

THE WHITE HOUSE

WASHINGTON

April 15, 1998

MEMORANDUM FOR SYLVIA MATHEWS

FROM: MIKE COHEN 

SUBJECT: Bilingual Education

Here are responses to the President's questions about bilingual education.

1. Number of Students in Bilingual Education Programs

Out of 3.2 million Limited English Proficient (LEP) students nationwide, there are approximately 1.3 million students in some form of bilingual education program (in which students are taught in their native language as well as in English), and an additional 1.1 million in some form of English as a Second Language (ESL) program (which emphasizes developing English language skills such as grammar, vocabulary and communications). Approximately 640,000 LEP students nationwide receive no special language services of any kind.

2. Participation by Ethnic Groups

Approximately 73% of the LEP students are Hispanic.

The remaining 27% are divided among a large number of language groups:

- 3.9% -- Vietnamese
- 1.8% -- Hmong
- 1.7% -- Cantonese
- 1.6% -- Cambodian
- 1.6% -- Korean
- 1.3% -- Laotian
- 1.3% -- Navajo

The remaining language groups each comprise 1% or less of all LEP students.

3. Length of Participation in Bilingual Education Programs

There are no national data on how long students generally participate in bilingual education programs, and therefore none showing differences among ethnic or language groups. However, data below show what we believe is a representative range for how long students tend to participate in bilingual education programs.

Years Required for Exit in Sample Cities

Dade County: average length of participation is 2.95 years

NYC Public Schools: 67.8% students exit in 3 years or less

San Diego: average length of participation is 4.9 years

San Francisco: average length of participation is 4.6 years

Fresno: average length of participation is 4.5 years

Note that Dade County uses ESL, while the other cities rely more heavily on bilingual education programs. Because the goals of ESL are more limited than those of bilingual education, students tend to stay in these programs for shorter periods of time. There are some studies that suggest that while the bilingual programs take longer, over time students in those programs tend to do well in both English and in their other academic subjects.

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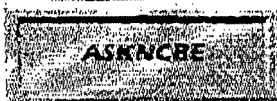
What are the most common language groups for ...

Page 1 of 1

AskNCBE No. 5

askncbe@ncbe.gwu.edu

May 1995



What are the most common language groups for LEP students?

A study conducted by the U.S. Department of Education, to describe the number and characteristics of limited English proficient (LEP) students and the instructional services provided to them during the 1991-92 school year revealed the most common language groups among LEP students. Mail surveys were sent to 745 school districts nationwide. The table below, reproduced from the report of the study, (Fleischman and Hopstock, 1993), shows the 20 most common language groups among LEP students as projected from 733 respondents. The study revealed the Spanish group to be the largest, representing almost 73% of LEP students.

	LANGUAGE GROUPS	NUMBER OF LEP STUDENTS	PERCENTAGE OF LEP STUDENTS
1.	Spanish	1,682,560	72.9%
2.	Vietnamese	90,922	3.9
3.	Hmong	42,305	1.8
4.	Cantonese	38,693	1.7
5.	Cambodian	37,742	1.6
6.	Korean	36,568	1.6
7.	Laotian	29,838	1.3
8.	Navajo	28,913	1.3
9.	Tagalog	24,516	1.1
10.	Russian	21,903	0.9
11.	Creole (French)	21,850	0.9
12.	Arabic	20,318	0.9
13.	Portuguese	15,298	0.7
14.	Japanese	13,913	0.6
15.	Armenian	11,916	0.5
16.	Chinese (unspe.)	11,540	0.5
17.	Mandarin	11,020	0.5
18.	Farsi	8,563	0.4
19.	Hindi	7,905	0.3
20.	Polish	6,747	0.3

SOURCE:

Fleischman, H.L. & Hopstock, P.J. (1993) *Descriptive Study of Services to Limited English Proficient Students*. Development Associates, Arlington, VA

NCBE is funded by the U.S. Department of Education's Office of Bilingual Education and Minority Languages Affairs (OBEMLA) and is operated by the George Washington University, Graduate School of Education and Human Development, Center for the Study of Language and Education.

Back to [FAQs](#)

NCBE Home Page
<http://www.ncbe.gwu.edu>

We have a big increase in children from eastern European countries in the last 3 years that we at show up here - Russian, Bosnian, other former Soviet countries.

Facts About Limited English Proficient Students and Services for Them

Number of Limited English Proficient Students Nationwide

Total number nationwide - **3.2 million** (1994-95)

Total number in bilingual programs in state and local programs - **1.3 million** (1994-95)

Total number in ESL in state and local programs - **1.1 million** (1994-95)

Total number not served in special programs - **640,000** (1994-95)

Average Years Required for Exit in Sample Cities and Texas

Dade County - 2.95 years (ESL programs only)

NYC Public Schools - 67.8% of all Bilingual/ESL students exited in three years or less

San Diego - 4.9 years

San Francisco - 4.6 years

Fresno Unified School District - 4.5 years

Texas - about 30% of students in ESL exit annually; about 25% of students in bilingual education exit annually (can't be accumulated over time because there is a constant inflow over time)

Trends in Number of Limited-English-Proficient Students in California Public Schools, by Language, 1993 through 1997

Language	Number of limited-English-proficient students					Percent increase (or decrease) between 1993 and 1997
	1997	1996	1995	1994	1993	
Arabic	5,642	5,287	5,087	4,968	4,748	18.8
Armenian	14,088	14,572	15,106	15,459	15,156	-7.0
Assyrian	773	835	873	811	815	-5.2
Burmese	366	376	372	330	269	36.1
Cantonese	25,714	24,674	23,954	23,728	22,772	12.9
Cebuano/Visayan	400	399	284	397	338	18.3
Chaldean*	536	547	529	0	0	0.0
Chamorro/Guamanian	53	54	7	77	44	20.5
Chaozhou/Chaochow*	783	747	670	0	0	0.0
Croatian	163	221	157	153	108	50.9
Dutch	119	91	107	98	86	38.4
Farsi/Persian	5,246	5,328	5,591	5,876	5,874	-10.7
French	589	600	607	562	548	7.5
German	633	636	661	600	596	6.2
Greek	212	218	242	235	239	-11.3
Gujarati	1,125	1,121	1,135	1,196	1,089	3.3
Hebrew	553	580	685	834	976	-43.3
Hindi	3,822	3,591	3,493	3,289	2,972	28.6
Hmong	32,014	31,156	30,345	28,494	26,219	22.1
Hungarian	184	194	213	232	208	-11.5
Ilocano	1,956	1,912	1,899	1,894	1,634	19.7
Indonesian	810	969	989	1,024	875	-7.4
Italian	267	291	303	328	275	-2.9
Japanese	4,970	5,042	4,998	5,231	5,499	-9.6
Khmer/Cambodian	19,981	20,645	21,028	21,467	21,040	-5.0
Khmur	261	233	359	305	332	-21.4
Korean	15,884	15,792	15,879	16,366	16,496	-3.7
Kurdish*	148	111	115	0	0	0.0
Lahu	509	521	532	433	440	15.7
Lao	9,212	10,052	10,745	11,392	11,926	-22.8
Mandarin/Putonghua	10,397	9,655	9,109	9,178	9,123	14.0
Marshallese	132	100	82	66	60	120.0
Mien/Yao	5,385	5,226	5,093	4,976	4,691	14.8
Mixteco	353	342	321	294	222	59.0
Native American	76	55	66	141	117	-35.0
Pashto	511	541	529	479	462	10.6
Pilipino/Tagalog	20,844	20,950	21,765	21,362	20,755	0.4
Polish	426	491	511	593	529	-19.5
Portuguese	2,492	2,496	2,677	2,807	2,870	-13.2
Punjabi	6,491	5,522	5,063	4,348	3,880	67.3
Rumanian	1,426	1,423	1,440	1,550	1,415	0.8
Russian	7,328	7,028	6,675	6,276	5,586	31.2
Samoan	1,912	1,997	2,000	1,940	1,840	3.9
Serbian	79	84	71	123	88	-10.2
Serbo-Croatian*	146	111	95	0	0	0.0
Spanish	1,107,186	1,051,125	990,801	943,559	887,757	24.7
Taiwanese	506	551	596	717	807	-37.3
Thai	1,535	1,709	1,708	1,708	1,641	-6.5
Toishanese*	60	90	65	0	0	0.0
Tongan	1,823	1,711	1,617	1,446	1,355	34.5
Turkish	166	180	146	136	101	64.4
Ukrainian*	1,345	1,080	885	771	0	0.0
Urdu	1,585	1,509	1,472	1,388	1,291	22.8
Vietnamese	45,530	47,663	48,907	49,788	48,890	-6.9
Other languages of China	5,016	4,981	4,848	5,480	5,513	-9.0
Other Philippine languages	1,386	1,486	1,474	1,479	1,259	10.1
Other non-English languages	10,244	8,866	7,936	8,834	9,993	2.5
State totals	1,381,393	1,323,767	1,262,982	1,215,218	1,151,819	19.9

*Languages not collected in prior years.

Definitions of Approaches Used in Bilingual Education1

English as a second language (ESL) - Students receive specified periods of instruction aimed at the development of English-language skills, with a primary focus on grammar, vocabulary, and communication rather than academic content areas. This approach is usually embedded in the approaches described below.

Content-based ESL - Students receive specified periods of ESL instruction that is structured around academic content rather than generic English language skills. This approach may be in contrast to traditional ESL or combined with it. This approach is also usually embedded in the approaches described below.

Sheltered instruction - Students receive subject matter instruction, modified so that it is accessible to them at their levels of English proficiency.

Sheltered immersion - All students in the program are English language learners, usually though not always from different language backgrounds. They receive instruction in English, with an attempt made to adjust the level of English so subject matter is comprehensible. Typically, there is no native language support.

Transitional bilingual education - Most students in the program are English language learners. They receive some degree of instruction through the native language; however, the goal of the program is to transition to English as rapidly as possible, so that even within the program, there is a rapid shift toward using primarily English. This approach is sometimes referred to as early exit bilingual education.

Maintenance bilingual education - Most students in the program are English language learners and from the same language background. They receive significant amounts of their instruction in their native language. Unlike transitional programs, these programs aim to develop English proficiency, but also to develop academic proficiency in the native language. This approach is sometimes referred to as ***late exit bilingual education***.

Two-way bilingual programs - About half of the students in these programs are native speakers of English, and the other half are English language learners from the same language group. The goal of this program is to develop proficiency in both languages for both groups of students.

LEP STUDENT

4-12-98

(1995)

ETHNICITY	Michigan	Illinois	TEXAS	OKLAHOMA	TOTAL
SPANISH	16,067		408,939		
VIETNAMESE	1,008		10,910		
Chinese			2,479		
Korean	209		1,841		
LAOTIAN			1,062		
ARABIC	6,781				
CALDEAN	2,408				
HMONG	1,416				
Others	2,630		30,098		
India					
Pakistan					
Kurdish					
JAPANESE	620				
CAMBODIAN					
Romanian	386				
Russian	321				
Abenian	256				
TOTALS	32,102		455,331 (1995)		
			520,000 (1998)		

UNIVERSITY OF CALIFORNIA AT BERKELEY

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SCHOOL OF EDUCATION
OFFICE OF THE DEAN
(510) 642-3726
FAX (510) 643-8904

BERKELEY, CALIFORNIA 94720

FAX MEMORANDUMDATE 3/13/98TIME 8:36 PST / 11:36 ESTPage 1 of 7 pages in this transmittal (include this page.)

TRANSMITTAL INFORMATION

TO: Name: Dr. Mike Cohen
Phone: _____ FAX: 202-456-⁷⁰²⁸~~5518~~
Address: _____

FROM: Name: Dr. Eugene Garcia
Phone: (510) 642-3726 FAX: (510) 643-8904
Address: 1501 Tolman Hall

COMMENTS: _____

Mon

To: Mike
Cohen FYI
S. Harris

an expository
campaign, not
a rhetorical
one or
emotional
one

FINAL RESULTS

Interview Dates: February 24 - March 1, 1998

Sample Size=1,500; Margin of Error=2.5%

1. First, next June there will be a primary election for Governor, United States Senator and other offices in California. How likely are you to vote in that election -- are you almost certain to vote, will you probably vote, are the chances 50-50, or will you probably not vote?

CERTAIN	85
PROBABLY	15

2. In general, do you think things in California are going in the right direction, or do you feel things are pretty seriously off on the wrong track?

RIGHT DIRECTION	49
WRONG TRACK	31
DON'T KNOW	20

3. One initiative on next June's statewide ballot will be Proposition 227. It requires that all public school instruction be conducted in English. It says the requirement may be waived if parents or guardians show that the child already knows English, has special needs or would learn English faster through an alternate instructional technique. It provides initial short-term placement, not normally exceeding one year, in intensive sheltered English immersion programs for children not fluent in English. It appropriates \$50 million dollars per year for ten years to fund English instruction for individuals pledging to provide personal English tutoring to children in their community. It permits enforcement suits by parents and guardians. The Legislative Analyst says that the fiscal impact of the initiative could vary significantly by school district; that it requires state spending of \$50 million dollars per year for ten years to teach tutors of limited English proficient students, and that total state spending on education will probably not change.

Sec'y of State
ballot
summer

If the election were held today, would you vote yes or no on Proposition 227? (IF "YES," OR "NO," FOLLOW-UP: Is that a strong yes/no or might you still change your mind? IF UNDECIDED, FOLLOW-UP: Do you lean more toward yes or more toward no?)

YES, STRONG	35*
YES, MIGHT CHANGE	14
UNDECIDED, LEAN YES	6 -> 55
UNDECIDED	14
UNDECIDED, LEAN NO	3
NO, MIGHT CHANGE	8
NO, STRONG	19* -> 30

+25

was 70 to 20
last time
(in late Nov.)

Tell them what it does
not what it means

League of Women
+
PTA

No diff in Calif

It's an
argument
we lose -
their arguments
are strong

We're not going
to win an
argumentative
campaign.
It does x, y, z

Now I am going to list the specific provisions of the initiative. For each item I read, please tell me if you support or oppose the provision. (IF SUPPORT OR OPPOSE, FOLLOW-UP: Is that strongly support/oppose or just somewhat?) (DO NOT ROTATE)

	<u>Strong Support</u>	<u>Some Support</u>	<u>Some Oppose</u>	<u>Strong Oppose</u>	<u>Don't Know</u>
4. Requires all public school instruction be conducted in English	66	12	7	13	(2)
	78			20	
5. The requirement may be waived if parents or guardians show that the child already knows English, or has special needs, or would learn English faster through an alternate instructional technique	31	26	11	18	14
	57			29	
6. Provides initial short-term placement, not normally exceeding one year, in intensive sheltered English immersion programs for children not fluent in English	40	25	11	16	8
	65			27	
7. Appropriates \$50 million per year for ten years funding English instruction for individuals pledging to provide personal English tutoring to children in their community	24	20	14	30	12
	44			44	
8. Permits enforcement suits by parents and guardians	19	13	10	31	(27)
	32			41	
9. The Legislative Analyst says that the fiscal impact could vary significantly by school district, that it requires state spending of \$50 million per year for ten years to teach tutors of limited English proficient students, and that total state spending on education probably would not change	24	19	13	30	14
	43			43	
10. Now that you have heard more about Proposition 227, if the election were held today, would you vote yes or no? (IF "YES," OR "NO," FOLLOW-UP: Is that a strong yes/no or might you still change your mind? IF UNDECIDED, FOLLOW-UP: Do you lean more toward yes or more toward no?)					
YES, STRONG	35				
YES, MIGHT CHANGE	13				
UNDECIDED, LEAN YES	6				
UNDECIDED	14				
UNDECIDED, LEAN NO	3				
NO, MIGHT CHANGE	8				
NO, STRONG	21				

Support of concept of teaching English

other provisions nervous

> 48

→ 54

+22

→ 32

Now I am going to read you some things supporters and opponents say about Proposition 227.

[ROTATE STATEMENTS]

___ Supporters of Proposition 227 say that bilingual education in California has been a failure, and the politicians have been afraid to deal with the issue. Proposition 227 is necessary because the education bureaucrats and the Sacramento politicians will never fix the situation. The voters must force the issue by passing Proposition 227.

___ Opponents of Proposition 227 say that recently, the 1970s law mandating bilingual education in California expired. Since then, individual school districts, teachers, and parents have devised their own local programs to teach English to non-English speaking children. Prop 227 would outlaw all of these local programs and impose a single untested program of sheltered English immersion on every school district in California at a cost of \$50 million dollars per year. We must oppose another unnecessary state mandate and vote no on Proposition 227.

11. Hearing this, if the election were today, would you vote yes or no on Proposition 227? (IF "YES," OR "NO," FOLLOW-UP: Is that a strong yes/no or might you still change your mind? IF UNDECIDED, FOLLOW-UP: Do you lean more toward yes or more toward no?)

YES, STRONG	32	
YES, MIGHT CHANGE	11	
UNDECIDED, LEAN YES	5	->48
UNDECIDED	13	
UNDECIDED, LEAN NO	5	+9
NO, MIGHT CHANGE	9	
NO, STRONG	25	->39

*14 pt shift
some yes to undecided
a lot of undecided
now are no*

Conclusions

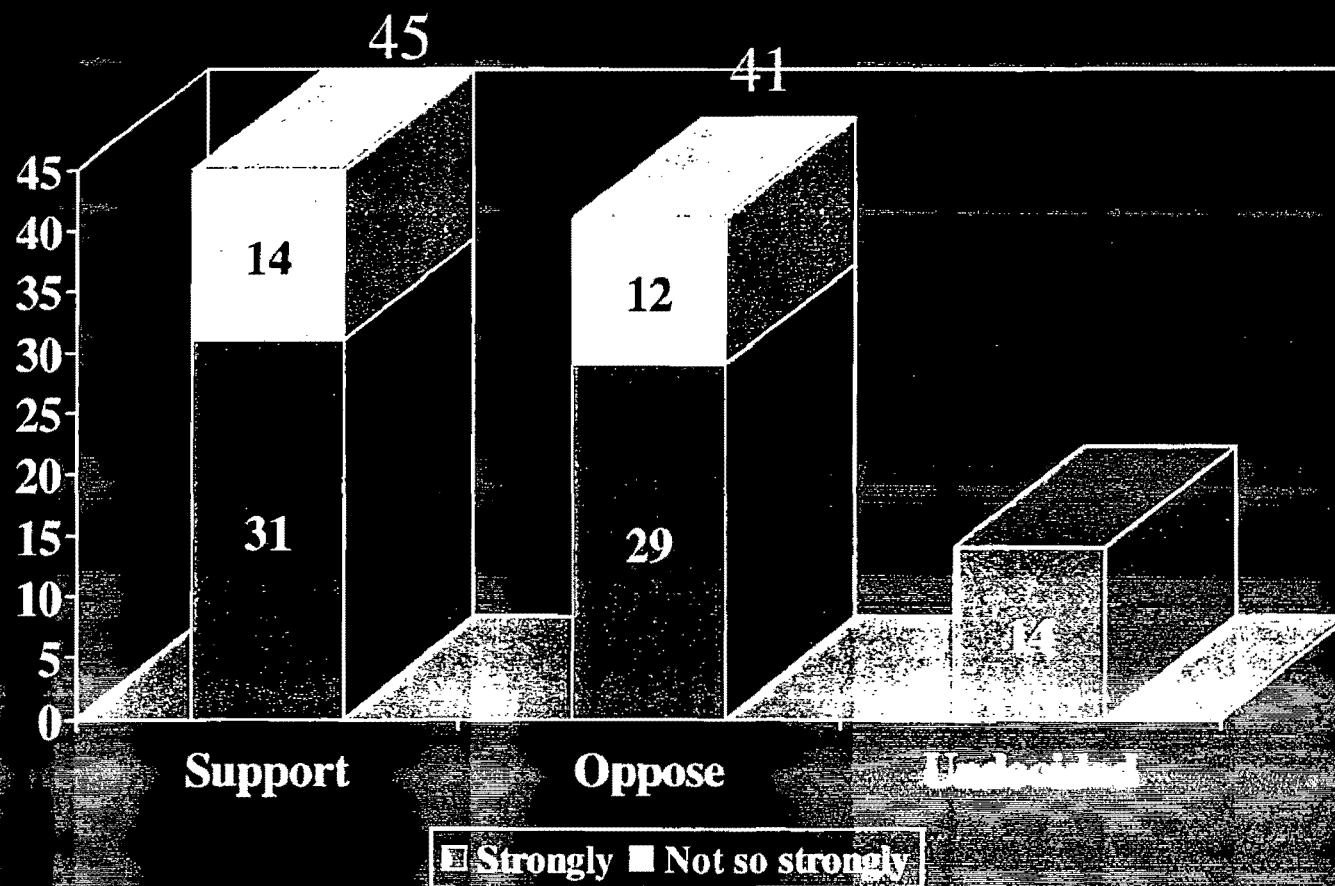
- Message to defeat 227 should contain 4 elements:
- 50-word statement (law expired, local schools devised their own program, 227 outlaws all local programs including the best)
- Costs \$50 million dollars per year
- PTA opposes
- Children should get more than one year if needed

Voters Change Opinion After Hearing Our 50-Word Statement with Cost Information Added

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After hearing arguments on both sides, supporters
lead by just 4%



ARGUMENTS AGAINST THE UNZ INITIATIVE**

- **Voters should take the time to learn more about the initiative.** Ron Unz has run a clever and well-financed campaign, but has failed to explain to Californians what his initiative actually does. Voters should ask themselves the question, "What's In Proposition 227," because once they find out what's in it the initiative's support drops dramatically.
- **Proposition 227 will create chaos in the classroom.** By mainstreaming over a million limited-English-proficient students after only one year, the initiative will:
 - Force teachers to choose between gearing instruction to mainstream students and leave LEP students behind, or simplify instruction for LEP students and slow the progress of mainstream students.
 - Create mixed-age classrooms, where 10-year-olds and 5-year-olds will be sitting in the same class.
- **Proposition 227 mandates a single, "one size fits all" method for teaching all limited-English-proficient children in California.** The so-called "sheltered English immersion" approach is unproven. No scientific evidence supports it. No reputable educator or scholar has endorsed it. In addition, it:
 - Permits exceptions only under a legalistic, complicated "waiver" process that restricts parental choice.
 - Does not provide for any training of teachers or administrators in implementing the new "sheltered immersion" scheme.
 - Does not include any assessment or accountability system to help parents and the public determine whether it's working or not.
 - Codifies, possibly forever, an untested system that could not be adjusted or repaired except under unusual circumstances.
- **Proposition 227 violates the principle of local control.** The initiative would eliminate the power of elected school boards to determine what policies make sense for their own communities. Local school boards, principals, and teachers would be outlawed by state decree from using the curriculum and teaching approaches they believe to be in the interests of their children.

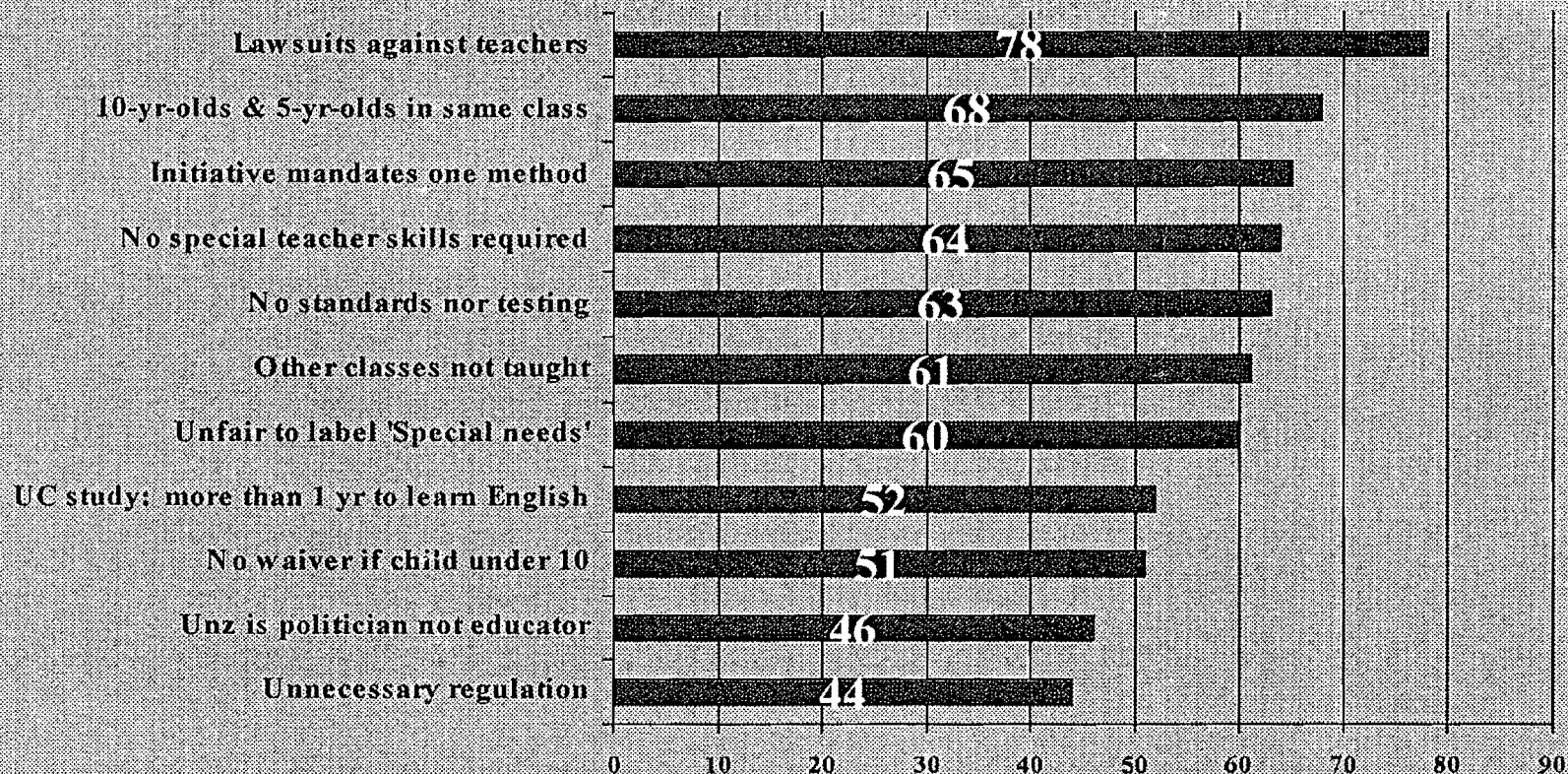


- **Teachers will face lawsuits and personal liability** if they are accused of speaking to a child in a language other than English. At a time when it is in the interest of all Californians to attract the best and the brightest to the teaching profession, the initiative would increase the problems of teacher “burnout” and “bailout.”
- **The initiative would create bureaucracy and waste taxpayer dollars**, in several ways; it would:
 - Require new school bureaucracies to handle waivers, keep new records, etc.
 - Turn school administrators into “language police,” who would have to divert time away from teaching to make sure no non-English languages were spoken.
 - Invite frivolous litigation against and complicate collective bargaining agreements with teachers, who surely will demand new and perhaps costly protections.
 - Waste \$500 million annually for a complex and untried new tutoring program.
- **Overall, Proposition 227 is an extreme, untested, dangerous, and expensive experiment on all of California’s children.** The voters should reject it.

****** Adapted from various materials from Citizens for an Educated America: No on Unz campaign, and “The Unz Initiative: Extreme, Irresponsible, and Hazardous to California’s Future,” National Association for Bilingual Education.

Several arguments effectively convince voters to oppose the Unz initiative

Percent of voters who moved to 'no' that found the argument convincing



Survey of 600 likely California voters October 28-November 3, 1997. Margin of Error=4%

106. Los Angeles Times

* 04/22/98; Edition: Home Edition; Section: Metro; Editorial Writers Desk; Page B-6

A Bilingual Bill at Last

The members of the California Legislature are masters of too little too late. With an English-only ballot initiative just weeks from a public vote, lawmakers who had dithered about bilingual education for a decade finally approved a moderate reform measure. There is little chance that the ballot measure, which would in effect do away with bilingual education, will be affected by the measure passed Monday by the Legislature. Despite all that, the bill, by state Sen. Dede Alpert (D-Coronado), deserves the governor's signature.

Alpert's SB 6 would set a realistic target of moving children into regular English-only classes within three years. Gov. Pete Wilson should sign this bill even though he has been justifiably impatient with the Legislature's political foot-dragging on this emotional issue. Also impatient are parents of the many limited-English children who have attended California's public schools for years without learning to read and write in English.

Bilingual reform passed this time around with the help of new Assembly Speaker Antonio Villaraigosa (D-Los Angeles), who pushed the bill forward in his first months in the post. His predecessor, Cruz Bustamante, stalled the bill last year under pressure from the legislative Latino Caucus, which feared the political risks of change even as anti-bilingual forces gathered steam for their ballot proposition. The political climate has changed sharply since then with the surging campaign for Proposition 227, which would require almost all public school instruction to be in English.

The Alpert bill would encourage flexibility and experimentation and require testing and reporting of results in two years. If students failed to make progress in English proficiency and core academic subjects, school districts would be required to revise their bilingual instruction. Laggard districts might look to Calexico's successful bilingual program or to Westminster and some other Orange County districts, which will be experimenting with new systems as long as testing shows students are not falling behind. The state board no longer requires waivers to try something new, but under SB6 continued failure would trigger intervention, including expert help, by the State Board of Education.

A key provision of the bill would require daily English instruction by credentialed teachers and, when possible, support from a trained aide who speaks the student's primary language.

The Alpert bill would improve bilingual education for the nearly 25% of California public school students who need help learning English. The bill is mild, educationally sound and long overdue. ■

- Alpert Bill
- 3 yr target
- flexibility
- tests / rpt or / correct etc accountable
- quality - in

38. Sacramento Bee

April 21, 1998 *Divided Assembly approves bilingual education bill*

By Mary Lynne Vellinga
Bee Capitol Bureau

In a move to head off a ballot initiative that would largely eliminate bilingual education in California, the Assembly on Monday passed a bill that would give school districts flexibility to choose their own approach to teaching non-English-speaking children.

Assembly Democrats — who last year blocked a vote on the bill — described it Monday as an "imperfect" solution to problems in bilingual education, but preferable to Proposition 227, the ballot measure promoted by Silicon Valley businessman Ron Unz.

"It is not a perfect solution," Assembly Speaker Antonio Villaraigosa, D-Los Angeles, said of SB 6. "I say to you, neither is the Unz initiative, neither is the status quo."

The bill, which passed the Senate last year, cleared the Assembly 50-27. It now goes back to the Senate, where it is expected to pass again.

Gov. Pete Wilson has not taken a position on the bill, authored by Sen. Deirdre Alpert, D-Coronado. Nor has the governor taken a formal stance on Proposition 227, which would virtually eliminate native-language instruction for the state's 1.4 million children who are not fluent in English.

The Alpert bill would give districts the ability to decide what type of bilingual education to offer, provided that it is based on sound theory. The measure would require districts to assess the progress of bilingual education students toward learning English, while keeping track of their academic progress in other subjects. Districts in which students did not make progress would have to redesign their approach.

Sean Walsh, a spokesman for Wilson, pointed out Monday that Democrats who control the Legislature had a chance last year to act on bilingual education reform, but failed to do so. SB 6 was held in the Assembly Appropriations Committee last year, and Republican attempts to withdraw the bill from committee and bring it to a floor vote were rejected by Democrats.

"Due to legislative default, the people were forced to go the initiative route," Walsh said.

Democrats who last year opposed bringing the bill to the full Assembly said Monday it's the best solution the Legislature can agree on this year.

"Many of you members took umbrage that the Latino caucus stopped this bill . . . last year, and you know what, we did. And I'm glad that we did . . . because SB 6 was not ready," said Assemblywoman Martha Escutia, D-Huntington Park.

She and other Democrats said the bill has been improved since last year with amendments that hold school districts more accountable for teaching students English quickly.

The amendments set a goal of three years for bilingual students to be mainstreamed into regular classrooms. If a student hasn't made significant progress in that time, the school is required to meet with parents and discuss alternatives.

Many conservative Republicans last year supported the bill, but only a handful voted for it Monday. Most Assembly Republicans who spoke Monday said they favored Proposition 227, which would establish a statewide system of English-immersion instruction for limited-English speakers, and limit it to one year.

"This is an attempt to derail the Unz initiative," said Assemblyman Tom McClintock, R-Simi Valley.

Even faced with the likely approval of Proposition 227 in June, one Democrat said she was still refusing to vote for the bill. Assemblywoman Diane Martinez, D-Rosemead, cited a study showing non-English-speaking children do better if taught core subjects in their own language.

"The heart of this bill is, pure and simple, unadulterated racism," Martinez said. "It will result in a class of children who are ignorant."

The approach of teaching non-English-speaking children in their own language, called "primary language instruction," had been long-standing policy in California.

But the law mandating such instruction expired more than 10 years ago, and the primary-language policy had continued despite the lack of a statute. Earlier this month, in response to a court decision, the state Board of Education adopted a policy of allowing school districts to choose which approach to take.

Supporters of SB 6 argued Monday that the Legislature has the duty to establish a law governing bilingual education.

Assemblyman Brooks Firestone, R-Los Olivos, who has worked for several years with Alpert on the bilingual issue, cited poor academic performance and high dropout rates for non-English-speaking students. ■

39. Sacramento Bee

April 21, 1998 *Foes clash on bilingual education* *City schools program is praised, criticized*

**Secretary's Announcement of Opposition to California Proposition 227
Questions and Answers**

1. Why are you announcing this instead of the President?

This is the President's position, and he has asked me as his primary spokesman for education to speak to the issue. My staff and I worked along side White House staff to analyze the impact passage of this initiative would have on limited English proficient students. Our concern about the potential harm to these children that would result from passage of Proposition 227 is the impetus for my announcement today.

2. Why are you making this announcement now?

We have been considering the issue for some time in consultation with education groups and individuals in California and here. The announcement is being made today because we are concerned that the educational message is getting lost in the politics of the debate. In deliberating the issue, we considered the educational and legal aspects. It was our conclusion that passage of Proposition 227 would cause educational harm to the 1.3 million limited English proficient children in California.

3. Have you talked to the President about this announcement?

The President and I discussed this announcement. He is very concerned about improving educational services provided to limited English proficient children. That is why he recommended a 17% increase in the budget for Bilingual Education in Fiscal Year 1999 to support teacher training and programs that teach English and academic content tied to high standards.

4. Is California Proposition 227 a violation of federal civil rights requirements?

School districts are required to take steps to rectify language deficiencies in order to provide access to instructional programs for limited English proficient students. A district must:

- choose a program that is educationally sound,
- effectively implement the approach it has chosen by allocating adequate and effective staff and resources, and
- evaluate the program and take action if the program does not produce results.

Passage of Proposition 227 can be expected to result in violations of federal civil rights laws if children who are judged by their teachers to need bilingual education in order to

progress are denied it or if children who are not prepared for regular classes are placed into them after just one year of special support. The one size fits all approach is inconsistent with educational practice and research that tells us that children learn in different ways and at different rates.

5. Does the three year goal relieve districts from their Civil Rights obligations?

No. Districts must comply with applicable civil rights requirements for all children, including requirements applicable to limited English proficient students. Districts would continue to be required to serve limited English proficient students appropriately if they did not transition into regular all English classes in three years. Appropriate exit criteria should be used to determine if limited English proficient students are ready to be mainstreamed. In addition, districts should follow former limited English proficient students over time to ensure that students continue to achieve in mainstream classrooms.

6. Is the three year goal supported by the research?

Research indicates that three years can be a reasonable goal, recognizing that additional language instruction may be necessary depending on the needs of particular students.

7. What should districts be doing to help limited English proficient students learn English?

First, districts should ensure that limited English proficient children have access to high standards through all local, state, and federal programs. Districts should also ensure that teachers of limited English proficient students are appropriately trained to meet the students' linguistic needs. Teachers must provide specially adapted English instruction and instruction in the content areas tied to high standards. Children should be assessed to determine their progress, and instruction should be modified as necessary. The program should be evaluated on an ongoing basis to determine its effectiveness.

8. How will the administration support districts to achieve the three year goal?

The President's budget for fiscal year 1999 includes a 17% increase for bilingual education. This funding would provide grants to schools and universities to train teachers, ensure that the curriculum is tied to high standards, and develop high quality assessment.

To address the 73% of limited English proficient students who are Hispanic, in February the President announced a Hispanic Education Action Plan which would also:

- strengthen basic reading and math skills
- help adults learn English
- help transform schools with high dropout rates

- prepare disadvantaged youth for college
- improve education programs for migrant youth adults

Major initiatives that will strengthen programs for limited English proficient children, as well as other children, include the administration's effort to raise standards under Title I of the Elementary and Secondary Education Act and our legislative proposal to enact a new Title V of the Higher Education Act that will greatly strengthen programs to recruit and prepare teachers to serve in urban and rural school districts.

9. How long do districts keep limited English proficient students in bilingual or English as a second language programs?

MIKE THIS QUESTION AND QUESTION 6 ARE IN CONFLICT EVEN THOUGH THEY ARE BOTH ACCURATE. ANY IDEAS?

Districts report that limited English proficient children exit bilingual and English as a second language programs in three to five years depending on the age and educational background of the student. Research indicates that four to seven years of high quality instruction ensures that by the end of high school, typical limited English proficient students will perform as well as typical native speakers of English.

10. Has English as a second language instruction been more effective than bilingual education?

We are not prescribing one approach over another. Both approaches work better than one year of instruction or nothing at all. Both programs are effective when implemented well.

11. How many children are in bilingual classes?

Of the 3.1 million limited English proficient children in the United States, 1.2 million are in bilingual classes.

12. Are you satisfied with the bilingual programs that you now support in California?

There are many excellent programs in California. Some programs need to improve and are working on it. Some programs are not working for children and need to be fixed. Training more teachers and focusing on teaching children English and academic content linked to high standards will enhance all bilingual programs.

13. Your statement seems to support the recent action of the California State Board of Education in terms of "local decision making". Is this an accurate reflection of your statement?

The decision of the California board is still in process. I would support any district's decision if that decision is based on sound educational theory, as vouched for by experts,

Bruce:

I'm talking to John Peterson from the LA Times at 9:30 this morning. He'll want to talk to you as well for an on the record statement--I'll call you before I talk to him to find out when you want to do that.

Attached are:

- o revised talking points that I'll use
- o Q&A for McCurry yesterday FYI
- o Talking points La Raza recently provided us (note in the cover memo that Charles urges us to be "second to none" in wanting kids to learn English)

In addition to the basic policy, I expect John might push me on the following:

- o **Internal battles over the policy**--I will emphasize that there is unanimity among WH staff and Riley on our position;
- o **Reactions from the advocacy groups**--I will acknowledge that the groups asked us to oppose Unz--and that we conducted our own thorough (endless!) review and determined our position against Unz and for strengthening efforts to help LEP kids learn English on the merits. While we are aware that the advocates may not like everything we are saying, we think they should support our approach because it is good for kids.
- o **Reforming bilingual education vs. reforming the schools.** I think we will help ourselves with the advocates and reinforce the Administration's education reform agenda if both you and I today can keep stressing that, in order for LEP kids to learn English and do well in academic subjects, schools needed to be reformed, not just bilingual education. The way you help LEP kids become proficient in English is the same way you help all kids achieve--high standards, clear expectations and a challenging curriculum, well prepared teachers who can meet the needs of the kids, smaller classes, accountability for results, etc. If we can keep the focus on schools rather than solely on bilingual education, we can bring our whole agenda into play.

Mike

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Call Mr. Synd

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2. Why are you making this announcement now?

We have been considering the issue for some time in consultation with the White House, education groups, and individuals in California and here. The announcement is being made today because we are concerned that the educational message is getting lost in the politics of the debate. In deliberating the issue, we seriously considered the educational and legal aspects. It was our conclusion that passage of Proposition 227 would cause educational harm to the 1.3 million limited English proficient children in California.

3. Have you discussed this announcement with the White House?

The President has been very clear. We have worked very closely with White House staff in preparing this announcement. The President is very concerned about improving educational services provided to limited English proficient children. That is why he recommended a 17% increase in the budget for Bilingual Education in Fiscal Year 1999 to support teacher training and programs that teach English and academic content tied to high standards.

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Passage of Proposition 227 can be expected to result in violations of federal civil rights laws if children who are judged by their teachers to need bilingual education in order to progress are denied it or if children who are not prepared for regular classes are placed

into them after just one year of special support. The one size fits all approach is inconsistent with educational practice and research that tells us that children learn in different ways and at different rates.

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9. How long do districts keep limited English proficient students in bilingual or English as a second language programs?

Districts report that limited English proficient children currently exit bilingual and English as a second language programs in three to five years depending on the age and educational background of the student.

10. Does the federal government mandate bilingual education?

No. The federal government does not mandate bilingual education either through civil rights requirements or through Title VII, the Bilingual Education Act. While districts are required to provide language support so that limited English proficient children have access to the same curriculum as all children, the choice of approaches used is left to the school district.

11. Has English as a second language instruction been more effective than bilingual education?

We are not prescribing one approach over another. Both approaches work better than one year of instruction or nothing at all. Both programs can be effective when implemented well.

12. How many children are in bilingual classes?

Of the 3.1 million limited English proficient children in the United States, 1.2 million are in bilingual classes. However, in California, only 30% of the 1.3 million limited English proficient students receive bilingual education.

13. Are you satisfied with bilingual programs in California?

There are many excellent programs in California. Some programs need to improve and are working on it. Some programs are not working for children and need to be fixed. Training more teachers and focusing on teaching children English and academic content linked to high standards will enhance all bilingual programs.

14. Your statement seems to support the recent action of the California State Board of Education in terms of "local decision making". Is this an accurate reflection of your statement?

*Mark
Reed*

The decision of the California board is still in process. I would support any district's decision if that decision is based on sound educational theory, as vouched for by experts, and for which there is a commitment to effective implementation, and ultimately an evaluation that indicates the program is working.

15. Do you support testing every year to determine the kind of progress limited English proficient students are making? If so what kind of test?

Educators across the country use a variety of testing and assessment tools to make decisions regarding the English and academic proficiency of their students. I support the use of educationally sound and appropriate measures to help make determinations regarding progress in this area.

16. What is your position regarding the STAR requirement in California, pursuant to which the state requires that all students, regardless of their English proficiency (with limited exceptions), take achievement tests in English?

The decision to require achievement testing of all students, regardless of their proficiency in English, raises a range of educational and legal questions. For any test to meet legal standards, it must serve a legitimate educational interest and be implemented and administered in a non discriminatory fashion. Given the pending complaint regarding this issue with OCR and the federal litigation on the subject, it would be inappropriate to comment further.

17. Are you opposed to Proposition 227 because of the time frame or because of its commitment to English only classes?

Among other previously stated concerns, I am against Proposition 227 because of the short time frame in which it would provide support for limited English proficient children. Children learn English at different rates and in different ways. That is why more than 25% of all current federal grants for bilingual education support all English programs implemented in an educationally sound manner. But we know that one year is not sufficient for the vast majority of children.

18. Have you been lobbied by the Hispanic community to oppose Proposition 227?

Both the White House and the Department listened to ^{many} ~~may~~ groups' concerns and have been asked for our views on the issue.

19. Does bilingual education work?

There is consensus in the research community both about the soundness of the theory and effectiveness of bilingual education. With respect to academic achievement, the best and most careful comparisons of program types show modest-sized benefit in favor of bilingual education programs. Two separate committees of the National Research

Council have supported these findings.

In comparison to students in ESL programs, students receiving bilingual education are, on average, more socioeconomically disadvantaged and attend higher poverty schools. When comparisons between the effectiveness of such programs are made, the data show faster exit rates for students receiving ESL only. But, this is not separable from the effects of poverty. When strict comparisons are made that control for background factors, children learn English at the same rate regardless of the kinds of programs they are in.

20. Don't most bilingual programs use the student's native language almost exclusively in the first few years.

This often-heard claim is wholly refuted by the studies validated by the NAS. The studies found that English was used the majority of time in bilingual education programs and by the fourth grade only 3 percent of instruction was in the student's native language. Specifically, the studies found that in transitional bilingual education classrooms, English was used 65.8% of the time in Kindergarten, 69.1% in Grade 1, 74.5% in Grade 2, 80.3% in Grade 3, and 97.3% in Grade 4. Even in developmental bilingual programs, where the goal is fluency in both languages, English was used a majority of the time in Grades 3-6. Every bilingual education program has an English as a second language (ESL) component. That is, every bilingual education program includes significant course work in teaching English language skills.

21. Doesn't common sense tell you that the less time you spend speaking a new language, the more slowly you'll learn it?

Studies validated by the NAS directly addressed and refuted this claim. The study concluded that providing limited English proficient students with substantial instruction in their primary language does not interfere with or delay their acquisition of English language skills, but helps them to catch up to their English-speaking peers in English language arts, English reading, and math. In contrast, providing limited English proficient students with almost exclusive instruction in English does not accelerate their acquisition of English language arts, reading or math.

22. Do language-minority parents and communities oppose bilingual education?

Polls indicate that language-minority communities support bilingual education. For example, more than 80% of the Latinos interviewed supported bilingual education, according to a poll conducted by the Los Angeles Times. In another more recent bipartisan poll of registered Hispanic voters in major markets nationwide, Penn, Schoen & Berland Associates found that 83 percent of Hispanics support bilingual education programs, 97 percent of Hispanics place high importance on education, and 92 percent consider sending their children to college to be highly important.

*Books also show that
language parents
want kids to
learn English*

23. Are students are being placed in bilingual education who can already speak English fluently just because they have a Hispanic or ethnic minority surname?

Partly is
valer

Placing a student in a bilingual education program based solely on national origin would be educationally unsound and illegal. Much more information about each individual student – and his or her language proficiency and needs – would have to be assessed. Anecdotes about inappropriate misplacement of non limited English proficient students in bilingual education are tragic. They reflect terrible education policy ~~that no bilingual educator would condone~~ and are against federal law. What has been well documented is that there are millions of limited English proficient students who are not provided at all with services that enable them to understand instruction. More than a quarter (26.6 percent) of limited English proficient students currently receive no tailored educational services to allow them to understand instruction, in violation of federal law.

24. Why have Hispanic dropout rates remained so high despite bilingual education?

The Hispanic drop-out rate remains unacceptably high, but it is important to note that, according to the Census Bureau, the drop-out rate for Hispanic students has improved since 1972, the year such data were first desegregated for Hispanic students and around the time bilingual programs were first introduced on a widespread basis. In addition, current figures are deceptively large when compared with black and white-non-Hispanic students because over half of all foreign-born Hispanic persons counted as drop-outs never attended U.S. schools

As the need for bilingual and ESL programs has been recognized by school districts, we know from OCR's investigative experience that many of these programs – whether they include native-language instruction or not – are not meeting the needs of Hispanic LIMITED ENGLISH PROFICIENT students because of how they are implemented, despite the best intentions of administrators and staff. Some schools rely on unqualified staff, including teachers who have no training in bilingual education techniques or ESL techniques. Some schools lack appropriate textbooks and other instructional materials. Some schools overlook LIMITED ENGLISH PROFICIENT students' need to keep up or catch up academically with their English-speaking schoolmates. Some schools allow LIMITED ENGLISH PROFICIENT students too-little time and opportunity to become proficient in English before cutting off all English language development services.

It is clear that there is no single cause for high dropout rates among Hispanic students. Limited proficiency in English is only one factor contributing to the high drop-out rate among Hispanic youth. Other factors which have been shown to correlate with high drop-out rates among Hispanics, include – but are not limited to – economic disadvantage, lower participation rates in preschool programs, unavailability of qualified teachers, and barriers to effective communication with parents. academic standards.

25. How can we expect schools to support tens of languages at once through bilingual education?

The large number of language groups can be a problem for schools if they instruct students from many different language groups. While it is true that most major school districts have many language groups, most schools are linguistically homogeneous. For example, there are over 75 languages represented in the Tucson public schools, however, no single school has more than four languages represented.

Because a shortage of teachers and variety of languages can be a barrier to implementing a bilingual program, some school districts choose to implement a specially designed program of English instruction to support limited English proficient students as they learn English and acquire academic content.

26. What about those who say, "My grandparents were immigrants and made it without bilingual education or any other special help?"

Educational goals and expectations are very different than they were ninety years ago or even 50 years ago when there were influxes of students into the education system who did not speak English fluently. For example, in 1908 in New York City, just 13% of children whose parents were foreign-born went on to high school, compared with 32% of white children whose parents were native born. Of these students who started high school in New York City, 0% of Italian-Americans and 0.1% of Irish Americans received a diploma in 1911. In 1940 only 20% of the adult population had completed high school. In 1993, 87% of adults have completed high school and 20% have completed at least four years of college. In 1998, we expect all students to achieve to high standards. This is becoming a particularly important challenge for those students with special needs such as limited English proficiency. This is not a time when we should be looking to limit resources to limited English proficient students, but to provide resources which meet the unique needs which might impede academic success.

Bilingual Education

Q. Today's L.A. Times reports that the President will oppose California's Proposition 227, the Unz Initiative. What is wrong with this proposal, and why has the President decided to weigh in on a state ballot initiative?

A. The Unz Initiative will virtually end bilingual education and instead limit students who do not speak English to a one year "English immersion" program, after which they must be placed in a regular class.

This is an extreme, one-size-fits-all approach that won't work with all kids. It limits the ability of local schools and teachers to use approaches that will work. If it is implemented, we believe that fewer students who need to will become proficient in English, fewer students will do well in other academic subjects, and more students and parents will be frustrated with the education they are receiving.

This is an important issue, which will have a big impact on the education of children in California. And while this is currently a ballot initiative in California, it is of national significance. The same issue will be faced in other states and communities, and will come up in the Congress. Therefore, the President believes it is important for him to address the issue.

Q. Today's L.A. Times reports that the Administration has decided to oppose California's Proposition 227, the Unz Initiative. Will the President be addressing this when he is in California?

A. First let me say that Secretary Riley will be putting out a detailed statement on the Administration's position early this afternoon. At the same time, Acting Deputy Secretary of Education Mike Smith will conduct a background briefing on this issue for those of you with more specific questions.

In addition, because this is such an important issue, I expect the President will want to comment on it while he is in California starting on Friday. No decision has yet been made about the particular time or place for the President to address the issue.

Q. Today's L.A. Times reports that the Administration will propose to limit participation in bilingual education programs to three years. Is this right?

A. The President believes that we must have a clear goal that students should learn English within three years, and that this goal can be met if we give students the opportunities and help they need--smaller classes, well trained teachers who know how to teach students a second language, a good curriculum, etc. Having a clear goal will help students, teachers and principals, by focusing their attention on what they must accomplish.

But we are not proposing to throw students out of a program designed to teach them English, if they haven't mastered English within that time period. That would be the wrong thing to do, and would make as much sense as throwing out of school any student who doesn't meet academic standards in math by the 8th grade. The right thing to do would be to hold the school accountable, insist that the school use a more effective approach, and give students who need it extra help so they do learn English.

Q. Will the President send legislation to Congress to change the federal bilingual education program based on the three year goal?

A. Congress is scheduled to consider the bilingual education program next year, along with other elementary and secondary education programs. At that time, the President will transmit legislation that will fully accord with his principles for improving how we help students learn English.

The President has already sent the Congress an ambitious package of education initiatives this year--which they have not acted on. The President would like to see the Congress enact his legislation to reduce class size, modernize school buildings, end social promotions, and help low income students make their way to college.

Q. Polls in California show that the Unz Initiative is extremely popular. Does the President expect that his opposition will have an impact on the vote?

A. The President hopes that voters in California will pay attention to his views and consider them when they go to the ballot box.

Q. Many of the Latino groups and others who support bilingual education oppose any sort of time limit for bilingual education. Does the Administration expect these groups to support your position?

A. The President believes that a 3 year goal is the right policy; it is good for students and good for education. Everyone who cares about helping students with limited English proficiency should support this goal.

Q. What is the President's view of bilingual education?

A. The President believes it is critical for all students to learn English. At present, there are approximately 3.2 million students who are not yet proficient in English, and they need extra help. The President supports bilingual education programs that help immigrant students and other students whose native language is not English, become proficient in English.

The President strongly supports the federal Bilingual Education program, because it provides local communities with the funds they need to provide extra help to students

with limited English proficiency, while leaving the decision about how best to provide that help to each local school system. In his FY99 budget, the President called for a 17 percent increase -- \$33 million -- in the Federal bilingual education program. These funds would help train 20,000 teachers over five years to more effectively teach English in the context of high academic standards.

The President has strongly opposed the provision in the House supplemental appropriations bill that would cut funding for the bilingual education program.

Q. What is the President's view of the DeLay bill that would eliminate the Federal Bilingual education program.

A. The President is opposed to this bill or any other bill that would wipe out the funds needed to give students they help they need to learn English. With nearly 20% of the children in our schools immigrants or the children of immigrants, we should be strengthening our efforts to help students learn English, not ending them.

Q. What is the President's view of the Riggs bill that would end funding for bilingual education programs that don't teach kids English within 2 years?

A. This bill was recently introduced and is being reviewed by the Education Department and the Domestic Policy Council. The review has not been completed, and the matter has not been brought to the President's attention yet.



Los Angeles Times

POLITICS & GOVERNMENT

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Sunday, April 12, 1998

Checchi, Davis Square Off in Heated Debate

■ Campaign: Gubernatorial candidates define differences before responsive crowd of about 5,000 union and Latino activists.

By CATHLEEN DECKER, Times Political Writer

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The campaign for California's governorship leaped out of the television set and into the boxing ring Saturday as Democratic contenders Al Checchi and Gray Davis sparred over their rhetoric and their records before one of the largest crowds at a gubernatorial campaign event in recent memory.

About 5,000 union and Latino activists, gathered at East Los Angeles College despite a chilly downpour and a holiday weekend, turned a get-out-the-vote rally into a rump convention as they cheered and booed the candidates with abandon. Checchi and Davis responded by transforming a planned question-and-answer session into an ad hoc debate.

Although disputes on policy matters were few, the men forcefully defined the stylistic differences that will color the campaign for governor in the seven weeks before election day.

Checchi, a businessman making his first bid for public office, sought to portray Davis as part-and-parcel of a political establishment that has seen California plummet from its glory days to its current difficulties with education and infrastructure. Davis, offering reminders of his decades of public service, taunted Checchi as an outsider who didn't bother to vote in 1994, when Proposition 187, the anti-illegal immigration initiative that helped mobilize many in the audience, was on the ballot.

The Democrats' third gubernatorial candidate, U.S. Rep. Jane Harman, and the putative Republican nominee, Atty. Gen. Dan Lungren, did not attend. Both cited scheduling conflicts due to Passover and Easter, respectively. The excuses did not shield them from boos when their absences were announced.

The gathering was part of the Los Angeles County Federation of Labor's effort to mobilize voters to defeat two propositions on the June ballot--226, which would strip unions of the power to automatically donate member dues to political causes, and 227, which would all but eliminate bilingual

S -
Please
copy to
- Cheryl
- Karen
- Maria
- Janet
- Dong
- Mike C.
Mia

all very nice to have high-minded rhetoric, but in the end, the way a citizen can effectuate policy is by finding the time in their day to go to the polls. If Mr. Checchi didn't vote in that election ... then he cannot possibly fulfill his obligation as a citizen."

Under the rules of the exchange, each candidate took turns answering questions and neither was technically allowed a response, although each occasionally used the next question's answer time to respond. In that instance, Checchi had already spoken when Davis brought up Proposition 187, and he chose not to address the matter in his next round of remarks. He has previously acknowledged that he did not vote in 1994 and in some other state elections.

During the rally, both Checchi and Davis hewed closely to the agenda of the organizers. Both opposed propositions 226 and 227, the union and bilingual measures. Both advocated minimum-wage hikes. Both promised to lower auto insurance rates and defended the rights of immigrants.

But Davis, who last week captured the endorsement of the California Labor Federation and has the bulk of union endorsements, was the crowd favorite. Checchi entered the auditorium to a drone of boos and found his remarks repeatedly interrupted by catcalls.

"Go back to Minnesota!" one opponent yelled during Checchi's closing remarks, referring to Northwest Airlines' home base.

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f a c s i m i l e
T R A N S M I T T A L

To: Michael Cohen, Special Assistant to the President

Of: White House Domestic Policy Council

Fax: (202) 456-5581

Phone: (202) 456-5581

Pages: ___, including this cover sheet.

Date: April 24, 1998

FYI: Poll on Bilingual education. Please see the circled numbers.

From the desk of...

Patricia Loera
Associate Director for Legislation and Public Affairs
National Association for Bilingual Education
1220 L Street
Suite 605
Washington, DC, 20005
(202) 898-1829



HoustonChronicle.com

Section: National



HoustonChronicle.com's National News forum

9:14 PM 4/23/1998

Many back bilingual education

Poll of Hispanics also indicates 64% believe effort has succeeded

By BENNETT ROTH

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WASHINGTON -- As conservatives step up efforts to curb bilingual education, a survey of Hispanics released Thursday shows that an overwhelming majority support such programs.

The survey, commissioned by the Spanish-language television company Univision, found that 83 percent of those polled either strongly or somewhat supported bilingual education, and 64 percent believe these efforts have succeeded.

The new survey comes at a time when there is increasing pressure by Republicans to eliminate federal funding for such programs. House Majority Whip Tom DeLay, R-Sugar Land, this week introduced legislation that would leave it up to the states to determine whether such programs should be funded.

In California, an initiative has been placed on the ballot that would ban bilingual education. The proposition, which will be voted on in June, would place children with limited English skills in English-tutoring classes for one year and then place them in mainstream classes.

The poll also found that 54 percent of those surveyed opposed the California proposition, with more than two-thirds agreeing the measure is too harsh.

However, a recent poll by the Los Angeles Times found a majority of Californians of all ethnic and political backgrounds strongly endorsed an end to bilingual education.

The Univision poll surveyed 755 eligible Hispanic voters between April 5 and 18 in eight cities: San Francisco, Los Angeles, Miami, New York, Chicago, Houston, Dallas and San Antonio.

It was conducted by Clinton pollster Mark Penn and former Reagan official Michael Deaver. The two men presented their findings at a Univision-sponsored forum.

The event also featured a speech by Univision President Henry Cisneros emphasizing the increasing clout that will flow from Hispanic population growth in the United States. "By 2050, a quarter of the U.S. population could well be of Hispanic heritage," Cisneros said.

The political survey, which examined Hispanic attitudes on a wide range of political issues, presented a rather bleak picture for Republicans, who in recent years have been steadily losing the support of this rapidly growing minority.

It found that Hispanics overwhelmingly give Democrats credit for putting the country on the right track and believe Democrats have done a better job than Republicans on a range of issues, from taxes to crime to health care and jobs.

Eighty-two percent of those surveyed approved of the job President Clinton is doing, and 66 percent like the performance of congressional Democrats.

By contrast, only 43 percent approve of the work of congressional Republicans.

A majority of those surveyed said they believed the GOP either ignores them or takes them for granted.

"I was disappointed to see Hispanic voters have moved so strongly to the Democratic Party," said Deaver, who was Reagan's chief image-maker. "Why can't Republicans be loyal to their agenda and reach out to Hispanics?"

Penn said the Hispanic vote was up for grabs until 1996 when a number of GOP initiatives, including a proposal to expel children of illegal immigrants from public schools, soured many of Hispanic voters on the Republican Party.

He said the GOP opposition to bilingual education is another example of how destructive the party is when it comes to courting Hispanic voters.

The poll found that most Hispanics believe that bilingual education is the best way to learn English while maintaining their cultural heritage.

There were a few bright spots for the GOP in the survey. Hispanics give high ratings to a few Republican politicians, including Texas Gov. George W. Bush, who has actively courted their vote. Hispanics surveyed in Texas gave Bush an 81 percent approval rating.

California's GOP Gov. Pete Wilson, who has spearheaded anti-immigration and anti-affirmative action measures, received just a 26 percent approval rating from Hispanics polled in his state.

Hispanics also sided with Republicans on a number of issues, the poll found. A vast majority opposed abortion and supported school prayer.

**Statement of
Richard W. Riley
U.S. Secretary of Education**

**Helping All Children Learn English
April 27, 1998**

As we look to the future of American education, one of the most important new developments is the growing number of immigrant children that we must educate. According to the latest census data, nearly 20 percent of all children in our nation's schools—one out of five—are immigrants or the American-born children of immigrants.

A new study of immigrant children¹ states that 13.7 million children under 18 are either immigrants or the American-born offspring of immigrants, and that they are the fastest growing part of our student population. These children come from over 150 nations with the largest number coming from Mexico, the Phillippines, Cuba, and Vietnam.

Some Americans say that these children are a liability, but I welcome these children, just as the Statue of Liberty or the Golden Gate Bridge has welcomed them for years. They are a great source of strength and hope for the future of America, and we want them to be full participants in the American experience as children and as adults.

These young people, just like generations of immigrants who have come before them, can grow up to be patriotic Americans who will add their voices to our democracy if we educate them to the best of our ability and treat them as we would like to be treated. Indeed, the largest survey ever conducted of immigrant children found that these young people had higher grades and a lower school drop-out rate than other children and overwhelmingly preferred to speak English by the time they were teenagers.²

These young people represent the hopes of immigrant parents who have come to America because they believe in the American dream. They have stood in long visa lines, uprooted their families, left relatives behind, changed careers, often accepted menial jobs and in many cases now work two jobs for one great purpose—to give their children a better life in America. Surely we can meet these people half-way by giving their children the best education possible so that they can make their contribution to the American mainstream.

Teaching these young people English is one of the great tasks of nation-building and it falls to our public schools to accomplish. This is not the first time that the task of educating millions of new immigrants to become good citizens has been given to our nation's public schools. At the turn of the century our nation's public schools successfully taught millions of new immigrants English and educated them about our democracy.

**PHOTOCOPY
PRESERVATION**

Today, we face the same challenge. There are school districts in almost every part of our country—from Boston to Seattle to Miami—where children speak more than 40 languages. I believe that our nation's public schools can successfully educate these young people if we give them the same opportunities that other students need in order to succeed: higher standards, safe schools, smaller classes, well-prepared teachers, technology in the classroom, after-school activities, and schools that are accountable for results.

President Clinton has made education his number one domestic priority to achieve one end—to prepare all of America's children—native-born and immigrant—for the 21st century. President Clinton has also increased funding for those programs—Title I, immigrant and bilingual education, migrant education, adult education—that directly serve a disproportionate number of immigrant children and their families.

Today, however, there are growing questions about the best way to teach these young people English. In California, these concerns about how to teach English center around Proposition 227, the Unz Initiative, which would effectively eliminate bilingual education and require that all children learn English in one year.

I recognize that the decision to vote for or against the Unz Initiative this coming June is ultimately a decision for the voters of California. I know that there are many well-intentioned and concerned citizens on both sides of this issue and that the people of California are taking this issue seriously.

New immigrants have a passion to learn English and they want the best for their children. We must focus on what is best for the children and in this increasingly diverse society we must make sure that all of America's children are given the best education possible. Our common goal in teaching children English should be to support those approaches that ensure that Limited-English-Proficient (LEP) children are not only speaking English but also making academic progress. Both elements are equally important.

Proposition 227, however, is not the way to go. In my opinion, adoption of the Unz Amendment will lead to fewer children learning English and many children falling further behind in their studies. There are five significant reasons why I believe that the Unz Amendment is counter-productive to a quality education for all of our children.

First, the one year time limit and one-size-fits-all approach to learning English flies in the face of years of research that tells us that children learn in different ways and at different speeds. A recent National Research Council report³ released last month states that, "hurrying young non-English speaking children into reading in English without ensuring adequate preparation is counter-productive." The report recommends that children with no English proficiency are best taught to read English by first being taught reading in their native language, if teachers and instructional materials in their native language are available.

PHOTOCOPY
PRESERVATION

Thus, while an English-only approach may be effective for some limited-English-proficient children, it is likely to be ineffective for others. I do not oppose special English instructional programs. In fact, about 25 percent of our current federal bilingual funds support this type of instructional approach. What I question is the arbitrary one-year time limit and the demand that only this approach is the right approach to help young people learn English.

The approach taken by Proposition 227 simply ignores the individual needs of each child and certainly is an educational straitjacket for teachers and parents. Good teaching starts with a child's needs and moves the child along in a timely and responsible manner.

By analogy, if we adopted the approach suggested by the Unz Initiative to help children learn to read, it would be a disaster. Some children are already good readers when they come to kindergarten and others learn by the end of the first or second grades. Other children need extra help even in third grade and beyond.

Second, the Unz Amendment limits the discretion of teachers to choose the approach that is best suited for the children they teach. Some children may learn best in an English-only class, others may learn faster in a bilingual class or through some other proven approach, but with the Unz approach, teachers are given no option to use their professional judgement.

Third, Proposition 227 would subject teachers, school board members, and educational administrators to personal liability in litigation by parents if they fail to comply with its requirements. I find this aspect of Proposition 227 both punitive and threatening. This is not the way to build parent-teacher cooperation—a key to student success.

Fourth, the Unz Initiative is a direct attack on local control of education. I am surprised that so many outspoken advocates of local control have chosen not to take issue with this fundamental flaw in the Unz Initiative. The Unz Initiative would not be a helping hand for language instruction, but rather the heavy hand of overregulation. Local flexibility to choose the approaches that work best for their students should not be constrained by a mandate for one approach over the other. I believe that every school district should choose the approach that works best for them based on sound research.

Fifth, the Unz Initiative will in all likelihood result in problems under federal civil rights laws. In the seminal case of *Lau v. Nichols*, the Supreme Court interpreted Title VI of the Civil Rights Act to require school districts to take steps to ensure that national origin minority students with limited English proficiency can effectively participate in the regular educational program.

Similarly, the Equal Educational Opportunity Act requires public educational agencies to overcome language barriers that impede student participation in their instructional programs. Limiting special language development instruction to one year and preventing a school from providing bilingual instruction to students, despite the judgment of teachers and the school

principal that children in that school need bilingual instruction to progress, are likely to result in violations under these laws.

I join all Californians who are unhappy with the status-quo and I understand the frustration that is encouraging many voters to think about voting for the Unz Initiative. But the one-year time limit that is at the very heart of the Unz Initiative is simple, easy to understand, and wrong. Proposition 227 may satisfy people's sense of frustration but ultimately it is counter-productive to our common goal of making sure children learn English while making academic progress in other subjects as well.

I believe that there is a reasonable and positive alternative to the current status-quo and the proposed Unz alternative.

I propose setting a three-year goal to make sure that a child is learning English. Individual differences and circumstances may cause some children to take longer, but a goal of learning English within three years is reasonable. This goal is similar to our goal of making sure that every child learns to read independently by the end of third grade or earlier.

A goal is not a mandate or a command. And a goal is certainly not a one year educational straitjacket that limits the ability of teachers to do what is best for each child. Some children may learn English in one year or two and others may need three years or even more. The focus should be on the individual needs of each child and not on some artificial and arbitrary time frame.

We must do everything possible to make sure children are learn English as quickly as possible even as they continue to make academic progress in other subjects as well. Both goals—learning English and maintaining academic progress in other subjects—are equally important.

I also believe in giving local school districts flexibility to design their own programs contingent on their being accountable for the results. Parents have a right to expect progress. Children should be tested periodically for English proficiency and when a child is falling behind, extra efforts including after-school classes as well as summer school should certainly be considered.

If a school district chooses an approach to teaching English that simply does not achieve positive results for a large number of children, then the school district should have the good sense to fix the problem or use another approach that research shows will work. The focus of every program—be it English-as-a-Second Language, dual language immersion, bilingual education, or English immersion—must be on strengthening quality, regardless of the approach.

I believe that the key to strengthening quality is well-trained teachers and we must do a much better job of meeting the demand for more well-prepared teachers. The demand for bilingual teachers, for example, currently exceeds the supply and that is particularly true in California where the number of LEP children has nearly doubled to 1.3 million in less than a decade. The California State Board of Education estimates that there is a shortage of 21,000 bilingual teachers in that state.

This, I suspect, is one of the root causes and real reasons why some parents have become frustrated. The Administration has asked for a doubling of federal funds, from \$25 million to \$50 million, to meet the increasing demand for fully certified bilingual teachers and English-as-second-language teachers.

I have no doubt that this nation has the capacity to include our many new immigrants and their children in the American experience. We must do everything possible to make sure that all of these children learn English as quickly as possible and get the quality education that they deserve.

Finally, I think American educators need to redouble their efforts to make sure that all of our children are fluent in two languages. I just returned from Chile where I joined President Clinton at the second Summit of the Americas. Improving education was a central part of the dialogue at this summit. I was struck by the fact that several nations begin teaching their children two languages starting in the first grade.

Anyone who has traveled to Europe knows that young people all over Europe are fluent in two and often three languages. I see no reason why our children should not be their equals. Some children already come to school with the ability to speak two languages. We should build on this linguistic base and recognize that our nation will be the better for it in the new global environment.

Think of the many advantages—economic, cultural and political—that a fluency in two languages can give to the American people. America's message of democracy, human rights and economic freedom would surely reach a wider audience. This is why I encourage and support any school district that sets the goal of making sure that every one of their high school graduates will speak two languages fluently by the time they graduate.

We can do no less for today's immigrants than we did for earlier generations of immigrants who turned to our nation's public schools to teach them English and the basics of our democracy. In conclusion, I urge all Americans to welcome America's new citizens and to help them to become part of the American dream.

Endnotes

¹ Rumbaut, Rubén G., Visiting Scholar, The Russell Sage Foundation and Professor of Sociology, Michigan State University, *Transformations: The Post-Immigrant Generation in an Age of Diversity*, p. 1.

² *Ibid.*, pp. 17, 18, and 19.

³ National Research Council, *Preventing Reading Difficulties in Young Children*, p. 324.

March 18, 1998

MEMORANDUM FOR THE PRESIDENT

FROM: SECRETARY RILEY
BRUCE REED

SUBJECT: California Proposition 227 (Unz Initiative) to End Bilingual Education

On June 2, California voters will consider Proposition 227, otherwise known as the Unz Initiative, which proposes to eliminate all bilingual education. This is California's third potentially divisive race-related initiative in four years, following on the heels of Proposition 187, which barred public benefits for illegal immigrants, and Proposition 209, which ended affirmative action.

Polls consistently show that the initiative is popular and is likely to pass. Even Latino voters currently favor the initiative, although many expect Latino support to decline considerably as voters become more familiar with the details of the proposal. Latino activists are strongly opposed to Unz, and are looking to the White House to support their efforts to defeat Unz.

Despite legitimate concerns over the effectiveness of some bilingual education programs, your advisors strongly believe that the Unz initiative is bad education policy and will harm students who need help the most. We also believe that you may be able to turn this issue to your political advantage if you combine opposition to Unz with proposals to reform bilingual education programs. Despite some tricky politics, we believe that it is both good policy and good politics to oppose Unz, coupled with proposals to "mend, not end" bilingual education. This memo lays out such a "mend, not end" approach.

I. The Unz Initiative and Bilingual Education in California

A. Overview of the Unz Initiative

This initiative, authored and backed by Silicon Valley millionaire Ron Unz, is designed to end all bilingual education programs in California. More specifically, it would:

- Require that all public school instruction be conducted in English.
- Permit this requirement to be waived only if parents or guardians can show that the child already knows English, has special needs, or would learn

77% → 187 - AA - 1994
Latino office
209
70% against
illegal immigrants
1996

Opinion of Unz
Initiative by
POL/ISA/UCB/OPC
w/OPC

No

Add your
signature educ. initiative

what about Archie Ross

advocacy for your state
bilingual education
restriction

movement
opposition
campaign
could make
this election
close

and 1994 Gov. candidate

- English faster through an alternative instructional technique.
- Provide initial placement for Limited English Proficient (LEP) students in "sheltered English immersion" programs for one year. Instruction in these programs would be conducted in English, with some accommodations in the curriculum to take into account the limited English language skills of the students.
- Appropriate \$50 million per year over 10 years to fund adult education programs designed to teach English to LEP adults who in turn pledge to provide English language tutoring to LEP students.
- Makes teachers, administrators and school board members subject to suit and personally liable for failure to implement the provisions of the initiative.

Unz and other backers of this initiative regard the existing system of bilingual education in the state as a complete failure. They argue that because bilingual education relies so heavily on use of the students' native language and only slowly introduces English, the approach delays or prevents, rather than promotes, the acquisition of English. Further, they point out that though California's bilingual education law expired a decade ago, the legislature has been unable to enact legislation to reform a broken program. This initiative, they argue, will break the legislative impasse and dramatically change bilingual education policy for the better.

Opponents criticize the Unz Initiative on a number of counts. Critics argue that the initiative is harmful to children, because it relies on a single, unproven approach that provides an unrealistic time period in which to learn English. They argue that this one-size-fits-all approach eliminates parents' right to choose the best approach for their child (given that the waiver provisions are very complicated and burdensome). They point out that the Unz initiative provides no accountability, because it lacks any requirements for assessing students' academic progress. They also charge that the Unz Initiative undermines local control and the ability of local school boards to determine important education policies, and wrongly subjects educators to lawsuits.

B. Bilingual Education in California

Demographics. There are approximately 1.3 million Limited English Proficient (LEP) students in California, approximately one quarter of California's K-12 students. This number has nearly doubled in less than a decade, and represents some 43% of the national total. Seventy nine percent of California's LEP students are native Spanish speakers. Hispanics have a 50% dropout rate, and by most indicators their academic performance lags behind most other population groups in the state.

Educational Services. LEP students receive a wide variety of services intended to help them learn English and academic subjects. In 1997, only about

30% received what is conventionally considered bilingual education--programs which make significant use of the student's primary language to teach academics while phasing in greater amounts of English language instruction. More than half participate in specially designed instructional programs that help students learn English through a combination of approaches such as direct instruction in grammar, vocabulary and communications, while teaching other subjects in a way designed to be accessible to LEP students. The Unz Initiative would eliminate these programs as well as conventional bilingual programs. Approximately 16% are not receiving any language instruction services at all.

Almost no one believes that the services now provided to LEP students are effective on a large scale basis. While program evaluations have identified some promising efforts, shortages of qualified teachers and poor implementation has limited the effectiveness of existing programs. In addition, most observers agree that the overall poor academic performance and high dropout rate of Hispanic students reflects serious weaknesses in schools that extend well beyond language services for LEP students.

The research on instruction for LEP students does not identify any approach (e.g. bilingual education, English immersion, English as a Second Language, or dual-language immersion) as particularly effective. Rather, it suggests that effective programs are those that fit the needs and resources of the local community; have well-prepared teachers who know how to teach reading and who are knowledgeable about second language acquisition; provide students with a challenging curriculum and high academic standards; and regularly assess student progress and make adjustments in the instructional program accordingly. Consequently, while much of the debate about educating LEP students centers on the relative merits of one program over another, research and experience suggest that attention to program quality regardless of program type is more important.

California Legal Framework. The legal framework for providing services to LEP students in California is particularly murky. California's Bilingual Education Act sunsetted in 1987, but the State Board of Education regulations implementing the act have remained in effect. Under this framework, school districts are required to help students become fluent in English and competent in other academic subjects, and are given a significant amount of flexibility in determining how to achieve these goals. Neither bilingual education nor any other specific approach to teaching LEP students is required.

There have been a number of unsuccessful attempts in the past decade to enact new legislation, but bilingual education reformers and advocates have been unable to agree on an approach. There has been a fresh attempt over the past month to craft compromise legislation, partly to take the steam out of Unz and to give Unz opponents something to support. This effort, however, is likely to end in

failure.

Last week the State Board of Education took the first step toward eliminating the state bilingual education regulations. This process should be completed shortly before the vote on Unz. The effect of this action will be to eliminate any state requirement for the provision of specific services to LEP students, and to give local school districts even greater flexibility in this area.

Federal Legal Framework. Federal requirements originate in the Due Process and Equal Protection Clauses of the Fourteenth Amendment, and provisions of the Equal Educational Opportunities Act which require educational agencies to take appropriate action to overcome language barriers that impede equal participation by students in instructional programs.

As interpreted by the courts, these provisions do not require any specific form of services, such as Bilingual Education or English as a Second Language. They instead require the provision of supplemental language instruction that is based on sound educational theory, is adequately resourced and implemented, and is evaluated and modified as necessary.

If Unz is enacted, many expect that it will be challenged as a violation of federal law. Department of Education lawyers believe that the success of such suits will depend on whether the services mandated by Unz are implemented effectively. Absent implementation problems, federal law appears to provide sufficient flexibility to allow California to approve this approach. However, if services mandated by Unz are not implemented effectively, there is likely to be a strong basis for a legal challenge.

The federal Bilingual Education program (Title VII of the Elementary and Secondary Education Act) similarly does not preclude the Unz approach. This competitive grant program also provides local school districts with considerable discretion in the kind of services provided to students.

II. Political Context

The Unz initiative is ~~currently the~~ clearly the most serious threat to bilingual education, but it is not likely to be the last. Earlier this year Speaker Gingrich proposed eliminating bilingual education, and some conservative education experts (e.g., Diane Ravitch) have also called its elimination. Especially if Unz passes, we are likely to see energized opposition to the federal program, and increased opposition in other states and localities.

The Unz initiative presents a political dilemma in California. If we oppose it, we risk alienating a majority of California Anglo voters. If we fail to oppose it, we

risk alienating a vocal and increasingly influential group of Latino leaders, and possibly Latino voters.

Not all Current polls show that a large majority of California Anglo voters support Unz. For Anglos, bilingual may become a hot button issue similar to immigrant services and affirmative action. In contrast, Latino voters are *currently* split on the issue of bilingual education. While many continue to support Unz largely out of frustration at the public schools' failure to help their children, that support is eroding as they become more aware of the particulars of the initiative.

Latino activists and electeds oppose Unz. To some of the Latino leaders, Unz is a litmus issue, like Propositions 187 and 209. Latino leaders are looking to the White House to become actively involved in the opposition to Unz, and are fearful that we will choose to sit on the sidelines.

More organizations and elected officials are taking positions on Unz. The California education community -- including the California Teachers Association and the California School Boards Association -- is strongly opposed to Unz. Key Democratic officeholders (including Sen. Boxer, Rep. Becerra and most Democrats in the California delegation; State Superintendent Delaine Eastin, and Speaker Villagraigosa) have also announced their opposition to the Unz initiative. Sen. Feinstein has not taken a public stance yet, though she appears likely to support Unz. A list of organizations, elected officials and other leaders that have taken positions on Unz is attached.

The Republican state party has supported Unz, though many Republican officials, including Gov. Wilson, have not yet taken a position. There is a chance that White House opposition to Unz could polarize the situation, and push Gov. Wilson and other Republicans to support Unz.

[Note: We need to determine the positions of the Dem. Gubernatorial candidates, and Feinstein]

The political dilemma can be resolved with a "Mend it / Don't End it" response.

We believe the best approach to this issue is to strike a middle ground by admitting that bilingual education needs mending, but asserting that Unz is not the way to do it. More specifically, we can:

- Start by reiterating the overriding importance of helping every child become proficient in English;
- Oppose Unz on the merits because it is too extreme;
- Remind voters what we are for, including both our overall approach to public education and our Hispanic initiative;
- Propose to "mend" the federal bilingual education program through steps that

Dan Lungren - no position yet - many

John Herman - oppose Unz?
Al Chert - oppose

will create expectations for learning English within a fixed period of time; strengthen accountability for students and programs alike by testing for English proficiency; strengthen local control and flexibility; and promote our efforts to strengthen program quality by increased investments in teacher training.

III. Specific Recommendations

1. Announce opposition to Unz within next 4 weeks

We recommend that you or another senior Administration official (the Vice President or Secretary Riley) announce the Administration's opposition to the Unz initiative within the next 4 weeks. Taking a position in the next month will allow us to frame the debate and set a constructive tone, rather than get sucked into an already inflammatory debate. We could turn this initiative into an opportunity to fit bilingual education into our overall framework for ensuring effective education in the 21st century.

2. Specific recommendations for changing federal bilingual education program

In accord with our recommendation for a "mend, don't end" approach to bilingual education, we believe that opposition to Unz should be coupled with specific proposals to change the federal bilingual education program. This approach will lend credibility to our position, and give us a basis for framing the debate over bilingual education. Specifically, we recommend the following changes:

Strengthen local control by lifting the existing cap on English programs. The current federal bilingual program contains a ceiling that permits only 25% of all funds to be used to support English-only programs. Since most participating school districts use a variety of approaches, the cap has not limited local approaches--though it is perceived as having that effect. Lifting the cap would add credibility to our call for local control (rather than the Unz one-size-fits-all approach) in California, and would help address the concerns of conservative critics. This action, however, would be unpopular with the bilingual advocacy community.

Create expectations for students to learn English within 3 years. One of the most powerful criticisms of bilingual education programs is that they in fact prolong the time it takes for students to learn English. This criticism resonates with many opponents as well as supporters of Unz. We should propose amending the federal bilingual education program to require that students learn English within 3 years, with additional time and services provided to students facing unusual circumstances. Setting clear expectations for how quickly students will master English will appropriately focus the efforts of schools and students and help more students become proficient in English. This action would be unpopular with the

bilingual advocacy community. Advocates and researchers will argue that there is no clear research base to establish a 3-year time frame--and, indeed that more time is necessary for students to master English and other subjects.

Strengthen testing and accountability for students and programs. Programs should be required to test students periodically for English proficiency (as well as achievement in other subjects) to determine if they are making adequate progress toward the 3-year deadline, and to provide additional services or take other corrective actions as appropriate when students not making adequate progress. There should also be additional accountability for school districts participating in the bilingual education program. Programs are already required to undergo evaluations; this requirement can be strengthened by establishing consequences, such as possible withholding of funds, from programs that fail to make adequate progress as measured by student achievement.

Underscore efforts to strengthen the quality of programs that provide services to LEP students. We should highlight your budget request to increase funding for teacher training within the bilingual education program. The Education Department should also undertake a vigorous effort, through technical assistance and effective dissemination approaches, to emphasize that any program for LEP students must be based on fundamental principles of quality: ensuring well-trained teachers, high standards and a quality curriculum, testing and accountability measures.

Elected Officials, Associations, Activists are Taking positions on Unz:

Oppose Unz:

Senator Barbara Boxer
 Congressman Xavier Becerra
 Congressman Cal Dooley
 Congressman Bob Filner
 Congressman Lucile Roybal-Allard
 Congresswoman Zoe Lofgren
 Congresswoman Ellen Tauscher
 Congressman Vic Fazio
 Congressman Marty Martinez
 Delaine Eastin, Superintendent of Public Instruction
Assemblyman ~~Former Speaker~~ Cruz Bustamante (*Former Speaker*)
 Speaker Antonio Villaraigosa
~~Senate~~ President John Burton
 Supervisor Gloria Molina
 CTA
 MALDEF
 Republican Assemblyman Bill Leonard
 Republican Assemblyman Rod Pacheco (only R Latino Assemblyman)

CABE

Support Unz:

Ron Unz

Gloria Matta Tuchman

Jaime Escalante

Fernando Vega

Mayor Richard Riordan

Darrell Issa, Republican Senate Candidate opposing Barbara Boxer

Congress of the United States
House of Representatives
Washington, DC 20515

March 26, 1998

Maria Echaveste
Assistant to the President and
Director for Public Liaison
The White House
Washington, D.C. 20500

Dear Maria:

We appreciated the opportunity to provide input on California's "UNZ Initiative" at our March 24 meeting. The debate over our Nation's language policies is very divisive and has become highly politically charged. We must strive to separate fact from fiction and not yield to purely political pressures that threaten the best interests of our children. We have counted on President Clinton's support in the past to work with us to counter efforts that divide our nation, such as anti-immigrant and anti-affirmative action initiatives.

As we indicated at the meeting, we urge you to consult with us on your specific recommendation to respond to the UNZ Initiative prior to delivering a decision memo to the President. We feel very strongly that substantial changes to the Bilingual Education program must have strong policy justifications that are based on sound educational theory. In addition, any changes must also lead to strengthening the program, a position which you articulated at our meeting.

Because of its highly political nature, we are in accord with the national advocacy groups that issues surrounding Bilingual Education should be separated from the "UNZ" discussion. We strongly urge that the White House lead in opposing the UNZ Initiative on its merits. At the same time, Bilingual Education should not be blamed for broader educational problems in our low-income and urban school districts. It is particularly dangerous to set arbitrary time limits on the access children have to bilingual instruction if this is contrary to accepted research findings. The Department of Education's own research demonstrates that arbitrary time limits set the program up for failure if children's needs are not front and center in this decision.

As we begin the process of reauthorizing Title VII, we look forward to the Administration's leadership in working with us to change the terms of the debate from those that are purely political to those that focus on student needs. Let's be clear, the goal of bilingual education is to teach children English. Let's not stigmatize our Spanish speaking children as a liability but rather emphasize that bilingualism is a resource in an increasingly global economy.

Ms. Maria Echaveste

March 26, 1998

Page 2

We look forward to working with you on our mutual goals.

Sincerely,


XAVIER BECERRA, Chairman
Congressional Hispanic Caucus


RUBÉN HINOJOSA, Chair
CHC Task Force on Education and Training

CC: Janet Murguia, Deputy Assistant to the President for Legislative Affairs/Deputy
Director
Mike Cohen, Senior Policy Analyst, Domestic Policy Counsel
Karen Skelton, Deputy Assistant to the President for Political Affairs

April 6, 1998

MEMORANDUM FOR THE PRESIDENT

FROM: SECRETARY RILEY
BRUCE REED

SUBJECT: California Proposition 227 (Unz Initiative) to End Bilingual Education

On June 2, California voters will consider Proposition 227, otherwise known as the Unz Initiative, which proposes to eliminate all bilingual education. This is California's third potentially divisive race-related initiative in four years, following on the heels of Proposition 187, which barred public benefits for illegal immigrants, and Proposition 209, which ended affirmative action.

Polls show that the initiative is popular and is likely to pass, although a strong opposition campaign could make this election close. Many Latino voters currently favor the initiative, although the polls show that Latino support has declined considerably as voters become more familiar with the details of the proposal. Latino activists are strongly opposed to Unz, and are looking to the White House to support their efforts to defeat it.

Over the past several months DPC and Education Department staff worked with Maria Echaveste, Mickey Ibarra, Karen Skelton, and Janet Murguia to study the Unz Initiative, including extensive outreach to both opponents and supporters in California, in the Congress and among the advocacy community. Despite legitimate concerns over the effectiveness of some bilingual education programs, your advisors strongly believe that the Unz initiative is bad education policy and will harm students who need help the most.

We recommend that you publicly oppose the Unz Initiative because it deprives local educators of the ability to make educationally sound choices about how to meet the needs of limited English proficient children they serve and almost certainly will result in widespread violations of federal civil rights law. Your opposition to Unz should be coupled with a statement of the principles you support for strengthening programs to help Limited English Proficient students become proficient in English.

I. The Unz Initiative and Bilingual Education in California

A. Overview of the Unz Initiative

This initiative, authored and backed by Silicon Valley millionaire Ron Unz, is designed to

end all bilingual education programs in California. More specifically, it would:

- Require that all public school instruction be conducted in English.
- Permit this requirement to be waived only if parents or guardians can show that the child already knows English, has special needs, or would learn English faster through an alternative instructional technique.
- Provide initial placement for Limited English Proficient (LEP) students in "sheltered English immersion" programs for one year. Instruction in these programs would be conducted in English, with some accommodations in the curriculum to take into account the limited English language skills of the students.
- Appropriate \$50 million per year over 10 years to fund adult education programs designed to teach English to LEP adults who in turn pledge to provide English language tutoring to LEP students.
- Make teachers, administrators and school board members subject to suits and personally liable for failure to implement the provisions of the initiative.

Unz and other backers of this initiative regard the existing system of bilingual education in the state as a complete failure. They argue that because bilingual education relies so heavily on use of the students' native language and only slowly introduces English, the approach delays or prevents, rather than promotes, the acquisition of English. Further, they point out that although California's bilingual education law expired a decade ago, the legislature has been unable to enact legislation to reform a broken program. This initiative, they argue, will break the legislative impasse and dramatically change bilingual education policy for the better.

B. Bilingual Education in California

Demographics. There are approximately 1.3 million Limited English Proficient (LEP) students in California, approximately one quarter of California's K-12 students. This number has nearly doubled in less than a decade, and represents some 43% of the national total. Seventy nine percent of California's LEP students are native Spanish speakers. Hispanics have a 50% dropout rate, and by most indicators their academic performance lags behind most other population groups in the state.

Educational Services. LEP students receive a wide variety of services intended to help them learn English and academic subjects. In 1997, only about 30% received what is conventionally considered bilingual education -- programs which make significant use of the student's primary language to teach academics while phasing in ever greater amounts of English language instruction. More than half participate in specially designed instructional programs that help students learn English through a combination of approaches such as direct instruction in grammar, vocabulary and communications, while teaching other subjects in a way designed to be accessible to LEP students. (The Unz Initiative would eliminate these programs as well as conventional bilingual programs.) Approximately 16% of all LEP students are not receiving any language instruction services at all.

California Legal Framework. The legal framework for providing services to LEP

students in California is murky. California's Bilingual Education Act sunsetted in 1987, but the State Board of Education regulations implementing the act have remained in effect. Under this framework, school districts are required to help students become fluent in English and competent in other academic subjects, and are given a significant amount of flexibility in determining how to achieve these goals. Neither bilingual education nor any other specific approach to teaching LEP students is required.

There have been a number of unsuccessful attempts in the past decade to enact new legislation, but bilingual education reformers and advocates have been unable to agree on an approach. There has been a fresh attempt over the past month to craft compromise legislation, partly to take the steam out of Unz and to give Unz opponents something to support. This effort, however, is likely to end in failure.

Early in March the State Board of Education took the first step toward eliminating the state bilingual education regulations. This process should be completed shortly before the vote on Unz. The effect of this action will be to eliminate any state requirement for the provision of specific services to LEP students, and to give local school districts even greater flexibility in this area.

II. Political Context

The Unz initiative is currently the most serious threat to bilingual education, but it is not likely to be the last. Earlier this year Speaker Gingrich proposed eliminating bilingual education, and some conservative education experts (e.g., Diane Ravitch) have also called for its elimination. Last week, Rep. DeLay introduced a bill that would eliminate the federal bilingual education program, and House Republicans have included a \$75 million rescission of FY98 funding for bilingual education in the emergency supplemental bill. Especially if Unz passes, we are likely to see energized opposition to the federal program, and increased opposition in other states and localities.

The Unz initiative presents a political dilemma in California. If we oppose it, we risk alienating a majority of California Anglo voters. If we fail to oppose it, we risk alienating a vocal and increasingly influential group of Latino leaders, and possibly Latino voters.

Current polls show that a large majority of California Anglo voters support Unz. For Anglos, bilingual education may become a hot button issue similar to immigrant services and affirmative action. In contrast, Latino voters are split on the issue. While many continue to support Unz largely out of frustration at the public schools' failure to help their children, polls show that Latino support is eroding as they become more aware of the particulars of the initiative. And the polls tended to underestimate Latino opposition to Prop. 187 and Prop. 209.

Latino activists and elected officials oppose Unz. To some of the Latino leaders, Unz is a litmus issue, like Propositions 187 and 209. Latino leaders are looking to the White House to become actively involved in the opposition to Unz, and are fearful that we will choose to sit on the sidelines.

More organizations and elected officials are taking positions on Unz. The California education community -- including the California Teachers Association and the California School Boards Association -- is strongly opposed to Unz. Key Democratic officeholders (including Sen. Boxer, Rep. Becerra and most Democrats in the California delegation; State Superintendent Delaine Eastin, and Speaker Villaraigosa) have also announced their opposition to the Unz initiative. All three Democratic gubernatorial candidates have come out against Unz. Sen. Feinstein has not taken a public stance yet, though she appears likely to support Unz. A list of organizations, elected officials, and other leaders that have taken positions on Unz is attached.

The Republican state party has supported Unz, though many Republican officials, including Gov. Wilson, have not yet taken a position. Dan Lungren has not taken a position yet, but has recently said that the recent action by the State Board of Education has eliminated the need for Unz. There is always a chance that White House opposition to Unz could polarize the situation and push Gov. Wilson and other Republicans to support Unz, but at least some Republican leaders are afraid to support another initiative viewed as anti-Hispanic.

The political dilemma can be resolved with a "Mend it / Don't End it" response. We believe the best approach to this issue is to strike a middle ground by admitting that bilingual education needs mending, but asserting that Unz is not the way to do it. More specifically, we can:

- Start by reiterating the overriding importance of helping every child become proficient in English;
- Oppose Unz on the merits because it is too extreme;
- Remind voters what we are for, including both our overall approach to strengthening public education and our Hispanic initiative;
- Articulate the fundamental principles that you believe should be used by local communities to strengthen their efforts to educate LEP students. These principles include helping children become proficient in English as quickly as possible, holding schools accountable for results, providing local flexibility, and emphasizing quality in any approach used.

III. Specific Recommendations

I. Oppose Unz Initiative on educational and legal grounds.

Educational. While evaluations of bilingual education in California and elsewhere have identified some promising efforts, few believe that the services now provided to LEP students are effective on a large scale basis. In many cases, shortages of qualified teachers and poor implementation of limited the effectiveness of existing programs. However, these bilingual education programs should be "mended, not ended." A one-size-fits-all State prescription for how to educate limited English proficient children and demanding that it be done within one year will, in our view, be counter-productive to achieving the goal of helping LEP students learn English and participate effectively in classrooms where English is the

language of instruction. Experience and research, including a 1997 report of the National Academy of Sciences, indicate that no one approach is the answer for all limited English proficient children.

Rather -- whether the approach is bilingual education, English as a second language, structured immersion, or some variation or hybrid of them -- the success of programs turns on the quality and commitment of the school and teacher. The Unz Initiative is likely to impair chances for success by limiting the discretion of schools and teachers to determine what works best for their LEP students. In fact, the Unz Initiative is an extreme form of overregulation that prevents teachers and parents from exercising common sense and professional judgment of how to serve individual children. Exceptions can be made only by bureaucrats far removed from the classroom, and personal liability of teachers increases the prospect of court intrusions in educational matters to new and alarming levels.

A National Academy of Sciences study released March 18 shows that LEP children with no English proficiency are best taught to read English by first being taught reading in their native language, if teachers and instructional materials in their native language are available. Thus, while a structured English immersion approach may be effective for some limited English proficient children, it is likely to be ineffective for many others. In addition, our experience in administering the Bilingual Education Act and in reviewing programs for possible violations of Title VI of the Civil Rights Act indicates that one year of special instruction -- whether in Bilingual Education or an English immersion approach -- rarely is sufficient to enable a child who starts the program with almost no proficiency in English to become proficient enough to participate in regular classes.

Legal. Based on the educational problems described above, the Unz Initiative implicates federal civil rights laws. In the seminal 1974 case of Lau v. Nichols, the Supreme Court interpreted Title VI of the Civil Rights Act to require school districts to take steps to ensure that national origin minority students with limited English proficiency can effectively participate in the regular educational program. Similarly, the Equal Educational Opportunity Act, enacted in 1974, requires public educational agencies to take appropriate action to overcome language barriers that impede student participation in the instructional programs. Neither Lau nor the subsequent cases addressing Title VI or the Equal Educational Opportunity Act mandate a particular approach to meeting these needs, but they require that sound educational approaches be implemented and evaluated.

Assuming that some educational experts will vouch for the soundness of the sheltered English immersion approach mandated by the Unz Initiative, we do not believe that a legal challenge asserting that the Unz Initiative on its face violates Title VI or the Equal Educational Opportunity Act would succeed. However, the Unz Initiative is certain to cause widespread violations of Title VI and the Equal Educational Opportunity Act if it is interpreted and applied in accordance with its intent to eliminate the choices of local educators when providing the appropriate instruction for limited English proficient students. Realistically, the only way that widespread violations will be avoided is if the State or local educational agencies broadly use loopholes in the Proposition to extend services well beyond a year and to provide bilingual

education for students who need it.

It is evident that the Unz Initiative inevitably will create legal confrontations between California agencies and this Department, as well as the Department of Justice, over violations of civil rights laws and will divert resources and attention that should be focused on educating children to investigations and litigation.

Recommendation: For these reasons we recommend that you or another senior Administration official (the Vice President or Secretary Riley) announce the Administration's opposition to the Unz initiative within the next 2 weeks. Taking a position soon will allow us to frame the debate and set a constructive tone, rather than get sucked into an already inflammatory debate. We could turn this initiative into an opportunity to fit bilingual education into our overall framework for ensuring effective education in the 21st century.

_____ Agree _____ Disagree _____ Discuss Further

2. Couple opposition to Unz with a clear statement of how local school districts can strengthen education for LEP students.

In accord with our recommendation for a "mend, don't end" approach to bilingual education, we believe that opposition to Unz should be coupled with a strong statement recognizing the importance of helping LEP students learn English and succeed, and a set of principles that should guide local efforts to strengthen rather than end these programs. The intent here is to underscore that while there is a place for bilingual education (and other ways to help LEP students become proficient in English), bilingual education programs in particular and the schools that serve LEP students must do a better job.

Specifically, we recommend the following principles:

Set a Time line for Students to Learn English. All sides of this debate--including particularly parents of Hispanic and other LEP students--want children to learn English as rapidly as possible. While there are no firm estimates from national data available, the best available evidence suggests that it currently takes LEP students 4-5 years to become proficient in English. However, bilingual education programs are often portrayed as prolonging, rather than speeding, the process of learning English, and are often perceived to be open-ended rather than transitional programs.

All of your advisers believe that part of your message for reforming bilingual education should call for explicit time lines for learning English. Doing this will ensure that your opposition to the Unz initiative is not seen as an endorsement of the status quo, and will increase the accountability of school districts to help children learn English as rapidly as possible. However, we are split among three options for how best to do this, differing with respect to the specificity of the Time line, and whether you call for statutory changes in the federal bilingual education program, or simply state a principle that local school districts should follow.

Option 1: State a Principle that LEP students must become proficient in English as quickly as possible. Under this approach you would challenge school districts to establish clear goals that will tell parents how quickly they can expect their children to master English and to participate in regular classrooms where English is the language of instruction. The determination of how long is appropriate would be left to each community; your primary message is that clear goals should be established and that participation in bilingual education programs should not be open ended

To strengthen this approach, you could challenge every district to at least meet the provisions of current federal law, which provides a preference for districts that commit to a 3-5 year timetable, and urge them to do even better. You could also direct Secretary Riley to develop guidelines for local school districts reflecting the best knowledge of how quickly LEP students can be expected to become proficient in English, and identifying approaches, strategies and programs that can help shorten the time it takes.

In this approach, you distinguish yourself from the status quo in bilingual education by advocating specific time lines for learning English. You differ from the Unz Initiative by avoiding an arbitrary, and unrealistically brief, Time line, and, by placing responsibility on local school districts to determine the most appropriate Time line, you reinforce the need for local control that is a basis for opposition to Unz. By not stating a specific Time line you avoid joining a contentious debate over whether time lines are appropriate and if so, how long is appropriate. However, failing to offer a specific Time line yourself may make this general challenge seem weak.

Option 2: State a principle that school districts must commit to helping students learn English within 3 years. Under this stronger approach you would challenge school districts to meet a specific 3 year timetable for helping students become proficient in English. By pressing school districts to commit to a three year time frame for teaching students English, you will ensure that your opposition to the Unz initiative is not seen as an endorsement of the status quo, and increase the accountability of school districts to help children learn English as rapidly as possible.

This proposal will be unpopular with the Hispanic Caucus and the bilingual advocacy community. They will argue that there is no clear research base to establish a 3-year time frame, that individuals vary in how long they need to master English, and that pushing students to learn English early will slow down their ability to master other academic subjects. They will also argue that advocating a 3-year time frame--or any other arbitrary time limit--plays into the hands of Unz and his supporters and weakens the ability of Unz opponents to make the case against the 1-year arbitrary time limit in his proposal.

Option 3: Propose Changes to Federal Bilingual Education Program to Require School Districts to Teach LEP Students to learn English within 3 years. An even stronger approach would be to propose amending the federal bilingual education program to require that students learn English within 3 years, with additional time and services provided to students facing

unusual circumstances. (Practically, this would mean that individual students could only participate in the federally funded program for 3 years unless there were unusual circumstances.)

This approach would send the strongest message that you are committed to reforming bilingual education, and back up your rhetoric with action to improve the programs for which you are responsible. However, this option will be strongly criticized by Hispanic elected leaders nationally and in Congress, as well as bilingual education advocates. In addition to their opposition to a 3-year time limit, they have also counseled against proposing changes in the federal bilingual education program at this time. They argue that this step will take the focus away from their efforts to highlight the limitations of the Unz Initiative and instead draw attention to the weaknesses in bilingual education. Further, because the federal bilingual education program is due to be reauthorized in the next Congress, changes proposed now would not be likely to pass or even be taken up. However, this step is likely to fuel other Congressional proposals to alter or eliminate bilingual education. Further, by proposing changes in federal programs, this approach could also place members of the California Congressional delegation in a difficult position, because they would be forced to take a position on both the Unz initiative and on your legislative proposal.

_____ Option 1 _____ Option 2 _____ Option 3 _____ Discuss Further

Local school districts must be accountable for performance and results. School districts must be held accountable for helping students become proficient in English as rapidly as possible. They should report publicly how well they are meeting the timelines they have established. They should test students periodically for English proficiency (as well as achievement in other subjects) to determine if they are making adequate progress, and to provide additional services or take other corrective actions as appropriate when students are not making adequate progress. School districts should evaluate their bilingual education programs regularly as well. If a program is not helping its students progress rapidly enough, the school district should strengthen it, or use another approach research shows will work.

There must be local flexibility. As discussed above, no one-size-fits-all prescription for how to educate limited English proficient children will work. Rather than state mandates that either prescribe or proscribe particular approaches, local schools must have the flexibility to design programs that meet its particular needs, mix of students and resources. So long as the goal is clear--that students learn English as rapidly as possible--and there is accountability for results, parents and educators should be free to work together to fashion programs that work for them.

The focus must be on strengthening quality, regardless of approach. The research on instruction for LEP students does not identify any approach (e.g. bilingual education, English immersion, English as a Second Language, or dual-language immersion) as particularly effective. Rather, it suggests that effective programs have well-prepared teachers who know how to teach reading and who are knowledgeable about second-language acquisition; provide students with a challenging curriculum and high academic standards; and regularly assess student progress and

make adjustments in the instructional program accordingly. In short, if LEP students are to learn English and succeed in school, they must be in schools that work for all students--schools with high standards, good teachers, smaller classes, challenging curriculum and accountability for results. Because of this, any discussion of the steps required to strengthen local quality provides an opportunity to discuss your overall agenda for strengthening public schools

_____ Agree _____ Disagree _____ Discuss Further

Elected Officials, Associations, Activists are Taking positions on Unz:

Oppose Unz:

Senator Barbara Boxer
Lt. Gov. Grey Davis
Congressman Xavier Becerra
Congressman Cal Dooley
Congressman Bob Filner
Congressman Lucile Roybal-Allard
Congresswoman Zoe Lofgren
Congresswoman Ellen Tauscher
Congressman Vic Fazio
Congressman Marty Martinez
Delaine Eastin, Superintendent of Public Instruction
Assemblyman Cruz Bustamante (former Speaker)
Speaker Antonio Villaraigosa
Senator President John Burton
Supervisor Gloria Molina
CTA
MALDEF
Republican Assemblyman Bill Leonard
Republican Assemblyman Rod Pacheco (only R Latino Assemblyman)
CABE

Support Unz:

Ron Unz
Gloria Matta Tuchman
Jaime Escalante
Fernando Vega
Mayor Richard Riordan
Darrell Issa, Republican Senate Candidate opposing Barbara Boxer

March 31, 1998

MEMORANDUM FOR THE PRESIDENT

FROM: SECRETARY RILEY
BRUCE REED

SUBJECT: California Proposition 227 (Unz Initiative) to End Bilingual Education

On June 2, California voters will consider Proposition 227, otherwise known as the Unz Initiative, which proposes to eliminate all bilingual education. This is California's third potentially divisive race-related initiative in four years, following on the heels of Proposition 187, which barred public benefits for illegal immigrants, and Proposition 209, which ended affirmative action.

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Over the past several months DPC and Education Department staff worked with Maria Echaveste, Mickey Ibarra, Karen Skelton, and Janet Murguia to study the Unz Initiative, including extensive outreach to both opponents and supporters in California, in the Congress and among the advocacy community. Despite legitimate concerns over the effectiveness of some bilingual education programs, your advisors strongly believe that the Unz initiative is bad education policy and will harm students who need help the most.

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I. The Unz Initiative and Bilingual Education in California

A. Overview of the Unz Initiative

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help students learn English through a combination of approaches such as direct instruction in grammar, vocabulary and communications, while teaching other subjects in a way designed to be accessible to LEP students. (The Unz Initiative would eliminate these programs as well as conventional bilingual programs.) Approximately 16% of all LEP students are not receiving any language instruction services at all.

California Legal Framework. The legal framework for providing services to LEP students in California is murky. California's Bilingual Education Act sunsetted in 1987, but the State Board of Education regulations implementing the act have remained in effect. Under this framework, school districts are required to help students become fluent in English and competent in other academic subjects, and are given a significant amount of flexibility in determining how to achieve these goals. Neither bilingual education nor any other specific approach to teaching LEP students is required.

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III. Specific Recommendations

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Rather -- whether the approach is bilingual education, English as a second language, structured immersion, or some variation or hybrid of them -- the success of programs turns on the quality and commitment of the school and teacher. The Unz Initiative is likely to impair chances for success by limiting the discretion of schools and teachers to determine what works best for their LEP students. In fact, the Unz Initiative is an extreme form of overregulation that prevents teachers and parents from exercising common sense and professional judgment of how to serve individual children. Exceptions can be made only by bureaucrats far removed from the classroom, and personal liability of teachers increases the prospect of court intrusions in educational matters to new and alarming levels.

A National Academy of Sciences study released March 18 shows that LEP children with no English proficiency are best taught to read English by first being taught reading in their native language, if teachers and instructional materials in their native language are available. Thus, while a structured English immersion approach may be effective for some limited English proficient children, it is likely to be ineffective for many others. In addition, our experience in administering the Bilingual Education Act and in reviewing programs for possible violations of Title VI of the Civil Rights Act indicates that one year of special instruction -- whether in Bilingual Education or an English immersion approach -- rarely is sufficient to enable a child who starts the program with almost no proficiency in English to become proficient enough to participate in regular classes.

Legal. Based on the educational problems described above, the Unz Initiative implicates federal civil rights laws. In the seminal 1974 case of Lau v. Nichols, the Supreme Court interpreted Title VI of the Civil Rights Act to require school districts to take steps to ensure that national origin minority students with limited English proficiency can effectively participate in the regular educational program. Similarly, the Equal Educational Opportunity Act, enacted in 1974, requires public educational agencies to take appropriate action to

overcome language barriers that impede student participation in the instructional programs. Neither Lau nor the subsequent cases addressing Title VI or the Equal Educational Opportunity Act mandate a particular approach to meeting these needs, but they require that sound educational approaches be implemented and evaluated.

Assuming that some educational experts will vouch for the soundness of the sheltered English immersion approach mandated by the Unz Initiative, we do not believe that a legal challenge asserting that the Unz Initiative on its face violates Title VI or the Equal Educational Opportunity Act would succeed. However, the Unz Initiative is certain to cause widespread violations of Title VI and the Equal Educational Opportunity Act if it is interpreted and applied in accordance with its intent to eliminate the choices of local educators when providing the appropriate instruction for limited English proficient students. Realistically, the only way that widespread violations will be avoided is if the State or local educational agencies broadly use loopholes in the Proposition to extend services well beyond a year and to provide bilingual education for students who need it.

It is evident that the Unz Initiative inevitably will create legal confrontations between California agencies and this Department, as well as the Department of Justice, over violations of civil rights laws and will divert resources and attention that should be focused on educating children to investigations and litigation.

Recommendation: For these reasons we recommend that you or another senior Administration official (the Vice President or Secretary Riley) announce the Administration's opposition to the Unz initiative within the next 2 weeks. Taking a position soon will allow us to frame the debate and set a constructive tone, rather than get sucked into an already inflammatory debate. We could turn this initiative into an opportunity to fit bilingual education into our overall framework for ensuring effective education in the 21st century.

_____ Agree _____ Disagree _____ Discuss Further

2. Couple opposition to Unz with a clear statement of how local school districts can strengthen education for LEP students.

In accord with our recommendation for a "mend, don't end" approach to bilingual education, we believe that opposition to Unz should be coupled with a strong statement recognizing the importance of helping LEP students learn English and succeed, and a set of principles that should guide local efforts to strengthen rather than end these programs. The intent here is to underscore that while there is a place for bilingual education (and other ways to help LEP students become proficient in English), bilingual education programs in particular and the schools that serve LEP students must do a better job.

Specifically, we recommend the following principles:

LEP students must become proficient in English as quickly as possible. This is a universal goal--shared especially by parents and students who have come to this country for greater opportunity and who are eager to fully participate in the life of their community and country. Yet one of the most frequent criticisms of bilingual education programs is that they are open-ended--that they prolong the time it takes for students to learn English. School districts should establish clear goals that will tell parents how quickly they can expect their children to master English and to participate in regular classrooms where English is the language of instruction. Participation in bilingual education should not be open-ended or never-ending.

Federally funded bilingual education programs are required to ensure that students master English within 3-5 years. You could challenge every district to meet that standard, and urge them to do better. You could also direct Secretary Riley to develop guidelines for local school districts reflecting the best knowledge of how quickly LEP students can be expected to become proficient in English, and identifying approaches, strategies and programs that can help shorten the time it takes.

Local school districts must be accountable for performance and results. School districts must be held accountable for helping students become proficient in English as rapidly as possible. They should report publicly how well they are meeting the timelines they have established. They should test students periodically for English proficiency (as well as achievement in other subjects) to determine if they are making adequate progress, and to provide additional services or take other corrective actions as appropriate when students are not making adequate progress. School districts should evaluate their bilingual education programs regularly as well. If a program is not helping its students progress rapidly enough, the school district should strengthen it, or use another approach research shows will work.

There must be local flexibility. As discussed above, no one-size-fits-all prescription for how to educate limited English proficient children will work. Rather than state mandates that either prescribe or proscribe particular approaches, local schools must have the flexibility to design programs that meet its particular needs, mix of students and resources. So long as the goal is clear--that students learn English as rapidly as possible--and there is accountability for results, parents and educators should be free to work together to fashion programs that work for them.

The focus must be on strengthening quality, regardless of approach. The research on instruction for LEP students does not identify any approach (e.g. bilingual education, English immersion, English as a Second Language, or dual-language immersion) as particularly effective. Rather, it suggests that effective programs have well-prepared teachers who know how to teach reading and who are knowledgeable about second-language acquisition; provide students with a challenging curriculum and high academic standards; and regularly assess student progress and make adjustments in the instructional program accordingly. In short, if LEP students are to learn English and succeed in school, they must be in schools that work for all students--schools with high standards, good teachers, smaller classes, challenging curriculum and accountability for

results. Because of this, any discussion of the steps required to strengthen local quality provides an opportunity to discuss your overall agenda for strengthening public schools

_____ Agree _____ Disagree _____ Discuss Further

Elected Officials, Associations, Activists are Taking positions on Unz:

Oppose Unz:

Senator Barbara Boxer
Lt. Gov. Grey Davis
Congressman Xavier Becerra
Congressman Cal Dooley
Congressman Bob Filner
Congressman Lucile Roybal-Allard
Congresswoman Zoe Lofgren
Congresswoman Ellen Tauscher
Congressman Vic Fazio
Congressman Marty Martinez
Delaine Eastin, Superintendent of Public Instruction
Assemblyman Cruz Bustamante (former Speaker)
Speaker Antonio Villaraigosa
Senator President John Burton
Supervisor Gloria Molina
CTA
MALDEF
Republican Assemblyman Bill Leonard
Republican Assemblyman Rod Pacheco (only R Latino Assemblyman)
CABE

Support Unz:

Ron Unz
Gloria Matta Tuchman
Jaime Escalante
Fernando Vega
Mayor Richard Riordan
Darrell Issa, Republican Senate Candidate opposing Barbara Boxer