law.

Democrats, at 80%, and independents, at 77%, were the most favorably disposed to follow-up legislation, compared to 58% of Republicans.

Sixty-three percent of gun owners favored the initial legislation and 56% favored strengthening the ban. Twenty-eight percent of respondents said there was at least one gun in their household.

On the abortion issue, 59% of those surveyed expressed

support for the landmark 1973 Roe vs. Wade decision that legalized abortion during the first trimester of pregnancy. At the same time, 67% of respondents said that girls under 18 should be required to obtain parental consent before they could have an abortion. Twenty-six percent said no such permission should be required.

Pinkus said: "People feel that you need parental consent for body piercing, to get a driver's license, to get a tattoo. This is an event that is far more serious in a child's life and people feel that the parents should be involved."

The California Supreme Court overturned the state's parental consent law in August. Proponents of the requirement hope to qualify a ballot measure in 1998 reinstating the law.

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Federal Judge Rules Against "Bilingual" Requirement, Paving the Way for June 1998 Statewide Initiative Vote

CONTACT: SHERI ANNIS (213) 627-2913

Sacramento, CA---Federal District Judge William B. Shubb Wednesday lifted a state court injunction blocking the Orange Unified School District's move toward English immersion classes. The ruling effectively ends "bilingual education" programs for the 29,000 students in Orange. Shubb's 17-page decision stated that any federal legal challenge against replacing "bilingual" programs with English immersion had "a low probability of success."

According to Ron Unz, Chairman of "English for the Children," Judge Shubb's ruling confirms both the lack of any federal basis for native-language instruction programs and the solid legal foundation of his proposed initiative. "Bilingual education is based on state law, and our initiative will change that state law. Children in the District of Orange will now be allowed to learn English when they enter public schools, but 99% of California schoolchildren are still trapped in districts where "bilingual education" is mandatory, and our initiative is their only hope of rescue. Our initiative will become law on the day it wins at the polls." The "English for the Children" initiative has now reached the 350,000 signature half-way point in its drive to qualify for the June 1998 ballot.

The previous day, a vote of the State Assembly effectively killed SB 6, the Alpert-Firestone measure, which would have provided increased flexibility in "bilingual education" programs. This represented the tenth consecutive year that the California Legislature had deadlocked over attempts to modify or reform "bilingual education." The education of California schoolchildren not fluent in English is currently governed by the Chacon-Moscone law, which requires native-language instruction for all English learners, with limited exceptions. Although the law expired in 1987, it has never been replaced and therefore remains in effect.

Unz suggests that the bizarre nature of this government program underscores the need to allow a direct vote of the California's citizens on the issue. "Today, nearly a quarter of all California schoolchildren are legally prevented from learning English when they enter school because of a state law which expired before most of them were even born. This is a perfect example of the Alice-in-Wonderland mess which only our initiative can clean up."

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Overcoming Leadership Opposition, California Republican Party Endorses "English for the Children" Initiative

CONTACT: SHERI ANNIS
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Anaheim, CA---Overcoming strong opposition from senior leaders, the rank-and-file members of the California Republican Party voted overwhelmingly on Sunday at their semi-annual convention to endorse the June 1998 "English for the Children" initiative, which would largely end "bilingual education" programs in California public schools. Opposition to "bilingual education" has been part of state and national Republican Party platforms for two decades.

Republican Chairman Michael Schroeder and other party leaders had opened the convention on Friday vowing to prevent a party endorsement of the initiative, arguing that the ballot measure would further alienate Latino voters angry at the party's past support for Prop. 187. Shortly thereafter, before most delegates had arrived, a newly created committee hand-picked by Chairman Schroeder voted 3-1 to block the endorsement resolution sponsored by Assemblyman Tom McClintock (R-Northridge).

But once the full membership arrived, the political tide began to turn as the caucus of all 58 of California's Republican County Chairmen voted unanimously to endorse the initiative. Then on Saturday morning, the party Resolutions Committee overturned the previous committee ruling by a 15-6 vote and revived the endorsement resolution, which subsequently passed overwhelmingly by voice vote of the full Republican Party membership on Sunday morning.

Ron Unz, Chairman of the "English for the Children" campaign and an outspoken opponent of Prop. 187, suggested that the Republican Party leadership misunderstood the desires of ordinary Latinos: "Nearly all Latino parents are very eager to have their children taught English when they go to school, which our initiative will finally allow. Ensuring that all young children are sent to school and taught English should be the most uncontroversial law imaginable. We're also hoping to gain the endorsements of the Democratic, Reform, Libertarian, and Green parties as well."

Aside from Republican Chairman Schroeder, Attorney General Dan Lungren, the likely Republican Gubernatorial nominee, and Republican Assembly Leader Bill Leonard had also indicated their opposition to the initiative. Gov. Pete Wilson had remained neutral.

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California's Largest Teachers Union to Hold Referendum on Endorsing "English for the Children" Initiative

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Los Angeles, CA---Activist members of the United Teachers of Los Angeles (UTLA) will turn in sufficient union signatures 10:30am Wednesday Oct. 1 to schedule a union referendum to endorse the "English for the Children" initiative against "bilingual education" and assist its qualification and passage. Doug Lasken, who leads his elementary school's UTLA chapter, organized the effort, gathering some 600 union signatures, well over the 500 necessary to schedule a union vote. UTLA is California's largest public school teachers union local with 35,000 members and the vote must be held within 30-60 days. Mr. Lasken will turn in the signatures at UTLA headquarters, located at 3303 Wilshire Blvd, 2 blocks west of Vermont.

Mr. Lasken has written numerous articles critical of the LA Unified School District's "bilingual education" policy, especially the provisions which prevented teachers from spending more than 30 minutes each day teaching English to young immigrant children. He expects his referendum to have an excellent chance of passing: "We rank-and-file teachers see American-born Latino kids graduate elementary school who can't read or write English, and that's a tragedy that has to be stopped. I hope our union leaders don't try to block our "English education" steam-roller and find themselves flattened, just like the Republican Party leaders were last week at their own convention."

Many public school teachers have long been skeptical of current "bilingual education" policy, with the late Albert Shanker, long-time leader of the American Federation of Teachers, being an especially sharp critic. In 1987, the UTLA membership had voted 78% in favor of an advisory referendum asking their union leadership to eliminate "bilingual education" through the collective-bargaining process, which the union leadership was unable to achieve within existing law.

Ron Unz, Chairman of "English for the Children," sees the possibility of a major union endorsement as being another sign of the bipartisan nature of the issue. "Teachers unions are one of the core constituencies of the Democratic Party, and if we can gain the endorsement of their rank-and-file members, it makes it much easier for Democratic elected officials to voice their true feelings on our initiative. Teachers were among the strongest opponents of Prop. 187 and Prop. 209, and their support will help demonstrate that our initiative stands on its own two feet."

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The 1998 California "English for the Children" Initiative

(1) *Immigrant education is a complete failure in California.* Some 1.3 million California public school children---23% of the total---are now classified as not proficient in English. Over the past decade, the number of these mostly Latino immigrant children has more than doubled. California's future depends on these children becoming fluent and literate in English, and this is the official goal of the current system, centered on use of native language instruction, with English being introduced to children only in later grades (so-called "bilingual education"). Yet each year only about 5% of school children not proficient in English are found to have gained proficiency in English. Thus, **the current system of language education has an annual failure rate of 95%.**

(2) *Latino parents want their children to learn English.* Last year's survey by the Center for Equal Opportunity showed that Latinos overwhelmingly rate learning English as the top educational goal for their children, and by 4-1 favor their children learning English as soon as possible rather than learning Spanish before English ("bilingual education"). Adult immigrants are also eager to learn English (English courses are the top advertiser on Spanish language TV).

(3) *Anti-bilingualism has become linked with anti-immigrant sentiments.* There is a strong public perception that many opponents of "bilingual education" are using the issue as a cover for anti-Latino and anti-immigrant views. Unfortunately, this is often true. On the other side, private polling indicates that anger at "bilingual education" is a leading cause of anti-immigrant sentiment among California Anglos. Having individuals with strong pro-immigrant credentials lead the move away from "bilingual education" would help to decouple these two issues.

(4) *California state politics is completely gridlocked on this issue.* The legislation requiring "bilingual education" expired ten years ago, but political pressure and statutory interpretations have kept the system alive and growing during this period, with annual spending exceeding \$300 million per year. Dozens of bills marginally changing the system have been proposed over these years, but none have become law. Given this history, it seems likely that the legislature will permit this failed policy to continue indefinitely.

(5) *An initiative would break the impasse and change policy at a stroke.* There is no significant basis in federal or state constitutional law for requiring "bilingual education". An initiative statute redirecting schools toward English

language immersion for immigrant children would have immediate and sweeping effect. Such a ballot measure should be overwhelmingly popular, and pass quite easily (e.g. a decade ago, even the members of the Los Angeles teachers union voted 80% against "bilingual education"). A positive, pro-immigrant campaign could win a good majority of immigrant/Latino voters themselves, lending strong legitimacy to the results (e.g a 6/1/97 LA Times poll shows 83% of Latinos in Orange County oppose "bilingual education").

(6) *Immigrant children would become fluent and literate in English.* Research indicates that sheltered English immersion for young immigrant children is the most rapid and efficient means of English language acquisition. Within months to a year, the overwhelming majority of these young children would become fluent in English and could be transferred into a mainstream classroom, giving them the same educational opportunities as all other school children. This would have a tremendously positive impact on the future of California society.

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English Language Education for Children in Public Schools

by [Ron K. Unz](#) and [Gloria Matta Tuchman](#)

Text:

SECTION 1. Chapter 3 (commencing with Section 300) is added to Part 1 of the Educational Code, to read:

CHAPTER 3. ENGLISH LANGUAGE EDUCATION FOR IMMIGRANT CHILDREN

ARTICLE 1. Findings and Declarations

300. The People of California find and declare as follows:

(a) WHEREAS the English language is the national public language of the United States of America and of the state of California, is spoken by the vast majority of California residents, and is also the leading world language for science, technology, and international business, thereby being the language of economic opportunity; and

(b) WHEREAS immigrant parents are eager to have their children acquire a good knowledge of English, thereby allowing them to fully participate in the American Dream of economic and social advancement; and

(c) WHEREAS the government and the public schools of California have a moral obligation and a constitutional duty to provide all of California's children, regardless of their ethnicity or national origins, with the skills necessary to become productive members of our society, and of these skills, literacy in the English language is among the most important; and

(d) WHEREAS the public schools of California currently do a poor job of educating immigrant children, wasting financial resources on costly experimental language programs whose failure over the past two decades is demonstrated by the current high drop-out rates and low English literacy levels of many immigrant children; and

(e) WHEREAS young immigrant children can easily acquire full fluency in a new language, such as English, if they are heavily exposed to that language in the classroom at an early age.

(f) THEREFORE it is resolved that: all children in California public schools shall be taught English as rapidly and effectively as possible.

ARTICLE 2. English Language Education

305. Subject to the exceptions provided in Article 3 (commencing with Section 310), all children in California public schools shall be taught English by being taught in English. In particular, this shall require that all children be placed in English language classrooms. Children who are English learners shall be educated through sheltered English immersion during a temporary transition period not normally intended to exceed one year. Local schools

shall be permitted to place in the same classroom English learners of different ages but whose degree of English proficiency is similar. Local schools shall be encouraged to mix together in the same classroom English learners from different native-language groups but with the same degree of English fluency. Once English learners have acquired a good working knowledge of English, they shall be transferred to English language mainstream classrooms. As much as possible, current supplemental funding for English learners shall be maintained, subject to possible modification under Article 8 (commencing with Section 335) below.

306. The definitions of the terms used in this article and in Article 3 (commencing with Section 310) are as follows:

- (a) "English learner" means a child who does not speak English or whose native language is not English and who is not currently able to perform ordinary classroom work in English, also known as a Limited English Proficiency or LEP child.
- (b) "English language classroom" means a classroom in which the language of instruction used by the teaching personnel is overwhelmingly the English language, and in which such teaching personnel possess a good knowledge of the English language.
- (c) "English language mainstream classroom" means a classroom in which the students either are native English language speakers or already have acquired reasonable fluency in English.
- (d) "Sheltered English immersion" or "structured English immersion" means an English language acquisition process for young children in which nearly all classroom instruction is in English but with the curriculum and presentation designed for children who are learning the language.
- (e) "Bilingual education/native language instruction" means a language acquisition process for students in which much or all instruction, textbooks, and teaching materials are in the child's native language.

ARTICLE 3. Parental Exceptions

310. The requirements of Section 305 may be waived with the prior written informed consent, to be provided annually, of the child's parents or legal guardian under the circumstances specified below and in Section 311. Such informed consent shall require that said parents or legal guardian personally visit the school to apply for the waiver and that they there be provided a full description of the educational materials to be used in the different educational program choices and all the educational opportunities available to the child. Under such parental waiver conditions, children may be transferred to classes where they are taught English and other subjects through bilingual education techniques or other generally recognized educational methodologies permitted by law. Individual schools in which 20 students or more of a given grade level receive a waiver shall be required to offer such a class; otherwise, they must allow the students to transfer to a public school in which such a class is offered.

311. The circumstances in which a parental exception waiver may be granted under Section 310 are as follows:

- (a) Children who already know English: the child already possesses good English language skills, as measured by standardized tests of English

vocabulary comprehension, reading, and writing, in which the child scores at or above the state average for his grade level or at or above the 5th grade average, whichever is lower; or

(b) Older children: the child is age 10 years or older, and it is the informed belief of the school principal and educational staff that an alternate course of educational study would be better suited to the child's rapid acquisition of basic English language skills; or

(c) Children with special needs: the child already has been placed for a period of not less than thirty days during that school year in an English language classroom and it is subsequently the informed belief of the school principal and educational staff that the child has such special physical, emotional, psychological, or educational needs that an alternate course of educational study would be better suited to the child's overall educational development. A written description of these special needs must be provided and any such decision is to be made subject to the examination and approval of the local school superintendent, under guidelines established by and subject to the review of the local Board of Education and ultimately the State Board of Education. The existence of such special needs shall not compel issuance of a waiver, and the parents shall be fully informed of their right to refuse to agree to a waiver.

ARTICLE 4. Community-Based English Tutoring

315. In furtherance of its constitutional and legal requirement to offer special language assistance to children coming from backgrounds of limited English proficiency, the state shall encourage family members and others to provide personal English language tutoring to such children, and support these efforts by raising the general level of English language knowledge in the community. Commencing with the fiscal year in which this initiative is enacted and for each of the nine fiscal years following thereafter, a sum of fifty million dollars (\$50,000,000) per year is hereby appropriated from the General Fund for the purpose of providing additional funding for free or subsidized programs of adult English language instruction to parents or other members of the community who pledge to provide personal English language tutoring to California school children with limited English proficiency.

316. Programs funded pursuant to this section shall be provided through schools or community organizations. Funding for these programs shall be administered by the Office of the Superintendent of Public Instruction, and shall be disbursed at the discretion of the local school boards, under reasonable guidelines established by, and subject to the review of, the State Board of Education.

ARTICLE 5. Legal Standing and Parental Enforcement

320. As detailed in Article 2 (commencing with Section 305) and Article 3 (commencing with Section 310), all California school children have the right to be provided with an English language public education. If a California school child has been denied the option of an English language instructional curriculum in public school, the child's parent or legal guardian shall have legal standing to sue for enforcement of the provisions of this statute, and if successful shall be awarded normal and customary attorney's fees and actual damages, but not punitive or consequential damages. Any school board member or other elected official or public school teacher or administrator who willfully and repeatedly refuses to implement the terms of this statute by providing such an English language educational option at an available public

school to a California school child may be held personally liable for fees and actual damages by the child's parents or legal guardian.

ARTICLE 6. Severability

325. If any part or parts of this statute are found to be in conflict with federal law or the United States or the California State Constitution, the statute shall be implemented to the maximum extent that federal law, and the United States and the California State Constitution permit. Any provision held invalid shall be severed from the remaining portions of this statute.

ARTICLE 7. Operative Date

330. This initiative shall become operative for all school terms which begin more than sixty days following the date at which it becomes effective.

ARTICLE 8. Amendment.

335. The provisions of this act may be amended by a statute that becomes effective upon approval by the electorate or by a statute to further the act's purpose passed by a two-thirds vote of each house of the Legislature and signed by the Governor.

ARTICLE 9. Interpretation

340. Under circumstances in which portions of this statute are subject to conflicting interpretations, Section 300 shall be assumed to contain the governing intent of the statute.

END

Ron K. Unz, a high-technology entrepreneur, is Chairman of One Nation/One California, 555 Bryant St. #371, Palo Alto, CA 94301.

Gloria Matta Tuchman, an elementary school teacher, is Chair of REBILLED, the Committee to Reform Bi-Lingual Education, 1742 Lerner Lane, Santa Ana, CA 92705.

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Ron K. Unz.

A theoretical physicist by training, Mr. Unz serves as president and CEO of Wall Street Analytics, Inc., a Palo Alto-based financial services software company which he co-founded in 1987. Mr. Unz holds undergraduate and graduate degrees from Harvard University, Cambridge University, and Stanford University, and is a past first-place winner of the American Westinghouse Science Talent Search. His writings on issues of immigration, ethnicity, and social policy have appeared in the *Wall Street Journal*, the *Los Angeles Times*, *Policy Review*, *Reason*, and various other publications. In 1994, he received 34% of the vote in a Republican primary challenge to incumbent Governor Pete Wilson of California. He serves as Chairman of One Nation/One California.

- (1) Immigration or the Welfare State?, *Policy Review*, Fall 1994
 - (2) Against Prop. 187, *Los Angeles Times*, October 3, 1994.
 - (3) Sinking Our State, *REASON*, November 1994
 - (4) CCRI vs. Prop. 187, *Los Angeles Times*, March 12, 1995.
 - (5) Immigration Mockery, *Los Angeles Times*, May 21, 1995.
 - (6) Big Brother, Meet Big Sister, *Los Angeles Times*, June 12, 1995.
 - (7) English isn't Racism, letter published in *La Opinion*, May 21, 1997.
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Gloria Matta Tuchman

An elementary school teacher in Santa Ana, Ms. Tuchman has specialized for over thirty years in teaching students limited in their English proficiency. She has served on a number of state and national boards and commissions dealing with issues of educational reform, and twice was elected president of her local school board. As a child in a Mexican-American family living in rural Texas, she was a central plaintiff in a desegregation lawsuit under which her Texas town was forced to open its public facilities to children of all ethnic backgrounds. Her step-father later served as National President of LULAC (the League of United Latin American Citizens), and she herself was honored as LULAC Woman of the Year in 1988. She serves as Chair of REBILLED, the Committee to Reform Bi-Lingual Education.

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The 1998 California "English for the Children" Initiative

(1) *Immigrant education is a complete failure in California.* Some 1.3 million California public school children---23% of the total---are now classified as not proficient in English. Over the past decade, the number of these mostly Latino immigrant children has more than doubled. California's future depends on these children becoming fluent and literate in English, and this is the official goal of the current system, centered on use of native language instruction, with English being introduced to children only in later grades (so-called "bilingual education"). Yet each year only about 5% of school children not proficient in English are found to have gained proficiency in English. Thus, **the current system of language education has an annual failure rate of 95%.**

(2) *Latino parents want their children to learn English.* Last year's survey by the Center for Equal Opportunity showed that Latinos overwhelmingly rate learning English as the top educational goal for their children, and by 4-1 favor their children learning English as soon as possible rather than learning Spanish before English ("bilingual education"). Adult immigrants are also eager to learn English (English courses are the top advertiser on Spanish language TV).

(3) *Anti-bilingualism has become linked with anti-immigrant sentiments.* There is a strong public perception that many opponents of "bilingual education" are using the issue as a cover for anti-Latino and anti-immigrant views. Unfortunately, this is often true. On the other side, private polling indicates that anger at "bilingual education" is a leading cause of anti-immigrant sentiment among California Anglos. Having individuals with strong pro-immigrant credentials lead the move away from "bilingual education" would help to decouple these two issues.

(4) *California state politics is completely gridlocked on this issue.* The legislation requiring "bilingual education" expired ten years ago, but political pressure and statutory interpretations have kept the system alive and growing during this period, with annual spending exceeding \$300 million per year. Dozens of bills marginally changing the system have been proposed over these years, but none have become law. Given this history, it seems likely that the legislature will permit this failed policy to continue indefinitely.

(5) *An initiative would break the impasse and change policy at a stroke.* There is no significant basis in federal or state constitutional law for requiring "bilingual education". An initiative statute redirecting schools toward English language immersion for immigrant children would have immediate and sweeping effect. Such a ballot measure should be overwhelmingly popular, and pass quite easily (e.g. a decade ago, even the members of the Los Angeles teachers union voted 80% against "bilingual education"). A positive, pro-immigrant campaign could win a good majority of immigrant/Latino voters themselves, lending strong legitimacy to the results (e.g. a 6/1/97 LA Times poll shows 83% of Latinos in Orange County oppose "bilingual education").

(6) *Immigrant children would become fluent and literate in English.* Research indicates that sheltered English immersion for young immigrant children is the most rapid and efficient means of English language acquisition. Within months to a year, the overwhelming majority of these young children would become fluent in English and could be transferred into a mainstream classroom, giving them the same educational opportunities as all other school children. This would have a tremendously positive impact on the future of California society.

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Bilingual Education Gets Foe Group seeks issue for state ballot

By: Nanette Asimov
The San Francisco Chronicle
Friday, July 18, 1997

Tapping into what promises to be next year's hot-button ballot issue, a new group calling itself English for the Children wants to persuade voters to jettison bilingual education in California public schools.

Led by Ron Unz, a political conservative who challenged Governor Pete Wilson in the 1994 Republican primary, the group kicked off a signature drive in San Francisco yesterday to qualify the contentious issue for the state ballot next June. The effort is already under way in Southern California, although it has gathered only about 1,500 names so far toward the required 432,000.

Critics quickly labeled the move "divisiveness du jour" and "the next 187," referring to the 1994 state initiative barring illegal immigrants from health and education services that is now tied up in court.

Unz, a software developer from Silicon Valley, has the financial wherewithal to make his English-only initiative a force in shaping next year's political agenda.

Already the state Board of Education has asked for a full briefing on bilingual education for early next year. And the board members, Wilson appointees, already have shown sympathy for the English-only approach by letting Orange County schools eliminate all classes this September that are not taught in English.

Unz's measure would require a similar approach in every school, outlawing instruction in a child's native language.

California appears ripe for a bilingual education fight, since the number of children labeled "limited English proficient" has more than doubled in the past 10 years to 1.3 million -- nearly a quarter of the state's public school students.

The question of how best to educate them is an emotional issue that has long divided parents, educators and politicians.

At its most basic, the dispute centers on whether children should learn English quickly and intensively, or whether they should study math, science and social studies in their native language while studying English on the side.

About 30 percent of California's 1.3 million limited-English students are taught in their native language, said Norman Gold, manager of bilingual compliance for the state Department of Education.

California spent at least \$319 million last year on training teachers and providing classroom aides and materials specifically for children who speak little English.

Much of the state law governing bilingual education died in 1987. But schools still are required to teach English to non-English speakers and to

make sure they learn math, science and other subjects

--in their own language, if necessary.

The initiative by Unz and his group -- which includes state Republican Party vice chairman Bok Pon, who was born in China -- would prohibit immigrant pupils under age 10 from learning academics in their native language. Instead, children would have to attend intensive English classes for as long as it took for them to learn the language, even if it meant forgoing other studies until they did.

"It isn't the duty of the public schools to help children maintain their native culture," Unz said.

He complains that just 5 percent of immigrant children in bilingual education programs exit them each year, a figure that is mirrored in San Francisco's statistics.

"That's a 95 percent failure rate," he said.

The politician unveiled his initiative yesterday outside Jean Parker Elementary, the school attended by Kinney Lau, whose family sued the San Francisco school district in a case that led to the 1974 Supreme Court decision requiring bilingual education.

Critics accused proponents of distorting a serious educational issue with emotional appeals.

"The public is being sold a bill of goods here," said Marta Jimenez, general counsel of the Mexican American Legal Defense and Education Fund. She said the idea of withholding academic instruction from children until they learn English is "arrogant in the least, and seriously detrimental."

She said it would violate a 1981 state high court ruling that requires districts to ensure that "students do not suffer educational or academic deficits because of their English language limitations."

Pon joined Unz yesterday at Parker Elementary -- a school he attended shortly after arriving in the United States from China in 1952.

In thickly accented English, Pon said that anything other than total English immersion is a disservice to children. He used his own experience to say why.

"I've been cheated," he said. "They didn't have bilingual education when I went to school, but they put all the Chinese speakers in a class together. All day we spoke Chinese.

"I failed in college because my English wasn't good enough. What happened to me, I don't want to happen to others."

NATIVE LANGUAGES

The number of students classified as "limited-English proficient" in California public schools, and the languages they speak (x):

-- Spanish: 991,000 pupils.

-- Vietnamese: 49,000 pupils.

- Hmong: 30,000 pupils.
- Cantonese: 24,000 pupils.
- Pilipino: 22,000 pupils.
- Khmer: 21,000 pupils.
- Korean: 16,000 pupils.
- Armenian: 15,000 pupils.
- Lao: 11,000 pupils.
- Mandarin: 9,000 pupils.

Total enrollment in California public schools: 5.5 million. < BR>(x) - numbers are for the 1995-96 school year, and have been rounded to nearest 1,000.

Source: California Department of Education.

Campaign Targets Bilingual Education

By: AMY PYLE
Los Angeles Times
Wednesday, July 9, 1997

A campaign to end bilingual education in California was being launched inside a skid row day-care center Tuesday morning, but the phalanx of television cameras did not interrupt Jose Negrete's construction of an intricate Lego pirate cove.

As former gubernatorial candidate Ron Unz and English-only teacher Gloria Matta Tuchman described their quest for a spring 1998 statewide initiative--which was cleared last week by the state attorney general, enabling a signature drive to begin today--the 10-year-old sorted through a peg-legged pirate, a skeleton, a treasure chest and, of course, the plank.

Although Jose was oblivious to the speechmaking, he was actually an inspiration for the initiative, as one of 80 Spanish-speaking children held out of Ninth Street School by their parents last year after administrators refused to move them into all-English classes.

The Times' coverage of the two-week boycott piqued the interest of software entrepreneur Unz, who decided to renew his fight against bilingual education. "Our initiative ensures that the parents get their wish," Unz said.

Jose's role in what could become a historic moment in California education began in February 1996, when he was a third-grader in a bilingual class, taught mostly in Spanish. Thanks to the boycott, by September he was attending a fourth-grade class taught entirely in English.

"At first, I didn't understand what the teacher was telling me," he said in clear but accented English.

Was it scary? "Yes. Then I started learning, little by little."

The value of English is crystal clear to Jose. "When you get big, if you go to work and they talk to you in English and you don't understand them, they can fire you."

Now, a quarter of California's public school students are eligible for bilingual classes. Nearly half the Los Angeles Unified School District students are eligible.

Dubbed "English for the Children," Unz's initiative would require that all public school instruction be conducted in English unless a parent can prove a child would learn faster through an alternative--possibly bilingual--technique. Under current state laws, roughly the opposite is true: non-English-speaking children are to be placed in some form of bilingual education unless parents request English-only instruction.

The initiative provides for one year of immersion in English before students are mainstreamed.

Unz said his proposal was prompted by public opinion polls showing that Latino parents want their children in English-only programs and by statistics indicating that bilingual programs graduate only 5% of their children annually

into regular classes. "That's a 95% failure rate," he said.

Bilingual advocates, poised to battle the measure, say Unz has misinterpreted the data. The 5% "transition rate" is based on all bilingual education students, most of whom are only beginning a three- to seven-year transition to all-English classes.

The impact on bilingual students could be devastating, said Joseph Jaramillo, staff attorney for the Mexican American Legal Defense and Educational Fund. "It would send many California schools into crisis because they would be stripped of the very tools necessary to bring children into the mainstream."

MALDEF is watching the initiative carefully, Jaramillo said, because of its potential for tapping into the same immigrant-bashing that helped pass Proposition 187.

But Republican Unz, who opposed bilingual education when he ran against Gov. Pete Wilson in the primary in 1994, said he wants to avoid becoming another magnet for anti-immigrant rage. He notes that he campaigned against Proposition 187 and that some conservatives already have distanced themselves from his initiative because it would add \$50 million a year to programs that teach English to adults interested in becoming English tutors.

Unz sought out Matta Tuchman to lend classroom reality to his campaign. Matta Tuchman has long opposed bilingual education and teaches an English immersion first-grade class in Santa Ana.

She has challenged bilingual education for decades but had virtually sworn off spending time on the cause until she received Unz's phone call. "After a while you feel like a broken record," she said. "Isn't anybody listening?"



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Bilingual Education Under Attack

Calif. Ballot Initiative Backers Hope Effort Will Resonate Elsewhere

By Lou Cannon

Special to The Washington Post
Monday, July 21, 1997; Page A15
The Washington Post

LOS ANGELES—California, where socially divisive ballot measures often ignite national policy debates, is at it again.

The latest hot-button initiative is called "English for the Children" and would virtually abolish bilingual instruction for 1.3 million California public school students who are classified by the state as "not proficient in English." Proponents hope that eliminating bilingual education here would sound the death knell for similar programs elsewhere. Half of the national total of children not proficient in English live in California.

California voters are often harbingers of social change. In 1978, passage of the anti-tax Proposition 13 triggered a national anti-tax movement. In 1994, Proposition 187 denied educational and medical benefits to illegal immigrants, leading to similar efforts in other states and federal legislation that reduced benefits for legal immigrants, as well. Last year, in another possible trendsetter, voters passed Proposition 209 to eliminate state and local affirmative action programs. Propositions 187 and 209 have not been fully implemented because of ongoing court challenges.

"Bilingual education is a bizarre government program that costs hundreds of millions of dollars and doesn't succeed in teaching children English," said Ron Unz, a multimillionaire software entrepreneur from Palo Alto who is underwriting the campaign to put the initiative on the ballot next June. Opponents acknowledge that the initiative will qualify, and several of them also concede that it will be difficult to defeat.

But Latino leaders contend that the measure is dubious policy and that the campaign to pass it will stir up the ethnic and racial passions associated with the campaigns over Propositions 187 and 209.

"It's a horrible way to decide educational policy and another example of the initiative process gone berserk," said Arturo Vargas, executive director of the National Association of Latino Elected and Appointed Officials.

Bilingual education has been a thorny issue in California since 1986, when voters passed an initiative, since emulated by many states, designating English as the state's "official language."

In 1987, the state legislature extended a law mandating bilingual education, but it was vetoed by then-Gov. George Deukmejian (R). Bilingual education programs survived because they have been mandated by the California Education Department, which is headed by a nonpartisan superintendent of public instruction.

Now, a new effort has arisen to curtail bilingual education, backed by a loose coalition of political conservatives and Latino parents who do not think their children are learning English rapidly enough.

Last year, dozens of Latino parents at the Ninth Street School in downtown Los Angeles, where 90 percent of children do not speak English, organized as Las Familias del Pueblo and demanded that the school replace bilingual education. Their plea was rejected by school officials.

Similar but less publicized revolts have produced modification of bilingual programs in at least two Southern California communities, Santa Ana and Santa Barbara. Recently, the State Board of Education gave the Orange Unified School District in Orange County, with 29,000 students, a year to try alternatives to bilingual education.

Educators in this district believe that young children learn English best if plunged into what are called "sheltered immersion programs" where they are taught English intensively. This is also the view of Gloria Matta Tuchman, a bilingual first-grade teacher in Santa Ana who co-chairs the "English for the Children" campaign.

As a child of Mexican American parents in Texas, Tuchman was a central plaintiff in a desegregation lawsuit that opened a rural town's schools to children of all ethnic backgrounds. She said she often talks to the parents of her first-grade students in Spanish.

"The parents tell me that the children learn Spanish at home, and they want them to learn English in school," Tuchman said.

Unz, who calls himself a libertarian conservative, is not fearful of immigrants. In 1994, in his first try for political office, he received more than a third of the vote in the Republican primary against Gov. Pete Wilson (R), whose reelection campaign featured television commercials

showing hordes of Mexicans running across the border near San Diego.

Unz denounced Proposition 187 and Wilson's campaign as "despicable." He said that he will not allow anyone associated with that campaign or others with "anti-immigrant views" to become involved in his effort to eliminate bilingual education.

"It would be a disaster if this initiative was perceived as anti-immigrant because it is not," Unz said.

But Harry Pachon, director of the Tomas Rivera Policy Center in Claremont, thinks that Unz is naive about his ability to control the political debate. He believes the initiative inevitably will attract support from those who fear the growth of Latino political and economic power in California and that Latinos will also see it as "an extension of 187 and 209."

Pachon, whose parents are from Colombia, was put in a class for mentally handicapped students when he entered school in Florida because he spoke only Spanish. He eventually learned English by immersion, which he calls the "sink-or-swim" method of teaching language.

"I swam, but some kids sink," he said.

Immersion advocates say that children also sink under bilingualism, with many of them never becoming proficient in English. Unz cites state data which he says prove a "95 percent failure rate" because only 5 percent of bilingual students move into regular classes.

Some educators contend that Unz misreads the data.

Reynaldo Macias, a professor of education at the University of California at Santa Barbara, said there is research evidence showing that bilingual education succeeds when there are "qualified teachers and materials and a positive environment" but that such conditions prevail in only about a third of California schools.

Still others, including Pachon, say that existing data are inconclusive and heavily "politicized" by both sides. Because of the absence of adequate data, he said, the Unz initiative is "premature."

For the past two years, moderates in the legislature led by state Sen. Deirdre Alpert (D) of San Diego and Assemblyman Brooks Firestone (R) of Santa Barbara have been trying to find a middle ground that would give school districts flexibility to use different programs.

An Alpert bill to allow this flexibility recently won approval of the Senate Education Committee but has drawn opposition from bilingual teachers and influential Latino organizations. Alpert expects that it will be bottled

up by Latino leaders in the legislature.

If recent California history is any guide, voters are more apt to approve broad initiatives when the legislature has failed to address a perceived problem with more measured solutions -- as was the case both with Proposition 13 and Proposition 187. Alpert regards Unz's initiative as "divisive and poorly drawn" but believes it is likely to pass unless school districts are given flexibility.

"There is growing concern that we're producing students who are illiterate in two languages," Alpert said. "There are a number of approaches and combinations of approaches to teach English, but both sides are dug in. Sometimes in California, we're our own worst enemies."

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NEWS RELEASE from the Office of the Attorney General of California

Dated: May 13, 1997

ATTORNEY GENERAL RECEIVES INITIATIVE FOR TITLE AND SUMMARY

SACRAMENTO---Attorney General Dan Lungren has received a proposed ballot initiative for preparation of title and summary.

The proposed measure, entitled "English Language Education for Immigrant Children Initiative," seeks to amend the Education Code by adding that all children in California public schools shall be taught English by receiving instruction in English. The measure also proposes that a sum of \$50,000,000 per year be appropriated from the General Fund for the purpose of providing additional funding for free or subsidized programs of adult English language instruction to parents or other members of the community who pledge to provide personal English language tutoring to California school children with limited English proficiency.

The initiative's proponents are Ron K. Unz of Palo Alto and Gloria Matta Tuchman of Santa Ana.

The Attorney General's office will forward the official title and summary of the proposed initiative to the Secretary of State within 15 days after receiving fiscal analysis from the Department of Finance and the Joint Legislative Committee. The Secretary of State will notify the news media when the initiative has been cleared for circulation.

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Nativo Lopez of Hermandad Mexicana Nacional denounces "English for the Children" as based on anti-Latino racism, 5/21/97

On May 21, 1997, *La Opinion*, California's largest Spanish-language newspaper, published an extensive interview with Nativo Lopez, President of the Board of Education for Santa Ana in Orange County. Among other matters, Mr. Lopez strongly denounced the "English for the Children" initiative, claiming that proponents Ron K. Unz and Gloria Matta Tuchman were motivated by a hidden agenda of anti-Latino racism. *La Opinion* subsequently published the following letter to the editor, responding to the charges:

Letter of Ron K. Unz, published May 27, 1997 in *La Opinion* (original English)

Mr. Lopez's organization Hermandad Mexicana Nacional is currently under federal investigation on charges of election fraud and misappropriation of government funds.

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The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

EDUCATION. PUBLIC SCHOOLS. ENGLISH AS REQUIRED LANGUAGE OF INSTRUCTION. INITIATIVE STATUTE. Requires all public school instruction be conducted in English. Requirement may be waived if parents or guardians show that child already knows English, or has special needs, or would learn English faster through alternate instructional technique. Provides short-term placement, not normally exceeding one year, in intensive sheltered English immersion programs for children not fluent in English. Appropriates \$50 million per year for ten years funding English instruction for individuals pledging to provide personal English tutoring to children in their community. Permits enforcement suits by parents and guardians. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: Probably no change in total state spending on K-12 public education. Potential savings to local school districts on programs for students with limited English proficiency.

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Anti-Bilingual Education Initiative Begins Signature Drive in Heart of Immigrant Downtown LA

Los Angeles, CA -- The drive to qualify a new voter initiative to end California's current system of "bilingual education" begins 10:00am Tuesday morning at Las Familias del Pueblo, a local community center at 307 East 7th St., in the heart of LA's heavily immigrant Latino downtown garment district.

"After 25 years of 'bilingual education,' a quarter of all children in California public schools don't know English, and of these, only about 5% learn English each year," said Ron K. Unz, the Silicon Valley software entrepreneur who serves as Chairman of the "English for the Children" initiative drive. "The current system has an annual failure rate of 95% and is very unpopular with immigrant parents, who overwhelmingly want their children taught English as soon as they begin school. We are fully committed to getting our initiative on the June ballot and ending 'bilingual education' in California within 11 months, allowing all children to learn English in California schools."

If approved by voters, the initiative will require that non-English proficient students be moved from the native-language based "bilingual education" system mandated by current state law into an intensive program of "sheltered English immersion". "Bilingual education" would remain an option which parents could specifically request for their children. The initiative will also allocate \$50 million per year for ten years to fund adult English literacy programs.

Mr. Unz, a leading California opponent of Proposition 187, mounted a conservative, pro-immigrant challenge to Gov. Pete Wilson in the 1994 Republican primary, receiving 34% of the vote. The initiative campaign is co-chaired by Gloria Matta Tuchman, a Mexican-American elementary school teacher from Santa Ana. Mrs. Tuchman is a past member of MALDEF and U.S. English, and was named LULAC "Woman of the Year" in 1988.

Las Familias had served as the headquarters for the Latino parents who launched a 1996 boycott of the 9th St. Elementary School in protest over the school's "bilingual education" policies and refusal to teach English to their children. The center is directed by Sister Alice Callaghan, an Episcopal priest and longtime immigrant-rights activist, who serves as an advisor to the initiative campaign.

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Anti-Bilingual Education Initiative Launches Signature Drive at School near SF's Immigrant Chinatown District

San Francisco, CA -- The Northern California leg of the drive to qualify a new voter initiative to end California's current system of "bilingual education" begins 10:00am Thursday morning outside the Jean Parker Elementary School, located at 840 Broadway, near the heart of San Francisco's heavily immigrant Chinatown district. This was the elementary school attended by Kinney Lau, the Chinese immigrant child who served as plaintiff in the unanimous 1974 Supreme Court decision *Lau v. Nichols*. Lau constitutes the legal basis for all modern "bilingual education" programs.

"We felt that our campaign to end the failed policy of 'bilingual education' should begin at the same site which marked the legal origins of the policy 25 years ago," said Ron K. Unz, the Silicon Valley software entrepreneur who serves as Chairman of the "English for the Children" initiative drive. "We are fully committed to getting our initiative on the June ballot and ending 'bilingual education' in California within 11 months, allowing all children to learn English in California schools."

If approved by voters, the initiative will require that non-English proficient students be moved immediately from the native-language based "bilingual education" system mandated by current state law into an intensive program of "sheltered English immersion." "Bilingual education" would remain an option which parents could specifically request for their children. The measure also allocates \$50 million per year for ten years to fund adult English literacy programs.

Mr. Unz, a leading California opponent of Proposition 187, mounted a conservative, pro-immigrant challenge to Gov. Pete Wilson in the 1994 Republican primary, receiving 34% of the vote. The initiative campaign is co-chaired by Gloria Matta Tuchman, a Mexican-American elementary school teacher from Santa Ana. Mrs. Tuchman is a past member of MALDEF and U.S. English, and was named LULAC "Woman of the Year" in 1988.

The statewide qualification campaign will be run by Progressive Campaigns, Inc., California's premier left-liberal initiative organization. In recent years, PCI has successfully qualified Prop. 186 (Single-Payer Health Care), Prop. 210 (Minimum Wage Increase), and Prop. 215 (Medical Marijuana). Prominent Northern California supporters of the initiative include Bok Pon, a leading conservative activist and Northern Vice-Chair of the Republican Party, and Lee Cheng of the Asian-American Legal Foundation.

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English-Only Teachers Need Not Apply

By: KATHLEEN SALISBURY
Los Angeles Times
Saturday, July 19, 1997,

I am a fifth grade teacher at one of the 100 lowest-performing schools in the Los Angeles Unified School District. Part of the performance problem with the schools is the district's bilingual program, which has resulted in a high proportion of novice teachers clustered in the worst schools. In the district's frenzy to hire bilingual teachers, emergency credentialed teachers are pushing out experienced, dedicated, fully credentialed teachers.

Why? Most of those highly experienced teachers do not speak fluent Spanish. Teachers with lifetime credentials and 20 or 30 years of experience are being redesignated "teachers in training." In order to keep our current positions, many of us are being required to sign a contract stating that we will become fluent in Spanish in a specific time. (A promise most of us will not be able to keep). Meanwhile we are listed as "misassigned."

And with the district's new bilingual master plan just implemented, we are told that seniority, a long fought for right, no longer counts in our assignments; a bilingual teacher just out of college and with an emergency credential and no teaching experience can "bump" a fully credentialed monolingual teacher from a position.

There are two salary tiers: Teachers who speak Spanish are paid a \$5,000 stipend over teachers who are monolingual English speakers. Seasoned elementary teachers are looking to other districts for jobs or seeking early retirement.

It has been made very clear to us that, regardless of our teaching experience, we are not valued at our schools because we speak only the language of this country. Many good, experienced teachers have left my school, replaced by novices. The demand for Spanish-speaking teachers rapidly increases as the district continues to fail to transition into English the ever-growing numbers of Latino children. The positions for English-only teachers shrink.

The message: Only those who speak a foreign language are qualified to teach California's students. It is commonly said that it takes five years to begin to be a good teacher. Many of the new bilingual teachers will also become effective teachers. But who will pay for those years?

Kathleen Salisbury Teaches at Hooper Avenue Elementary School.



Delia_Pompa @ ed.gov
11/10/97 03:29:00 PM

Record Type: Record

To: Michael Cohen
cc:
Subject: Re: English initiative

FYI. Some interesting correspondence.

Delia

Forward Header

Subject: RE: English initiative
Author: "James W. Crawford" <JWCRAWFORD@compuserve.com> at Internet
Date: 11/7/97 3:22 PM

-----Forwarded Message-----

From: James W. Crawford,
To: "Ron K. Unz", INTERNET:rkunz@earthlink.net

Date: 11/7/97 12:15 PM

RE: RE: English initiative

Dear Mr. Unz:

Thanks for your complimentary words about my Web site design. I'm sorry you don't approve of my editorial decisions. My policy is not to repost every article on the anti-bilingual initiative -- I worry that my site's limited space allocation could be exhausted before the campaign is over. Anyway, I'm not a fan of redundancy (I usually post just one account of major developments). Or of name-calling, which is prominent in some of your favorite articles (e.g., the egregious Jill Stewart piece calling Stephen Krashen a "windbag" and critiquing his research findings as characterized by Ron Unz [!]). Or of lazy journalism that merely recycles the conventional wisdom or presents only one side of an issue. I'm afraid that many of your starred items fall into this last category. But I'll take another look at them, and if any have news value, I promise to repost them.

I didn't get your entire message. It broke off shortly after you lumped me in with the "academic loonies." (I take exception to that -- I am not now and have never been an academic.) I get your gist, though. You think bilingual education supporters are manipulating research evidence and concealing "true facts" about the program, which indicate that it's failing miserably. Is that about right?

This is not a new allegation. I first heard it when I started

covering the field for Education Week back in 1985. Indeed, I reported such comments in my stories. At the same time, I investigated -- the research issues, the classroom practices, the history, the politics, etc. Gradually I came to my own conclusions, many of which can be found in my book Bilingual Education.

Briefly, I don't think using kids' native language is, in itself, a panacea for the ills that plague today's schools. Or that it's essential for all LEP students. But on balance, it's a lot more likely to keep them from falling through the cracks than an English-only program -- other things being equal. Of course, not all bilingual programs are well designed or well implemented or well staffed. When they are, they seem to help in counteracting other drags on student achievement -- such as poverty, family illiteracy, and social stigmas -- unlike most other pedagogies for minority kids these days. So I find that pretty exciting, even if the potential is just beginning to be realized. Finally, there's no question that bilingual education teaches English well, albeit gradually in programs that stress native-language development, and that it can produce superior academic outcomes over the long term. Which is what matters, after all, not how kids do after one year.

That's the way I read the research. So do the great majority of experts in applied linguistics and language education, who -- believe it or not -- are far more concerned with maintaining professional standards than with pushing any political point of view. It's significant to me that the handful of academic critics of bilingual education, such as Keith Baker and Christine Rossell, come out of fields like sociology and political science. They don't think psycholinguistic or pedagogical expertise is necessary to draw scientific conclusions about bilingual education. I'm skeptical of that. I'm also skeptical of their highly selective reviews of the research that throw out 80-90% of studies, which happen to be overwhelmingly favorable to bilingual program models. (If you don't believe me, read Baker & Rossell's own description of their methodology.)

Honest people can and do disagree on the merits of bilingual education. Still -- like you -- I can't help but notice that some people in this debate don't come across as very honest. I'm especially critical of those who seem to be ideologically motivated. They don't care to investigate this question for themselves because (1) they've made up their minds after hearing just one viewpoint, (2) their conclusion is popular with lots of voters, and (3) attacking bilingual education serves a larger agenda -- e.g., bashing Big Government or minority set-asides or "political correctness" in academia. Or perhaps it advances their political prospects, should they decide to run for office. So they don't think twice about advocating radical proposals affecting millions of children, without making a careful assessment of the potential impact. If they end up wrecking the schools, well, that's politics. They can always move on to another issue.

We've never met. I'm not certain whether this characterization could fairly be applied to you. After observing you in numerous media appearances, however, it wouldn't surprise me. Correct me if I'm wrong. But it seems to me that your knowledge of the issues surrounding your initiative is superficial at best. I've seen no indication that you've given bilingual education a fair chance. Have you visited a bilingual program to see what goes on? There are plenty of well known success stories within an hour's drive of Palo Alto. Have you sought out the views of respected researchers in the field? Kenji Hakuta tells me he lunched with you last spring but found you unreceptive to any views favorable to

bilingual programs. Have you even bothered to read any of the research literature you dismiss as "academic dogma"? If so, it's not obvious. Had you done so, you would know, e.g., that none of the major critics of bilingual education has claimed (as you do) that "a few months to a year" of special English instruction is sufficient to keep LEP kids from falling behind. Does it worry you that your initiative would terminate numerous programs that parents perceive as successful -- including English-speaking parents whose kids are learning a second language? I've heard you say nothing in public that suggests an awareness of this problem.

You're obviously a bright guy. So you must understand how misleading it is to claim a "95% failure rate" for bilingual education based on the percentage of LEP students redesignated as fluent in English each year. These figures are so erratic and so influenced by extraneous variables that their validity for measuring anything is questionable. As I've noted on my web site, some of the current English-only districts come up short by this crude yardstick, as compared with districts that have a commitment to bilingual education. Not that such comparisons mean much -- redesignation rates are raw data, not research evidence -- as you must know. (Didn't you study physics at Harvard?) What's more, it's disingenuous to use these numbers to indict a program that enrolls only 30% of the state's LEP students. That's been pointed out to you on numerous occasions. Yet, in front of poorly informed audiences, you continue to use this argument to score debater's points. Just as you level the absurd charge that educators support bilingual programs mainly for the money -- when the state subsidy for LEP students is an infinitesimal slice of its total education spending. Just as you rely on anecdotes about a minority of parents within a single school to insist that most parents want their kids out of bilingual education.

So I'm wondering: If you honestly believe your claims, why do you need sophistry to make your case? Or is this campaign -- as I suspect -- just an ideological joy ride for you? An ideologue, by my definition, is someone who knows the "true facts" without doing his own investigation and who feels vindicated by popular opinion and favorable press. Not my idea of an intellectually honest person. Who are you, anyway?

James Crawford

> Dear Mr. Crawford,

> I recently learned of your pro-bilingual, anti-initiative web site, and was very impressed with its quality > and esthetics. Some of the design aspects which you use have given me ideas on enhancing the display of our > own "English for the Children" web site.

>

> I was also quite impressed with the comprehensiveness of the articles which you had available on our > initiative. Then I noticed that by some remarkable coincidence you had left out most of the "starred" articles > displayed on our own web site, i.e. those articles most significant and favorable to our effort (e.g. #12, 13, 27, 28, > 59, 71, 86, 94, 106). Many of these articles were from the among most prestigious national and statewide > publications to have covered the issue such as the Economist, the Boston Globe, the Washington Post, the Wall > Street Journal, the Sacramento Bee, and the Mercury News. But since presumably they came to the "wrong" > conclusion, you left them out of the collection. By

contrast, our web site contains just about every significant > article touching on our initiative, including some of the most negative and unfavorable---but the mainstream > media coverage has been so overwhelmingly favorable that the collection speaks for itself.

>

> I can only conclude that the same selectivity used to produce your web site no doubt reflects the > research methods used by you and other pro-bilingual advocates in your "scientific" studies "proving" the > effectiveness of bilingual education, thereby explaining how a system with a nominal annual failure rate of 95% > can be touted as a great success by its supporters.

>

> None of this matters all that much. It looks increasingly likely that "bilingual education" will be > completely wiped out in California within seven months, and nationwide shortly thereafter. And if so, I will make it > a personal point to ensure that the national media and the history books properly record the true facts, namely > that you and a few other academic loonies have done more damage to the education of more

California Bilingual Education (English for the Children) Initiative Meeting

- exciting

Key Issues to consider:

"Comprehensible" - means for child to understand - what is it? - not just 1st edent

→ 1. What services are now required under federal law and Supreme Court decisions (the "Lau" guidelines)? What are the civil rights issues here? ask Volma Shit

2. What does the Education Department's bilingual education program require with respect to the particular type of instruction local school districts provide to LEP kids. *Note to Elena: It basically provides flexibility to local districts/schools in choosing the approach that they think will work best for their kids--but I don't think you can presume everybody at the meeting will know this.*

impact on Fed \$

Dchi

→ 3. What is the research and evidence on the impact of bilingual education programs? Are the initiative advocates basically on the mark or off the mark in claiming that only 5% of LEP kids in bilingual education programs gain English proficiency each year?

→ 4. What are the California politics on this issue?

Kerran

Cal. Delegation

→ 5. How are the Hispanic groups responding to this initiative--is there a unified position? How does this intersect with national test politics?

Maria/Jana

6. What are Fed - in state of California state regu

- Dalia
- Bob

Asian groups

→ ed pers
→ Dem. el. d/lead
- M
- F.../...
-

Options

Delene Eastin - opposed, but looking for more middle - of - the - road eff. -



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Calif. bilingual education foes seek vote

LOS ANGELES - Opponents of bilingual education submitted petition signatures Thursday for a ballot initiative that would dismantle virtually all the bilingual classes in California and require that children be taught in English.

Leaders of the English for the Children campaign said they have collected more than 720,000 signatures. Only 433,000 signatures are required to qualify the measure for the June 1998 ballot.

If California's voters support the initiative and eliminate bilingual education, "there's a good chance that within two years bilingual education will be no more than a bad memory around the country," said Ron Unz, a Silicon Valley businessman who is spearheading the campaign.

The initiative would require that children be taught in English unless a parent requests bilingual instruction. Even newly arrived immigrant children would have only one year of "sheltered English" instruction.

Currently, students with limited English skills are taught primarily in their native languages, with perhaps one class daily in English, until teachers say their English is good enough for them to be mainstreamed, which can take years.

Among the harshest critics of bilingual classes are some Spanish-speaking parents who say their children are routinely tracked into such classes and never master English.

The initiative already enjoys overwhelming support among all races, income levels, ages and political leanings. A Los Angeles Times poll last month found 80% in favor; there was a slightly higher margin of support among Hispanic voters.

Unz recruited as the campaign's honorary chairman the famed high school teacher Jaime Escalante. His success teaching calculus to poor Hispanic high school students in East Los Angeles was celebrated in the movie Stand and Deliver.

Escalante, who emigrated from Bolivia at 32, favors all-English

instruction, he said Thursday, because "school prepares you for life. You educate yourself to integrate in this society. The way you do that is learning English."

Theresa Bustillos, a lawyer with the Mexican American Legal Defense and Educational Fund, which opposes the initiative, said that putting students with limited English abilities into mainstream classes means they "are going to fall behind academically in math, science and social studies."

By Carol Morello, USA TODAY

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-
-

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TO: ELENA KAGAN
MICHAEL COHEN

CC: MARIA ECHAVESTE
JANET MURGUIA
MICKEY IBARRA
CRAIG SMITH

FROM: KAREN SKELTON

DATE: NOVEMBER 12, 1997

SUBJECT: BILINGUAL EDUCATION AND CALIFORNIA POLITICS

OVERVIEW

The "English for the Children" initiative, sponsored by Republican and former gubernatorial candidate Ronald Unz, is planned for the June 1998 ballot. The initiative would move California's 1.4 million non-English proficient students from "bilingual education" classes into an intensive program of "sheltered English immersion." Bilingual education would remain an option for parents who specifically request it through a waiver. Supporters and opponents both agree that the measure would essentially end bilingual education in California, and probably spark a move to do the same nationwide.

Half of the children in America who are classified as "nonproficient" in English live in California. Most of these students come from Spanish-speaking homes. California spends approximately \$300 million annually on bilingual education.

The question of whether to abolish bilingual education for these mostly Latino children is a politically charged question in California. The initiative is California's third potentially divisive "race" initiative in 4 years. In 1994, Proposition 187 barred public benefits for illegal immigrants. In 1996, Proposition 209 ended affirmative action.

THE POLITICS

The gut reaction of most Californians is that public school instruction should be conducted in English. Most people--Hispanic, Caucasian, Republican and Democrat--want kids to learn English as early as possible by the most effective means possible. Eleven years ago, Californians resoundingly approved a measure making English the state's official language.

The recent Los Angeles Times poll reflects this basic sentiment. The poll asked all registered voters whether they would vote for or against an initiative "*that would require all public school instruction to be conducted in English and for students not fluent in*

English to be placed in a short-term English immersion program.” The poll found 75 percent to 80 percent support for the initiative among every single voting group in the state. Liberals support it 2-to-1. Latino voters support the initiative by a ratio of 84 percent to 16 percent. Latino parents, like other parents, want their children to learn English and prefer that their children’s courses be taught in English.

People disagree on the best way to achieve that result, or whether there’s one best way in all circumstances. Nobody thinks it is bad for students to be bilingual. People disagree on whether bilingual education is achieving that goal, or leaving students “limping along in both, masters of neither.”

Under the best circumstances, the “English for Children” initiative will provoke a healthy debate on the merits of bilingual education in California. But, that is unlikely. Even though many Latinos may privately feel bilingual education has failed, they and other voters may be reluctant to attack such a “sacred cow.”

The success of this initiative will depend more than anything else on the language in which it is framed. If the initiative is framed as anti-immigration, anti-affirmative action, anti-Latino, then Latinos are likely to fight against what they perceive to be “another racist campaign.” Given the history of Propositions 187 and 209, it is likely this initiative will devolve into nasty hand-to-hand combat over race.

The divisive political rhetoric is heating up on both sides. The initiative’s supporters declare it is “shameful that so many politicians continue to support a program which they realize does not work.” Opponents of the initiative call it “anti-Latino racism.”

At this time, most elected officials have not taken a position, but the line-up is taking shape. Last week, the California Teacher’s Association came out against the Initiative. On November 23, the United Teachers of Los Angeles will vote. Both sides have signed up endorsements that signal a tough fight ahead: Latino teachers say they support the initiative and a few Republican State Legislators say they oppose it. (See attached list)

CONCLUSION

It does not make political sense for us to take a position on the initiative at this time. First, we must assume for now that the Unz initiative is going to pass by a large margin, and it would take huge money to defeat it. Second, this initiative raises a California state issue that begs the question of federal “meddling.”

Third, a popular Democratic President’s opposition to the initiative will entice Governor Wilson, who has remained silent, to oppose the President and support the initiative. Other Republicans will follow Wilson’s lead. We are then in the position of a sitting President fighting a sitting Governor over a California issue. We do not want this.

Fourth, a Presidential position at this point could adversely effect the 1998 elections in California. Given the presumed popularity of the initiative, we may assume that Democratic candidates in the State may support it. If the President opposes the initiative, it may cause a political disagreement between the Democratic President and Democratic

candidates, and thus give the Republicans a "wedge" issue they'll readily exploit. If the President supports the initiative, he risks alienating "base voters" who the Democratic primary candidates must capture for a win. Thus, the President's least risky position in terms of the 1998 elections is to allow the candidates to make their own political determinations independent of the President.

Fifth, the State Legislature is considering drafting bi-partisan legislation which strikes a compromise between the Unz initiative and the position taken by the California Teacher's Association. The legislation may be drafted by January. Our involvement any earlier will ensure negotiations collapse.

RECOMMENDATION

1. Keep the powder dry. Avoid knee jerk reactions. Do not get involved in the heated political rhetoric over the initiative. Wait for State Legislature's compromise.
2. Stay on the Offense. Unpack this issue and go back to what is at stake. Take a position that supports education for the 21st Century: bilingual graduates (however we get there), computers in the schools, local school flexibility.
3. Consult with gubernatorial candidates, Hispanic Caucus, Asian and Hispanic leaders, unions, and educational groups before making any decision on the initiative.
4. If we oppose the initiative, plan to spend a great deal of money to win.

CURRENT POLITICAL ARGUMENTS

ARGUMENTS USED TO SUPPORT THE INITIATIVE (To Abolish Bilingual Education)

- “Bilingual education” is a failed program.
 - The number of students classified as “limited English proficient” has more than doubled since 1982.
 - The number of students reclassified as “English proficient” has remained flat. Only 5% of students graduate to proficiency in a given year.
- Bilingual Education does not work if it is not done right, and California cannot do bilingual education right.
 - Only a third of supposedly bilingual classes are taught by credentialed bilingual teachers.
 - California schools have been trying to recruit and train more bilingual teachers for 25 years.
 - Class-size reduction has made the teacher shortage even more acute.
 - California can’t offer a high-quality bilingual program to more than a small number of students - - estimated at about 10% of English learners.

ARGUMENTS USED TO OPPOSE THE INITIATIVE (Save Bilingual Education)

- Initiative would virtually end bilingual education.
- Initiative Process is poorly designed for dealing with complex education issues.
- Initiative removes flexibility from local schools over educational decisions.
- Initiative exposes teachers and other educators to personal liability lawsuits.

POLITICAL LINE-UP

SUPPORT INITIATIVE

- Ron Unz, Silicon Valley Republican, former gubernatorial candidate, and author of the initiative
- Gloria Matta Tuchman, Latina school teacher from Santa Ana and co-author
- Jaime Escalante, Latino calculus teacher whose success with inner-city kids was the basis of the movie "Stand and Deliver."
- Fernando Vega, past City Councilman and School Board Member, worked on Clinton-Gore 1992 campaign.
- Mayor Richard Riordan
- Darrell Issa, Republican Senate Candidate opposing Senator Boxer

OPPOSE INITIATIVE

- California Teachers Association
- MALDEF (Antonia Hernandez)
- Association of Latino Elected and Appointed Officials (Arturo Vargas)
- State Assemblyman Bill Leonard, Minority Leader
- State Assemblyman Rod Pacheco, only Republican Latino Assemblyman
- California Association of Bilingual Education
- U.S. Senator Barbara Boxer

NO POSITION YET

- California Federation of Teachers
- California Association of School Boards
- U.S. Senator Diane Feinstein
- PTA
- Lt. Governor Gray Davis (Democratic candidate for Governor in 1998)
- Atty. General Dan Lungren (Republican candidate for Governor in 1998)
- Delaine Eastin, Supervisor of Public Instruction
- Speaker Cruz Bustamante
- Assemblyman Antonio Villaregosa
- Supervisor Gloria Molina


ALTERNATIVE VIEW

- Democrat Al Checchi opposes the initiative but thinks bilingual education has failed. He favors intensive language schooling of 3 and 4 year olds who do not speak English. Separate provisions would be made for students who are older when they arrive in California schools.

 Maria Echaveste

11/09/97 05:41:15 PM

Record Type: Record

To: Miguel M. Bustos/OVP @ OVP
cc: Moe Vela/OVP @ OVP, Elena Kagan/OPD/EOP, Michael Cohen/OPD/EOP
bcc:
Subject: Re: NABE 

Miguel, I think you should definitely consider having VP going to NABE, and I think we should have a position on the initiative by then.

Miguel M. Bustos @ OVP



Miguel M. Bustos @ OVP
11/07/97 01:52:06 PM

Record Type: Record

To: Maria Echaveste/WHO/EOP
cc: Moe Vela/OVP @ OVP
Subject: NABE

Moe and I are interested in suggesting the National Association of Bilingual Education's conference in Feb. and Dallas, Texas as a possible event for the VP. However, we understand that the current climate on this issues is hazy and unclear. Should we submit the request for their consideration or should we drop it because the Administration would not have had a position yet. Please advise. Gracias...

ST. MARY'S UNIVERSITY



S -
This is worthy
reading to please
copy

- Maria
 - Karen
 - Mike
 - Ron
 - MONICA
- Wishy*

St. Mary's University

ANDREW HERNANDEZ

Visiting Lecturer

and

Writer in Residence

FAX TRANSMISSION SHEET

DATE: 2/16/98
PAGES WITH COVER:

TO: Mickey Ibarra - White House
FAX#: 202 456-6220
FROM: ANDY Hernandez
FAX#:
OFFICE:
PHONE#:

COMMENTS:

Per your request
good talking to you Mickey

TO: Mickey Ibarra

FROM: Andy Hernandez

DATE: February 16, 1998

RE: The politics of the UNZ initiative in the Latino Community and it's implications for the administration.

Overview

There are a few policy issues in the Latino community that have more political saliency than does bilingual education. There has existed for more than two decades and continues to exist an overwhelming consensus on the part of Latino leaders and voters around support for bilingual education. Support for bilingual education is wide, deep, and sustained. This consensus cuts across ethnic origin lines, and class and age cohorts. It is one of the great "unifiers" in the Latino community. As such, it has great symbolic importance to Latino voters and substantive policy significance to Latino leaders in both parties. Bilingual education has become one of the measuring sticks of commitment for Latino political leadership and a visceral issue for Latino voters.

Recently, a number of pollsters, pundits, and conservatives commentators have suggested that Latino voters do not support bilingual education and would in fact support the UNZ initiative in California. They are wrong. They are just as wrong now as they were on Proposition 187 and Proposition 209 in California where the same chorus was heard on how Latinos would vote in favor of anti-immigrant legislation and oppose affirmative action. They predicted Latinos would vote 2-1 in favor of these initiatives. On election day, Latinos voted 70-80% against these very same measures. Not only did they vote overwhelmingly against 187, they broke turnout records to do so.

While the pundits and pollsters were wrong, Latino leaders were right.

There exists considerable polling data that suggests that once the UNZ initiative is perceived to be an anti-bilingual education measure by Latino voters, Latino voters will again be energized to turn out in large numbers to vote overwhelmingly against the UNZ initiative and punish those politicians associated with it as they punished Republicans in 1996 with the lowest Republican vote in 25 years. Latinos will vote anywhere between 75-80% against the UNZ initiative.

The President and Vice-President can solidify their positive standing among Latino voters and further deepen Latino identification with the Democratic Party among new Latino(a) voters by coming out of the initiative. Probably more significantly for our prospects in 2000 the Vice-President can position himself among Latino political leaders, particularly in California, as their champion. It is an act of political conviction and courage that Latino leadership will not forget.

Not doing anything will have the opposite effect. Latino leadership would not forgive the fact

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that the Vice-President stepped away from this fight in California. Furthermore, because the contrast between Republicans and Democrats would be blurred, we would lose a historic opportunity to crystallize opinion against the Republicans for the long haul.

Latino Electoral Support for Bilingual Education

Polling in the Latino community has generally found overwhelming support among Latino voters for bilingual education. Since the mid-eighty's when sophisticated, scientific public opinion polling was first undertaken in the Latino community, support for bilingual education has ranged from 65-80% among Latino voters.

A national telephone poll of 2,285 Latino citizens was undertaken by the Southwest Voter Research Institute just prior to the presidential election in 1996 and found that 86% of respondents opposed "a law that would eliminate bilingual education."

Exit polls in Texas (N = 1,626) and California (N = 930) of Latino voters leaving the polls in November 1996 found that 65% of Texas Latino Voters and 58% of California Latino Voters oppose "a law eliminating bilingual education". Only 21% of Latino voters in Texas and 17% in California said they supported such a measure.

Recent Polls by the Los Angeles Times and Field Polls in California paint a different picture. According to a Los Angeles poll taken in October of 1997, 84% of the Latino respondents indicated that they favored the UNZ initiative. Of course, a L.A. times poll conducted in September 1994 found that 52% of the Latinos supported proposition 187. Two months later, 77% of Latinos voted against the measure.

A Field Poll taken in February 1997 found 46% of the Latinos interviewed favored the measure with 45% opposed. The Field Polls track record is not much better than the Los Angeles Times Poll in predicting how Latinos would vote either on Proposition 187 or 209. In September 1994 a Field Poll reported that Latinos were split on 187 (44% in favor 48% against) and in October 1996 a Field Poll showed only a slight majority opposing 209 when in fact, 70% of the Latino voters according to exit polls conducted by Los Angeles voted against 209.

I also recall the argument that Dick Morris and the White House pollsters made that Latinos would vote for Proposition 187 and were ambivalent about affirmative action. They were also wrong.

How does one explain the differences between those polls that show considerable support for bilingual education and those that show just the opposite?

It is easily explained by (1) sample size or how many people you actually interview with the built-in margin of error associated with small sample sizes (2) the way you ask the question and (3) how you interpret the results.

Most national or state polls have very small Latino samples. The Field Poll for example

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interviews fewer than 80 Latinos for all of California; The Los Angeles Times 150. The same is true for other national polls where most sample sizes range from 150 - 350 respondents out of 5 million voters. Obviously the margin of error is off the charts.

Secondly, how you ask the question makes a marked difference in the kind of response you are going to get. If you ask Latino voters if Latinos should learn English first, 88% agree. If you ask should bilingual education be eliminated, 80% say no. People agree that English is to be taught and learned but not at the expense of doing away with bilingual education.

The question on the UNZ initiative is how will it be framed come November? There is no question that ultimately it will be seen as an anti-bilingual education initiative. Expect Latinos to vote 70% - 80% against it.

Finally, there is the question of how you interpret the data. Every time pollsters have claimed to know more than Latino leaders, Latino leaders have been vindicated. Because Latino Leaders and elected officials can read the data out of a long history of direct, intimate relationships with Latino Voters - they have a much better "feel" for what is meant in what is said.

The notion that folks that hardly know Latinos would know better what Latinos feel, think or would act upon, than those very people who emerge out of, and have built Latino political participation would be amusing if it did not lead to such poor political decision making.

Even Latino Republican leaders understand the political fallout for taking an anti-bilingual education position in the Latino community. All three of the Republican congresspersons, and the Republican rising star in California, State Representative Pacheco, have unsuccessfully fought their own parties attempts to do away with bilingual education. They believe, accurately, it will damage the Republicans Parties ability to win over Latino voters. They know their party is making a huge mistake.

Bilingual Education: Administration Policy and Campaign Promises

On what grounds should the President and the Vice-President publicly oppose the UNZ initiative in California - on the very same policy grounds they have supported bilingual education as effective education policy in two presidential campaigns and through six years of the administration.

Because the President and Vice-President ran in 1992 and 1996 on an educational plank supporting bilingual education, making commitments to Latino leaders to oppose it's elimination and sought to demonstrate the Presidents commitment to improving Hispanic education opportunities by campaigning on bilingual education, their silence as the elimination of bilingual education is underway in California would be a glaringly apparent. It would become an issue among Latino elected officials and activists.

If we ran on bilingual education when we were courting Latino voters, then it would be politically disastrous and morally wrong to run away from it because it may prevail with white voters. It

would leave a residual of distrust and disappointment among Latino elected officials and civic leaders. Furthermore, it would give Latino Republicans the right to claim Democrats aren't much better on this issue. Finally, it could provide Latino political leadership the inspiration to seek other primary options other than the Vice-President.

FAX

DATE: TuesdayThuAprilOct211219981995

TO: Michael Cohen, Spec. Asst to Pres., Domestic
Policy Council

FAX: 1 (202) 456 5581

FROM: Phyllis Nimmons Thompson

PAGES: 2

MEMO

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The Texas Foreign Language Association

An Association dedicated to the learning of languages other than English and the professional organizations of Texas teachers of languages other than English, Pre-K through University

FROM: Phyllis D. Thompson, Ph.D.
Directory, Advocacy and Public Outreach
Texas Foreign Language Association

MAILING ADDRESS: Houston Baptist University
7502 Fondren Rd
Houston, TX 77074

FAX: 281 649 3012

PHONE: 281 649 3000 X2277

E-mail: pthomp5440@aol.com

DATE: April 21, 1998

Our members, teachers of languages other than English, understand that successful language acquisition occurs over a period of time, the length of which is dependent upon factors that cannot be mandated by law. **Therefore we oppose a mandatory three-year time-limit to Title VII grants.**

We support the National Association of Bilingual Education (NABE) position that President Clinton should oppose entirely the California Unz Initiative (Proposition 227) or take no stand at all on this Initiative.

LAW OFFICES
**PODHURST ORSECK JOSEFSBERG EATON
MEADOW OLIN & PERWIN, P.A.**

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OF COUNSEL

AARON S. PODHURST
ROBERT ORSECK (1934-1978)
ROBERT C. JOSEFSBERG
JOEL D. EATON
BARRY L. MEADOW
MICHAEL S. OLIN
JOEL S. PERWIN
STEVEN C. MARKS
VICTOR M. DIAZ, JR.
KATHERINE W. EZELL
KAREN PODHURST DERN
XAVIER MARTINEZ

April 20, 1998

FACSIMILE
202 456-5581

Bruce Reed
Special Assistant and Director of the
Domestic Policy Council

FACSIMILE
202 456-5581

Michael Cohen
go
Special Assistant to the President

FACSIMILE
202 401-0596
Secretary Richard Riely
Secretary of Education

FACSIMILE
202 456-6218

Maria Echaveste
Special Assistant to the President
and Director of the Office of Public Liaison

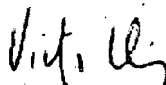
Dear Mr. Reed, Mr. Cohen, Secretary Riely and Ms. Echaveste:

I am writing to urge the President and the Clinton Administration to refrain from calling for a three year time limit on Title VII grants as part of its opposition to the California Unz Initiative (Proposition 227). As a product of bilingual education in the public schools of Dade County, Florida, that went on to graduate from the President's alma mater (Yale Law School), I personally know the value of and need for bilingual education in order to help acculturate recent immigrants to this country. I also have had the personal experience in my family of my older

brother who was not fortunate enough to have bilingual education available at the time that he entered the public education system in Dade County, Florida. The resulting set back to his education and the emotional fall-out caused by it, I believe had a tremendous impact on his subsequent attitude towards education. He is the only member of our family who was not able to benefit from bilingual education and, perhaps not coincidentally, is the only member of my family that never graduated from college or attained a post-graduate degree.

Bilingual education is a real and vital need for millions of Hispanic Americans. I strongly urge President Clinton and Vice President Gore to avoid the temptation to compromise on this important issue of public policy.

Sincerely,



Victor M. Diaz, Jr.

VMDjr/njd

cc Osvaldo Soto, Esq.
Chairman, Spanish American
League Against Discrimination

Jo-Ann T. Carricarte
Support Services Chairperson
Washington School
3905 New York Ave.
Union City, NJ 07087
201-348-5699 FAX 201-348-1602
email- jcarricarte@union-city.k12.nj.us

April 21, 1998

Brigitte
Special Assistant & Director of the Domestic Policy Council
Michael Cohen
Special Assistant to the President

Good afternoon,

I am writing to urge President Clinton to oppose Proposition 227. Furthermore, the President's statement should focus on improving the quality of education and levels of achievement for language minority children not on the length of time it takes them to learn English. If the President is compelled to set arbitrary time limits before he opposes Proposition 227, then President Clinton should NOT take any position on 227.

There is a lot of research out there on the time it takes to acquire a second language. Naturally, the length of time varies depending on the degree of a child's native language foundation and knowledge.

Sincerely,
Jo-Ann T. Carricarte
Jo-Ann Carricarte
Registered Voters at:
69 Woodland Road
Woodcliff Park, NJ 07424



Council of the Great City Schools

1301 Pennsylvania Avenue, N.W. ♦ Suite 702 ♦ Washington, D.C. ♦ 20004

(202) 393-2427 ♦ (202) 393-2400 (fax)

<http://www.cgcs.org>

April 15, 1998

Honorable Richard W. Riley
U.S. Department of Education
600 Independence Ave., SW
Washington, DC 20202

Dear Mr. Secretary,

On behalf of the Council of the Great City Schools, I would like to share with you a copy of a resolution passed by our board of directors. This resolution, passed on a unanimous vote, expresses the Council's opposition to the Unz Initiative Proposition 227, slated for the June 2 ballot in California.

The Council's Board of Directors also formed an Ad Hoc Task Force on Bilingual Education, with the express purpose of helping defeat the Unz Initiative in California. At our March legislative conference, this task force met for the first time and engaged in an intense discussion about the issues. The group's consensus was that this initiative should be stopped in California and must not be allowed to spread to other parts of the nation. The initiative's proposals are educationally unsound, politically divisive and a direct threat to how the nation has traditionally determined instructional practices for all children, not only those whose first language is English.

Although the campaign rhetoric of Unz primarily focuses on bilingual education, the reality is that the initiative does much more harm than good, not only to bilingual education but, to the entire educational endeavor. School districts across the nation are working hard to improve the services provided to students whose first language is not English. A school district's decision to adopt an instructional program that includes teaching in students' native languages depends on a myriad of factors. Such factors include the availability of adequately trained teachers to serve the number of languages spoken by the children, the availability of textbooks and other instructional resources, and the educational standards and objectives—both locally and state determined. As local school districts assess such factors, it is critical that state and federal policies provide adequate support and guidance rather than arbitrary parameters such as program time limits that, in fact, are hurdles to implementing quality education programs.

The Council's task force raised three main concerns with the Unz initiative. We are concerned that—

1. School boards would be stripped of their power to determine the most appropriate instructional approach for language minority students enrolled in their communities.

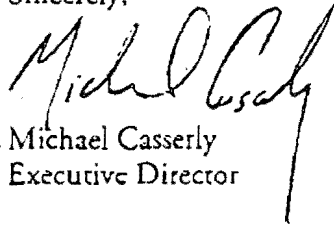
Atlanta
Baltimore
Birmingham
Boston
Broward County
Buffalo
Charlotte
Chicago
Clark County
Cleveland
Columbus
Dade County
Dallas
Dayton
Denver
Detroit
El Paso
Fort Worth
Fresno
Houston
Indianapolis
Long Beach
Los Angeles
Memphis
Milwaukee
Minneapolis
Nashville
New Orleans
New York City
Newark
Norfolk
Oakland
Oklahoma City
Omaha
Philadelphia
Pittsburgh
Portland
Providence

2. The proposed 180 day instructional approach proposed by the initiative lacks a sound pedagogical basis yet would be mandated for all districts, adversely affecting language minority students.
3. The political rhetoric of the Unz campaign precludes any responsible discussion about how best to teach children whose first language is not English.

In addition to the three concerns outlined above, Council members (both from California and other states) indicated that the Unz initiative would have an adverse impact on all programs in a school—not only those provided for students whose first language is not English. As language minority students are mainstreamed into regular English courses, after only 180 days of special English classes, a great majority of them will have fallen behind in content areas such as math and science. Schools will have to accommodate for these prematurely mainstreamed students, either by providing additional help through tutors and teachers, adjusting the instructional program affecting an entire class, or through some other means.

Through this letter, I reiterate the request made to you and Mike Cohen at our recent Legislative Conference: Please take a principled stand against the Unz initiative on the grounds that it undermines local control and it fails to seek the best interest of our children, particularly those who are learning English. Your respected leadership is needed to keep the debate focused on these issues, and not be clouded by the heated debate around the effectiveness of bilingual education. We need to work hard together to improve instruction for our English language learners.

Sincerely,



Michael Casserly
Executive Director

CC: Hon. Xavier Becerra, Chair of the Congressional Hispanic Caucus
Mike Cohen, Special Assistant to the President
Delia Pompa, Director Office of Bilingual Education and Language Minority Affairs

**COUNCIL OF GREAT CITY SCHOOLS OPPOSES CALIFORNIA INITIATIVE TO
LIMIT EDUCATION SERVICES FOR LANGUAGE MINORITY STUDENTS**

RESOLUTION: In opposition to the Unz Initiative "English language Education for Immigrant Children" (Proposition 227) slated for the California June Ballot.

WHEREAS, the Council of the Great City Schools is a national organization representing 50 of the largest urban school superintendents and school boards; and

WHEREAS, our nation's public schools enroll over 3 million students who are English language learners; and

WHEREAS, the member districts of the Council of the Great City Schools are responsible for educating over 40 percent of the nation's linguistically diverse students, who speak over 100 languages; and

WHEREAS, the member districts of the Council of the Great City Schools value the richness of its culturally and linguistically diverse students and communities; and

WHEREAS, the member districts of the Council of the Great City Schools recognize that parents of linguistically diverse students are more likely to be involved in their children's education when schools value their primary language and culture; and

WHEREAS, the proposed California initiative entitled "English Language Education for Immigrant Children" would remove local control from local school boards of education to determine the most effective methods to teach their students; and

WHEREAS, the proposed initiative would outlaw existing educational programs that our districts have found effective in increasing English proficiency and academic achievement for our diverse student population; and

WHEREAS, the proposed initiative mandates a state-imposed "one-size-fits-all" method of teaching language minority children which severely limits options suited to the varied needs of our non-English and limited English speaking students—depriving them an equal opportunity to learn;

BE IT THEREFORE RESOLVED, that the

Council of the Great City Schools opposes the proposed California Unz initiative (Proposition 227), entitled "English Language Education for Immigrant Children;" and that the

Council of the Great City Schools will actively participate in the campaign to defeat this initiative.



Board of Directors and Member Districts

As of March 24, 1998

School District	Superintendent	Board Representative
<u>Atlanta Public Schools</u>	Benjamin Canada	Jean Dodd
<u>Baltimore City Public Schools</u>	Robert Schiller	J. Tyson Tildon
<u>Birmingham Public Schools</u>	Johnny Brown	Barry Clemmons
<u>Boston Public Schools</u>	Thomas W. Payzant	Felix Arroyo
<u>Broward County Public Schools</u>	Frank R. Petruzielo	Abraham S. Fischler
<u>Buffalo Public Schools</u>	James Harris	Florence Johnson
<u>Charlotte-Mecklenburg Public Schools</u>	Eric Smith	Susan Burgess
<u>Chicago Public Schools</u>	Paul Vallas	Gery Chico
<u>Cleveland Public Schools</u>	James Penning	Gerald Henley
<u>Columbus Public Schools</u>	Rosa Smith	Loretta Heard
<u>Dallas Independent School District</u>	James Hughey	Kathleen Leos
<u>Dayton City School District</u>	James Williams	Joey Williams
<u>Denver Public Schools</u>	Irv Moskowitz	Bennie Milliner
<u>Detroit Public Schools</u>	Eddie Green	Irma Clark
<u>District of Columbia Public Schools</u>	Julius W. Becton	Tonya Vidal Kinlow
<u>El Paso Independent School District</u>	Stan Y. Paz	Kathy Becker
<u>Fort Worth Independent School District</u>	Thomas Tocco	Jesse Martinez
<u>Fresno Unified School District</u>	Carlos Garcia	Manuel Nunez
<u>Houston Independent School District</u>	Rod Paige	Arthur M. Gaines
<u>Jefferson County Public Schools</u>	Stephen Daeschner	Joseph Hardesty
<u>Long Beach Unified School District</u>	Carl Cohn	Karin Polacheck
<u>Los Angeles Unified School District</u>	Ruben Zacarias	Victoria Castro
<u>Memphis City Public Schools</u>	Gerry House	Barbara Prescott
<u>Miami-Dade County Public Schools</u>	Roger C. Cuevas	G. Holmes Braddock
<u>Milwaukee Public Schools</u>	Allan Brown	Joseph V. Fisher
<u>Minneapolis Public Schools</u>	Carol Johnson	Judith L. Farmer
<u>Nashville-Davidson Metropolitan Public Schools</u>	Bill M. Wise	Kent M. Weeks
<u>New Orleans Public Schools</u>	Morris Holmes	Maudelle Cade
<u>New York City Public Schools</u>	Rudolph F. Crew	Luis Reyes
<u>Newark Public Schools</u>	Beverly L. Hall	Calvin Ledford
<u>Norfolk Public Schools</u>	J. Frank Sellew	Anna Dodson
<u>Oakland Unified School District</u>	Carole Quan	Jean Quan
<u>Oklahoma City Public Schools</u>	Marvin Crawford	Ron Bogle
<u>Omaha Public Schools</u>	John J. Mackiel	Bernard Kolasa
<u>Philadelphia Public Schools</u>	David Hornbeck	Dorothy Summers Rush
<u>Pittsburgh Public Schools</u>	Dale Frederick	Ronald Suber
<u>Portland Public Schools</u>	Diana Snowden	Marc Abrams
<u>Providence Public Schools</u>	Arthur Zarrella	Susan Derita
<u>Richmond Public Schools</u>	Albert Williams	Delores McQuinn
<u>Rochester City School District</u>	Clifford Janey	Frank Willis
<u>Sacramento City Unified School District</u>	James Sweeney	Ida Russell
<u>San Antonio Independent School District</u>	Diana Lam	Margaret Mireles

Board of Directors and Member Districts

San Diego Unified School District
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Bertha O. Pendleton
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Curman L. Gaines
Merrill Grant
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Frances O'Neill Zimmerman
Dan Kelly
Ellen Roe
Renni Shuter
Becky Montgomery
Terry Glazer
Joel T. Ireland

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The Failure of Bilingual Education

Introduction by Linda Chavez
Edited by Jorge Amselle

Center for Equal Opportunity

Is Bilingual Education an Effective Educational Tool?

by Christine Rossell

Bilingual education has been a controversial issue throughout the United States since its inception in the mid-1960s. Its most common form is called transitional bilingual education (TBE). In transitional bilingual education, the student is taught to read and write in the native tongue, with subject matter also taught in the native tongue. The second language (English) is initially taught for only a small portion of the day. As the child progresses in English, the amount of instructional time in the native tongue is reduced and English increased, until the student is proficient enough in English to join the regular classroom.

At the heart of the controversy over this pedagogical technique are three questions: (1) Should limited-English-proficient (LEP) children receive, because of their language barrier, special, self-contained instruction that keeps them out of the regular classroom? (2) Should LEP children be taught to read and write in their native tongue? (3) Should time be taken out of the regular instructional day to teach LEP children about the culture of their ancestors' countries? Although the public may disagree about the answers to these questions, federal and state policy makers have, since 1968, come down squarely on the affirmative side. Federal and state governments have provided millions of dollars to fund programs that teach LEP children in their native tongue and culture.

It is thus important to know whether TBE is the best method for teaching LEP children. In order to assess the educational effectiveness of

transitional bilingual education, however, we must compare it to other educational programs for LEP children. There are four basic alternatives for instructing LEP children. The first of these is *submersion* or "sink-or-swim." In this model, the LEP child is placed in a regular English classroom with English monolingual children and given no more special help than any child with educational problems.

A second technique is *English as a Second Language* (ESL) instruction, which consists of regular classroom instruction for most of the day combined with a special pull-out program of English language instruction for one or two periods a day, or in some districts two or three periods a week, and participation in the regular classroom for the rest of the time.

A third instructional technique is *structured immersion*, where instruction is in the language being learned (in this country, English) in a self-contained classroom of LEP children. The second language used in these programs is always geared to the children's language proficiency at each stage so that it is comprehensible, and the student thus learns the second language and subject matter content simultaneously.

The fourth instructional technique, *transitional bilingual education* (TBE), is described above. The rationale underlying TBE differs depending on the age of the child. For very young children, it is that learning to read in the native tongue first is a necessary condition for optimal reading ability in the second language. For all children, it is argued that learning a second language takes time, and children should not lose ground in other subjects particularly math, during that time period.

The majority of elementary school programs have as their goal exiting a student after three years. But these programs also allow students to stay in the program longer than three years if they are judged to be below par in English language skills. Indeed, many children stay in a bilingual program throughout their elementary school career (see Rossell and Baker, 1988; Ramirez, 1991; Rossell, 1992). Transitional bilingual education is less common once a child reaches the grade where departmentalization occurs (different subjects taught by different teachers). Because teachers have to be certified in both a subject matter and in a foreign language to teach in a bilingual program in junior high and high school, few school districts are able to staff bilingual programs at these grade levels. Thus the typical

LEP child enters a regular English program in junior high school. It is only in the large school districts with large numbers of LEP students of a single language group that native-tongue instruction in one or more subjects might occur at the secondary level.

At least *nominally*, TBE appears to be the dominant special language instructional program in the U.S. The American Legislative Exchange Council and U.S. English (1994) recently reported 60 percent of the state and locally funded programs for LEP children were *labeled* bilingual education in 1991-92. I use the words "nominally" and "labeled" in a deliberate sense, however, because it is quite clear from visiting classrooms and reading evaluation reports that virtually the only children receiving native-tongue instruction in the U.S. according to the theory—learning to read and write in the native tongue and learning subject matter in the native tongue—are *Hispanic* children. This is because often only Hispanic children are a large enough group to have enough students speaking one language to fill a classroom *and* to have a teacher who is fluent in their native tongue.¹

The bilingual education programs for Asian, African, and European students are not truly bilingual education. Asian, African, and European students in so-called bilingual education programs learn to read and write in *English*, exactly the opposite of the theory, and receive little native-tongue instruction beyond learning the alphabet and a few words or phrases. Thus, claims for the success of Asians in bilingual education programs cannot be taken at face value. Asian and African bilingual education programs are generally closer to what is called structured immersion (that is, instruction in English in a self-contained classroom of LEP students), even though for political, legal, or funding reasons they may be described as "bilingual education." The European bilingual education programs (e.g. Russian, Portuguese, Hebrew, Polish, etc.) stray even further afield from the theory. Many of them are simply regular classroom instruction with ESL pull-out support if needed. This lack of consistency in the treatment only complicates the issue of evaluating and analyzing the effects of bilingual education programs.

The research evidence presented here is the result of a collaboration with Keith Baker in updating our earlier reviews of the research on bilin-

gual education—Baker and de Kanter (1981, 1983) and Rossell and Ross (1986).² The total number of studies and books we have read now numbers above 500, of which 300 are program evaluations, in the sense that their purpose is to evaluate the effectiveness of TBE or some other second language acquisition technique. Reviewing the research was a frustrating and arduous task since most of it consists of local evaluations that do not even come close to meeting scientific standards, even when they are conducted by outside consulting firms that are supposedly hired for their methodological expertise. Unfortunately, the fact that an article is published in an academic journal does not guarantee it is scientific. Approximately 11 percent of the methodologically unacceptable studies were published in academic journals. It thus appears that millions of dollars are wasted each year on unscientific, descriptive evaluations of local school district bilingual education programs.

Methodologically Acceptable Studies

We found 72 out of 300 program evaluations—about one-fourth of the total—to be methodologically acceptable. Methodologically acceptable studies generally had the following characteristics:

1. They were true experiments in which students were randomly assigned to treatment and control groups.
2. They had non-random assignment that either matched students in the treatment and comparison groups on factors that influence achievement or statistically controlled for them.
3. They included a comparison group of LEP students of the same ethnicity and similar language background.
4. Outcome measures were in English using NCEs, raw scores, scale scores, percentiles, etc., but not grade equivalents.
5. Additional educational treatments were either nonexistent or controlled for.

Findings

Table 1 shows the effect of transitional bilingual education—compared to (1) “submersion,” i.e., doing nothing, (2) ESL, (3) structured immersion, and (4) maintenance (long-term) bilingual education—on second language (usually English) reading, language, and mathematics as demonstrated by the 72 methodologically acceptable studies—all of them of Spanish bilingual education programs and students. Table 1 also shows the effect of structured immersion compared to ESL pull-out.¹ Studies are repeated in more than one category of outcome if they had different outcomes at different grade levels or for different cohorts—that is, a group of students in the same grade. Those not in the table are excluded because they did not assess alternative second-language learning programs or they did not meet the methodological criteria.

The percentages in Table 1 indicate the percentage of studies showing a program to be better than the alternative it is compared to, the percentage showing no difference, and the percentage showing the program to be worse than the alternative it is compared to. This is repeated for each achievement outcome—reading, language, and math. The total number of studies assessing the particular achievement outcome for each category of comparisons are shown below the percentages.

TBE v. Submersion. Table 1 indicates that for second language reading,⁴ 22 percent of the studies show transitional bilingual education to be superior, 33 percent show it to be inferior, and 45 percent show it to be no different from submersion—that is, doing nothing. Altogether, 78 percent of the studies show TBE to be no different from or worse than the supposedly discredited submersion technique.

In a standardized achievement test of *language*, a test of a student’s understanding of grammatical rules, transitional bilingual education does even worse than it does in reading. Seven percent of the studies show transitional bilingual education to be superior, 64 percent show it to be inferior, and 29 percent show it to be no different from submersion—doing nothing. Altogether, 93 percent of the studies show TBE to be no different from or worse than doing nothing at all.⁵

These more negative findings for language than for reading suggest

Table 1

Percent of Methodologically Acceptable Studies^a Demonstrating Program Effectiveness by Achievement Test Outcome

	READING**	LANGUAGE	MATH
TBE v. Submersion (Do Nothing)			
TBE Better	22%	7%	9%
No Difference	45%	29%	56%
TBE Worse	33%	64%	35%
Total N	60	14	34
TBE v. ESL			
TBE Better	0%	0%	25%
No Difference	71%	67%	50%
TBE Worse	29%	33%	25%
Total N	7	3	4
TBE v. Submersion/ESL			
TBE Better	19%	6%	11%
No Difference	48%	35%	55%
TBE Worse	33%	59%	34%
Total N	67	17	38
TBE v. Structured Immersion			
TBE Better	0%	0%	0%
No Difference	17%	100%	63%
TBE Worse	83%	0%	38%
Total N	12	1	8
Structured Immersion v. ESL			
Immersion Better	100%	0%	0%
No Difference	0%	0%	0%
Total N	3	0	0
TBE v. Maint. BE			
TBE Better	100%	0%	0%
Total N	1	0	0

^a Studies are listed in more than one category if there were different effects for different grade or cohorts.
^{**} Oral English achievement for preschool programs.

that a child is less dependent on school for many of the skills learned in reading—decoding, vocabulary, and understanding concepts—than they are for grammar. The fine rules of grammar, it appears, are learned mostly in school, and because they are more complex, they are more influenced by school time on task. Thus, these results suggest there is a risk that bilingual education students will incur a deficit in English grammar rules because they have spent less time on them than have LEP children in an all-English environment.

In *math*, 9 percent of the studies show TBE to be superior, 35 percent show it to be inferior, and 56 percent show it to be no different from submersion. Altogether, 91 percent of the studies show it to be no different or worse than the supposedly discredited submersion technique in developing math proficiency.

TBE v. ESL. Although many so-called submersion situations probably have an English-as-a-Second-Language (ESL) program where the students are pulled out of the regular classroom and taught English in small groups for a period a day or a few times a week, it is generally not specified in the evaluations. Nevertheless, we suspect that many of the studies classified above as submersion may in fact include an ESL pull-out component. In seven studies, transitional bilingual education is specifically compared to reading achievement in the regular classroom with ESL pull-out. None of these studies shows TBE to be better than ESL pull-out in reading. Five studies (71 percent) show no difference between transitional bilingual education and ESL in reading, and two studies (29 percent) show TBE to be worse than ESL. Of the three studies that examined language achievement, none showed TBE to be superior, two showed no difference between TBE and ESL, and one showed TBE to be worse. Of the four studies that examined math, one showed TBE to be superior, two showed no difference, and one showed TBE to be worse.

TBE v. Submersion/ESL. Because we suspect that many, if not most, of the so-called submersion alternatives had an ESL component, we also show in Table 1 the outcomes for a category (the third from the top) that combines submersion and ESL studies. Because of the small number of studies that specifically examine ESL pullout, there is virtually no difference in the findings: 81 percent of the studies show TBE to be no dif-

ferent from or worse than submersion/ESL in reading, 94 percent show TBE to be no different from or worse than submersion/ESL in language, and 89 percent show TBE to be no different from or worse than submersion/ESL in math.

TBE v. Structured Immersion. Table 1 also compares TBE to structured immersion, the fourth category from the top. Most of these studies come from the Canadian immersion programs, which come in several carefully documented types—early immersion (late bilingual), delayed immersion (early bilingual), dual immersion, and so forth. In many cases, we had to “translate” the programs into U.S. terminology. Twelve studies had reading outcomes, one study had language outcomes, and eight studies had math outcomes. No study showed TBE to be superior to structured immersion in reading, language, or math. In reading, 83 percent of the studies showed TBE to be worse than structured immersion, and 17 percent showed no difference. In language, the one study showed no difference. In math, five studies showed no difference, and three studies showed TBE to be worse than immersion.

Structured Immersion v. ESL. There were also three studies that compared structured immersion to ESL specifically. These studies all showed structured immersion to be superior to ESL in reading.

TBE v. Maintenance Bilingual Education. The final category in Table 1 compares transitional bilingual education to maintenance bilingual education, which continues native-tongue instruction after a child has become fluent in English. This study showed transitional bilingual education produced significantly higher English reading achievement than maintenance bilingual education.⁶ In other words, more English time on task (TBE) produces higher English language achievement than less time on task (maintenance bilingual education).

Conclusions

The results shown in Table 1 suggest that the ideal program for second language learners is “structured immersion” where instruction is in English at a level the students can understand in a self-contained classroom consisting entirely of LEP students. While it may be helpful if a

teacher knows his or her students' native tongue, it is probably best for the students if the teacher is not *fluent* in it because, human nature being what it is, the more proficient a teacher is in a language, the more time he or she will spend teaching in it. Thus, contrary to the theory and current practice, I suspect that the better teachers of LEP children will be those who are more comfortable in English than their students' native tongue.

Nevertheless, it cannot be emphasized enough that the research clearly shows, as with all other educational interventions, that the intervention itself is only one of many important factors explaining achievement. Indeed, the most important factors in a child's acquisition of English and other subjects are the child's family characteristics, his or her intelligence, the characteristics of his or her classmates, and the intelligence and talent of his or her teacher. For most students, at least in an educational system in which all programs ultimately provide substantial amounts of English, the exact percentage of each language has, on average, explained only a small portion of the variance in achievement. Even in the worst cases, I am struck by how small the differences in academic achievement are—a maximum of about 15 points—between programs with very different amounts of English instruction. For any single student, however, there could be serious consequences to having little English instruction. As Table 1 indicates, substantially more studies show a harm from TBE, compared to all-English instruction, than show a benefit, and this disparity increases when the all-English program is structured immersion. Thus, the risk of academic deficiency in English is greater for TBE than for all-English instruction.

Nevertheless, transitional bilingual education as actually implemented is typically not a disaster, despite its potential to be so. The facilitation theory justifying bilingual education states that students must be taught to read and write in their native tongue until they reach proficiency in the native tongue (called the threshold effect) in order to achieve the highest level of cognitive development and English language achievement. This theory if blindly followed could result in a child never transitioning out of the native tongue and never learning English. Yet students in TBE do learn English and master content areas in English, although they may be behind their LEP schoolmates who are taught completely in English.

I suspect that the major reason why TBE is not more harmful is that many bilingual education teachers are subverting the theory. Rather than waiting until their students are proficient in reading and writing in their native tongue as the theory advocates, they transition their students fairly quickly into English. Unfortunately, this cannot be said for all of them. Some teachers are ardent believers of the theories they have been taught, and their students are in TBE and native-tongue instruction for the entire time they are in school. As a result, my policy recommendation is for all-English instruction for LEP children, preferably structured immersion, although the period of being in a self-contained classroom must be of a very short duration, a year or less. The research evidence suggests that all-English instruction holds the least risk and usually has the greatest benefit for limited-English-proficient children.

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Endnotes

- ¹ Moreover, only the Spanish language teachers have non-native speakers fluent in the language. Because we share a border with a Spanish speaking country, there is ample opportunity for non-Hispanics to learn Spanish. In addition, Spanish is an easier language to learn for English speaking people than are any of the Asian or African languages. Thus, the non-Spanish bilingual programs have a much smaller teacher labor pool to draw from since virtually the only people who speak Cantonese, Khmer, Vietnamese, Cape Verdean, Haitian Creole, etc., are native speakers, almost all of them immigrants.
- ² This collaboration has produced a 1995 book *Bilingual Education Reform in Massachusetts*, published by Pioneer Institute in Boston, Mass.
- ³ All of the studies in Table 1 appear in complete citation form in Rossell and Baker (1996).
- ⁴ We included oral progress in preschool or kindergarten in this category since a reading test for these grades is obviously inappropriate.
- ⁵ Neither Baker and de Kanter (1981, 1983) nor Rossell and Ross (1986) examined language since at that time there were too few studies that examined this outcome.
- ⁶ Ramirez et al., 1991 also examined maintenance bilingual education (late-exit bilingual education), but unfortunately did not directly compare it to transitional bilingual education (contrary to media reports and his own conclusions). Although his graphs appeared to show that the students in late-exit bilingual education were doing worse than the students in transitional bilingual education, no statistical analysis was performed to verify that.

What Bilingual Education Research Tells Us

By Keith Baker

From 1979 to 1989, I worked in the main evaluation office of the U.S. Department of Education, where I directed a number of extensive studies of bilingual education. I was also a major participant in formulating federal policy on the education of limited-English-proficient (LEP) students. When the White House Regulatory Review Group asked the U.S. Department of Education if bilingual education programs were effective, the department put me in charge of finding the answer.

I also planned, designed, and directed the largest study done by the federal government of the validity of procedures used to exit LEPs from special programs for LEPs. I know of no valid scientific research that shows that any LEP student would benefit from more than three years of bilingual education to prepare them to participate in the mainstream classroom.

I know of no scientifically valid evidence that supports the New York State Education Commissioner's policy and practice of routinely extending beyond three years the time LEP students are segregated from full participation with their peers in the mainstream classroom. I know of no psychometrically valid or scientifically sound definition of "academic profi-

This article is excerpted from Keith Baker's affidavit in Bushwick Parents Organization v. Richard P. Mills, Commissioner of Education of the State of New York.