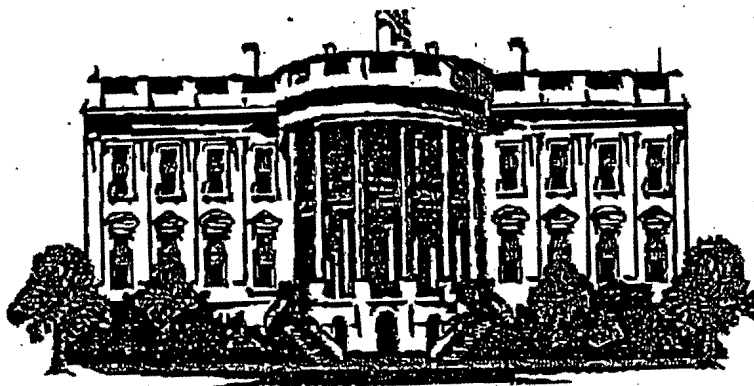




THE WHITE HOUSE

Domestic Policy Council

DATE: _____

FACSIMILE FOR: _____

Mike Smith

PHONE: () -

FAX: ()

401-3095

FACSIMILE FROM: _____

Mike Cohen

PHONE: () -

FAX: ()

4156-5575

NUMBER OF PAGES (INCLUDING COVER): _____

8

☐ FOR YOUR REVIEW

☐ PER MY E-MAIL OR VOICE-MAIL MESSAGE TO YOU

☐ PER YOUR REQUEST

COMMENTS: _____

*Vicki - Please get to Dalia &
Norma ASAD - and tell them to get me comments
tonight - Ask Mike to look at on the way over,
if he can.*

Mike

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 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.

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 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 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.

*Lack of choice
lack of local control*

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.

need
"well"
enough
to be
in
English
only
classes

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.

works
with
parent

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.

Mobilize
parent
↑

NAS
Two languages - Better cog. development
- Good for learning (acquisition)

So, any
teacher
training is
really!

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
Former Speaker Cruz Bustamante
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



Norma_V. Cantu @ ed.gov
03/20/98 12:32:00 PM

Record Type: Record

To: Michael Cohen

cc:

Subject: Memo

Mike,

Thanks for calling about the memo you are preparing on the California Unz proposal. The part of the legal standard you identified contained a rather abbreviated description of the 3-part Castaneda test, but I can live with it, given the page constraints you have for your memo. The part that really must be added is a statement somewhere, maybe on page 6, that should explain the legal obligation of the state or district is not measured by how much time it has invested in attempting to serve limited English proficient students, but by how effective the educational services have been. Meeting "need" not just "speed" is the primary measure.

It has been OCR's experience that a couple of states have tried the time duration approach with serious legal problems. For example, in the late 70s in Texas, the state legislature told local districts that the state would fund LEP services for grades k-3 only, and was silent about the legal duty of districts to continue to provide services after the 3rd grade, even where the students still need attention. The Dept. of Justice supported private plaintiffs in a challenge to that system. Ultimately, the legislature changed its state law.

More recently, in other states, the silence by the state legislatures as to what happens after state funds have been exhausted has been read by local districts as a tacit approval of cessation of all services to LEP students. OCR has informed these districts that the legal duty to education the students doesn't end when the state funds run out; it ends only when the services prove effective.

The Supreme Court decision requires "a meaningful opportunity to participate in the educational program."

The closest federal case I could find for you in short notice is Castaneda, 648 F.2d 989 (5th Cir. 1980), a case decided under the EEOA. The Fifth Circuit defines "effective" as "having results indicating that the language barriers confronting students are actually being overcome." The same case described the legal duty of a school system to "design programs which are reasonably calculated to enable these (LEP) students to attain parity of participation in the standard instructional program within a reasonable length of time after they enter the school system."

I hope this helps. If you can add language to explain that the time

limitation is intended to create a sense of urgency, which calls for a greater investment up front, but does not relieve a state or district from the duty to deliver an effective program, you'll avoid the legal problems that Texas and other states have encountered.

Norma

March 20, 1998

Note to Mike Smith/Mike Cohen

Re: unz memo

See Attached OGC comments. Our principal concerns were with mischaracterization of Unz, the Title VI vulnerability of it, and overly negative statements directed at bilingual education. Incidentally, a prior version of the Bilingual Education Act provided generally for LEP students to be served for 3 years, subject to exceptions as needed for a fourth and fifth year.

Steve W. 

Cc: Sara Lichtman Spector

Norma Cantu

Delia Pompa

Jamie Studley

Susan Craig

03/20/98 11:22 FAX

MAR. 19. 1998 5:36PM
03/19/98 18:12

DEPT OF ED/DEP SECY

NO. 794

003/009
P. 3/9 002

March 18, 1998

MEMORANDUM FOR THE PRESIDENT

FROM: SECRETARY RILEY
BRUCE REEDSUBJECT: 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. *for most limited English proficient (LEP) students* 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~~ *current*, 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. *improve* Despite some tricky politics, we believe that it is both good policy and good politics to oppose Unz, coupled with proposals to improve, not end bilingual education. This memo lays out such a "mend, not end" approach. *improve program for limited English proficient students*

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: *(virtually)*

- 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

a period normally not to exceed

(in the case of older students)

- 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

and the ability of principals and teachers to determine what works best for their students,

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

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bilingual education

~~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.

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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

Title VI of the Civil Rights Act

03/20/98 11:24 FAX

MAR. 19. 1998 5:37PM
03/19/98 18:13

DEPT OF ED/DEP SECY

NO. 794

008/008
P. 6/9/008

OK to insert Nomis more detailed
S/he must in NRE file.

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.

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More organizations and elected officials are taking positions on Unz. The California

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MAR. 19. 1998 5:37PM
03/19/98 18:14

DEPT OF ED/DEP SECY

NO. 794

007/009
P. 7/9 008

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.

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- 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 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. Announces 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

03/20/98 11:25 FAX

MAR. 19. 1998 5:38PM
03/19/98 16:14

DEPT OF ED/DEP SECY

NO. 794

008/009
P. 8/94007

~~In accord with our recommendation for a "need, 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.

unless the student's lack of English proficiency would impede the student's academic progress.

03/20/98 11:28 FAX

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DEPT OF ED/DEP SECY

NO. 794

009/008
P. 9/94008**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 Vito Fazio
Congressman Marty Martinez
Delaine Eastin, Superintendent of Public Instruction
Former Speaker Cruz Bustamante
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

THE WHITE HOUSE

WASHINGTON

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, 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.

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.

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.

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 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.

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. Of course, the poor academic performance and high dropout rate of Hispanic students reflects a wide range of school deficiencies, but poor language services for LEP students contribute to this problem.

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 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. But if services mandated by Unz are not implemented effectively, there will 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 adoption of the Unz approach. This competitive grant program provides local school districts with considerable discretion in the kind of services provided to students.

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. 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 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

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. The Education Department should also help the programs it funds work more effectively to engage parents in their children's learning.

_____ Agree _____ Disagree _____ Discuss Further

March 18, 1998

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BRUCE REED

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Education

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Many Polls consistently show that the initiative is popular and is likely to pass. *Indeed*
~~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

- English faster through an alternative instructional technique.
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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^m). 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.

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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 46% are not receiving any language instruction services at all.

Indeed there is widespread agreement and consensus 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

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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

Part of the reason for the conservative campaign is a misunderstanding of

for

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 may become a hot button issue similar to immigrant services and affirmative action. In contrast, Latino voters are 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; yet, the Republican leaders are afraid to support another initiative named as Anti-Hispanic.

[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

language acquisition

For them support for bilingual education is a sign of respect for the multi-cultural nature of our society and has less to do with the effectiveness of these programs as a national policy.

many current programs are failing students,

that is biological education on the basis of people's genetic traits. State has changed demographics calling for the worst.

always the same Republican leaders are afraid to support another initiative named as Anti-Hispanic.

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

Language acquisition

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 ³4 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.

text

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

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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 ^{goal} ~~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 ^{are} ~~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
 Former Speaker Cruz Bustamante
 Speaker Antonio Villaraigosa
 Senator President John Burton
 Supervisor Gloria Molina
 CTA
 MALDEF
 Republican Assemblyman Bill Leonard
 Republican Assemblyman Rod Pacheco (only R Latino Assemblyman)

Unz memo:

1. Overview of Unz Initiative

- brief overview of current bilingual education situation in California
- summary
- evaluation/pro's & con's

2. Political context

- polling/prospects for passage
- elected officials positions D's and R's
- status of compromise legislation
- California politics
- Hispanic politics

3. Recommendation to oppose Unz

- message --kids must learn English; Unz bad policy and wrong way to meet the objective; mend don't end bilingual ed (bilingual ed has its problems but also has its place); fix the schools overall
- timing
- messenger -- POTUS, VPOTUS or Secretary of Education

4. Recommendation to strengthen federal bilingual education program

- Brief summary of program and research/evaluations to provide foundation for recommendations:
 - strengthen local control by lifting cap on English program
 - emphasize use of quality/effective practices regardless of program--increased investment in/attention to professional development
 - create expectations for learning English within fixed time period
 - accountability for kids and programs--test kids for English proficiency within time period and require corrective actions for kids not measuring up; require corrective actions and possible loss of funds for programs not measuring up (this might already be in current law)

Educating Limited English Proficient Students

As the number of limited English proficient (LEP) students has increased in the United States, educators have intensified their efforts to provide these students with programs that help them meet the same high standards expected of all students. The special methods and approaches developed to help LEP students have evolved over the years to reflect new research on instruction and over all school reform. Title VII, the federal program which serves LEP students, was restructured under the Improving America's School Act (IASA). The vision set forth in IASA supported the transformation of Title VII programs from stand alone projects to school wide and district wide programs that ensure the inclusion of LEP students across the entire educational process.

Evolving responses to the educational needs of LEP students mirror deeper understanding of principles embodied in effective programs for LEP students. The following principles frame an approach to meeting the needs of LEP students that avoids debates over whether one approach is better than another or whether anyone should prescribe one approach for every student:

- Students are taught by well trained teachers.
- Specially designed English instruction and native language instruction are used as appropriate to support language and content learning.
- Students have access to a quality curriculum that is linked to state and national standards.
- Student language and content learning is periodically assessed, and results are used to modify instruction.
- The program is evaluated on an ongoing basis to determine effectiveness, and modifications are made as needed.

Teachers skills and expectations are key in providing any student with access to a high quality curriculum and particularly critical to LEP students. Teachers of LEP students must possess additional skills in order to meet their students' needs. They must have a theoretical and practical understanding of the second language acquisition process, and how it relates to cognitive growth processes. They must know and practice instructional methodology that responds to the specific needs of the students in their classrooms.

The importance of the teacher's role in a classroom for LEP students was illustrated in the Ramirez study (1991), the last large scale study on bilingual education conducted by the Department. Among the study's most important findings was that teachers' interaction pattern with students, when not well developed, limited LEP students opportunities to create and produce language and their ability to engage in more complex learning. With respect to teacher training, the study concluded that there was a need to improve the quality of training programs

for teachers serving language-minority students both at the university and school district levels, so that they could provide a more active learning environment for language and cognitive skill development.

Among the most important skills required of all teachers is the ability to align instruction with local, state and national standards. A key change to bilingual education has been the requirement that programs be aligned with state standards. Alignment of instruction and assessment to standards (and to each other) is particularly important for bilingual programs to ensure that LEP students have access to the same high standards as all students. Consequently, bilingual and ESL teachers must ensure that they teach their students to meet the same standards as all students while providing an instructional program using a different or modified language, possibly different pacing, or different material. All teachers need to have an instructional "bag of tricks"; teachers of LEP students need to have an even broader repertoire of strategies to respond to the variety of needs LEP students may have. Programs employing high quality curricula in one or more languages support teachers' skills and training.

A well trained teacher must know, not only how to provide instruction to LEP students, but also how to assess LEP students in a manner that reflects what the students know and can do. Appropriate assessment is the linchpin that holds together instruction and accountability. LEP students must be included in local, state, and national assessments if schools are to be held accountable for their success. The unique instructional strategies used by bilingual and ESL teachers and the second language acquisition process, will influence the way LEP students can demonstrate achievement. As research on the appropriate assessment of LEP students continues to inform the field, special skills must be imparted to teachers of LEP students so they may accurately assess student knowledge to make professional judgements about instruction.

Another element of accountability is program evaluation. Evaluation provides the ultimate mechanism to determine whether a program is meeting its goals and objectives, including whether LEP students are making significant gains in language and academic achievement. A good evaluation should also provide information about quality of program implementation and its contribution to students achievement. Bilingual and ESL programs are a tool for teaching LEP students; their effectiveness should be gauged by whether they teach students what they need to learn. The effectiveness of an evaluation should also be judged by how well the program responds to changes in student and community needs.

Embracing these principles allows educators to use their energy to develop real solutions to the problems LEP students face in mastering content at the highest levels and learning English. A National Research Council panel reported in *Improving Schooling for Language Minority Children* that there is little value in conducting evaluations to determine whether native language or ESL programs are best. The terms "bilingual education" or "special alternative instructional program" are used to describe a range of programs and program components. Some research studies have found that, in fact, there are few "pure models" of either in practice. Many bilingual programs incorporate features and methodology typical of ESL programs, and, often, ESL

programs also incorporate features and methodology associated with bilingual programs.

According to the panel, what is truly important in educating LEP students is finding a set of program components that works for children, given the goals, demographics, and resources of the community in which the child lives. Those who persist in arguing over questions of time limits or particular programs impede progress toward answering the real question---are LEP students learning? The answer to this question has no place for dogma or extremism. The answer to this question requires all educators and policy makers to come together to develop programs for LEP students that rely on principles of excellent education that focus on high standards for ALL students.

DRAFT

Ramirez, D.J., S.D. Yuen, D.R. Ramey, and D.J. Pasta. (1991). *Final Report: Longitudinal Study of Structured English Immersion Strategy, Early-Exit and Late-Exit Transitional Bilingual Education Programs for Language-Minority Children*, Vol I and II, Technical Report. San Mateo, CA: Aguirre International.

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Bilingual education has potential benefits. Bilingual instruction can contribute to an American society well positioned to compete and cooperate in a multilingual global economy. Knowledge of one or more languages in addition to English is increasingly required for high school graduation, college admission and degrees (including the University of California). Multilingual skills are common in many countries (including our major trade partners), and are an increasingly important career resource in our rapidly evolving global economy (NRC). Moreover, there is growing evidence that the use of native language can be an important element in teaching and learning to high standards for students who are English language learners.

Success depends upon local circumstances. Local conditions matter in the success of approaches to instructing limited-English proficient students. Successful instructional approaches depend on:

- The number of languages used by students in the classroom and school. Bilingual education is most feasible when a school can focus its bilingual staffing and materials on one or two language groups.
- The student's knowledge of her home language and proficiency in English. Limited English proficient students, especially those who are immigrants, are a very heterogeneous group. They vary widely in initial proficiency in English and the native language when entering school, parent level of education, family income and other factors that influence educational achievement. Bilingual education works best when it builds on a solid home language base that is in a language other than English. This occurs when families depend primarily on the nonEnglish language at home and when students come from communities in which the common language spoken is other than English.
- Effective teachers grounded in how to teach reading and content areas and knowledgeable about how second language acquisition affects learning. Teachers who are proficient in the child's home language can effectively teach complex content and communicate effectively with the child to overcome barriers to learning.

In almost all cases, researchers find that effective teachers use a variety of approaches, including native language instruction, for high quality instruction to high standards. Methods for teaching LEP students include English as a Second Language, content based ESL, structured immersion, transitional bilingual education, and two-way developmental programs. Major differences among the approaches involve the extent to which the child's mother tongue is used for instruction, and how quickly the child is moved into instruction in a completely English language classroom. Good teaching is required to translate program philosophy and objectives into effective program practice.

Yet qualified teachers are in short supply. NCES and other data document sustained

shortages of qualified bilingual staff and modest levels of in-service staff development for these teachers. The Schools and Staffing Survey (SASS) found that in 1993-94 over 25% of the schools that had ESL or bilingual education vacancies reported that it was very difficult or impossible to fill them. Only 30% of public school teachers instructing LEP students have received training for teaching LEP students.

In-depth evaluations fail to find one method of instruction (bilingual education, English immersion or the continuum in-between) uniformly superior. There have been three large-scale national evaluations of programs for English language learners: The American Institutes for Research evaluation of programs, referred to as the AIR study (Danoff, 1978); the *National Longitudinal Evaluation of the Effectiveness of Services for Language Minority Limited English Proficient Students* (referred to as the Longitudinal study (Development Associates 1984, Burkheimer et al. 1989) and the *Longitudinal Study of Immersion and Dual Language Instructional Programs for Language Minority Children* (referred to as the Immersion Study (Ramirez et al 1991). In addition, several national studies have included information on LEP students and instruction, including the *Descriptive Study of Services to LEP students* (Development Associates (1993), the *Prospects Longitudinal Evaluation of Chapter 1*. These studies and reviews offer a number of observations:

- The research has produced no convincing evidence that immersion in intensive English courses works better than bilingual instructional techniques that use the child's mother tongue (DeKanter and Baker, Willig, NRC). Instructional approaches that utilize the child's mother tongue may have important benefits including parent participation in monitoring homework, and long term performance in content areas (Willig, Ramirez et al., Hopstock & Fleishman). For example, NRC found in their review of the longitudinal and the immersion studies, "*Taking fully into account the limitations of the two studies, the panel still sees the elements of positive relationships that are consistent with empirical results from other studies and that support the theory underlying native language instruction in native language.*"

This NRC report also found that the "immersion study" comparing immersion, early exit and late exit programs for LEP students: "*there is one conclusion for which the panel finds reasonably compelling and credible analyses: the difference between students in Immersion and in Early-exit Programs at kindergarten and grade 1. Early exit (bilingual) programs appear to be more successful in reading...*". The report also found, "*...the family income of student in Late-exit programs was by far the lowest in the study, but these families monitored completion of homework considerably more than families at other sites. Furthermore children at the sites of Late Exit Programs scored at or above the norm in standardized tests, suggesting a possible relationship between Spanish for instruction, Spanish literacy in the home, parent involvement in homework and student achievement.*" (NRC 1992 P. 102, 105)

- Based on a more comprehensive review of the research, the NRC found in its 1997 study

that "there are no negative consequences of learning two languages in childhood and that there are some positive correlations between bilingualism and general cognitive ability" (p. 44).

- The success of English language learners is a function of school quality as well as the particular instructional strategy. "Many of the findings regarding effective instruction and risk factors associated with reading for English-only students can be applied to English language learners" (NRC 98 p. 30).

Examples of effective bilingual education projects offer existence proofs. Effective schools and districts that provide bilingual education are further proof that bilingual instructional approaches can be effective. For example:

- In Fairfax County, Virginia, Title VII funds the "FAST Math" program which has been recognized for its success in helping meet the mathematics and literacy needs of LEP students who have limited previous schooling. LEP students at the upper elementary, middle and high school levels participate in an innovative curriculum that accelerates learning and covers the math needed by students to perform at grade level. English language skills needed for mathematics are also addressed. Evaluations show that the program meets its goal of increasing student performance in math by at least two grade levels. what about English?
- In California, the River Glen Elementary School in San Jose provides a "two-way" developmental program that builds proficiency in both Spanish and English for all students. Over four out of five of the school's students are from low-income families. Evaluations show that by the end of fourth grade almost all (94%) of the Spanish speaking students were rated as Fluent English Proficient (and most of the English speaking students were also rated as Fluent Spanish Proficient). Achievement gains for Spanish-speakers grew larger as the students progressed through the grades (rising from 30th percentile in the first grade to the 46th percentile by the fifth grade); In English language skills, River Glen third graders scored 12 to 18 percentile higher than third grade LEP students in a national sample; in mathematics they scored from 11 to 22 percentile higher. The majority of the River Glen students also scored well above grade-level in Spanish language reading, language, mathematics, social studies, and science.
- In New York, the PROPEL/PRISM programs at the International High School provide an alternative education environment for recently arrived LEP students. Faculty integrate ESL techniques into content area courses while providing students with opportunities to further develop their native language. The program has utilized Title VII funds in a joint venture between the City University of New York, the New York City Board of Education, the New York State Education Department, the Coalition of Essential Schools and the New York Networks for School Renewal (Annenberg Foundation). The results of this effective teamwork are dramatic. The school has among the highest attendance.

rates of any school in the city. Fifty-four percent of the school's LEP students graduate within 4 years (compared to 34% in the city's other schools). Participating students make gains significantly above those expected at their grade level. Three out of four of these students enroll in at least one college course while in high school (with a pass rate of 85%--surpassing the rate for regularly matriculated college students). The school's senior class graduation rates average over 94% (with annual dropout rates under 2%). Over 92% of their LEP graduates apply for and are accepted to college (with two thirds attending four year colleges).

Calexico Unified School District in California uses a process of continuous improvement, including strong professional development, high standards, and effective use of bilingual and ESL programs to meet LEP student needs. While almost all (98%) of its kindergartners enter school knowing little or no English, the district exits almost all of its students into English language classrooms by the 4th grade. Moreover, about a fifth of the district's students go on to four-year colleges while another three-fifths enroll in community colleges in this region that has the lowest per capita income in the State.

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March 3, 1998

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Title VII Suggested Revisions

<u>Area</u>	<u>Legislative Changes</u>	<u>Administrative Changes</u>
Bilingual Education <i>Part A, Subparts 1, 2, & 3</i> reinforcing English language competency and achievement of high academic standards	In each area where reference is made to English language instruction, or professional development, repeat in part or in whole the language found in the purpose statement which states "meet the same challenging state content standards and challenging State student performance standards expected for all children and youth as required by section 1111(b)"	Reinforce through monitoring and technical assistance activities, the expectations that programs funded under Title VII should be directed at ensuring high standards for all students.

<u>Area</u>	<u>Legislative Changes</u>	<u>Administrative Changes</u>
Sec. 7102 (16) <i>Findings, Policy and Purpose</i>		<u>Monitoring</u> - Implement stepped up monitoring schedule - Complete revisions to monitoring instrument - Provide technical assistance on monitoring process

<u>Area</u>	<u>Legislative Changes</u>	<u>Administrative Changes</u>
Subpart 1 Capacity and Demonstration Grants Sec. 7112- Purpose <i>Program Development and Implementaion</i> Sec. 7113- Purpose <i>Enhancement</i> Sec. 7114- Purpose <i>Comprehensive School</i> Sec. 7115- Purpose <i>Systemwide</i>	Providing high quality professional development to enable all teachers to develop further expertise in subject content, teaching strategies, related to the needs of LEP students. Increasing the number of teachers in the school setting who meet State and local certification requirements for bilingual education teachers. Establishing partnerships with institutions of higher education and other organizations to develop or Evaluations improve long-term professional development programs which meet state and local certification requirements. Involving teachers in planning and implementing school reforms Information on the number, percentage of teachers who have received high quality training related to the needs of LEP students.	

Area	Legislative Changes	Administrative Changes
<i>(Continuation)</i> Capacity and Demonstration Grants Subpart 1 Sec. 7116, (i)(2) Applications: Priorities and Special Rules	Eliminate rule limiting 25% of funding to be awarded to SAIP programs. <i>[The current Title VII legislation offers a great deal of flexibility. For example, out of 236 grants funded in 1997, only 32 are dual language only approaches. The balance of the programs are a mixture of dual language, ESL, and English immersion approaches. In fact, 81 of the programs include no native language component.</i> <i>Despite these facts, the perception by some is that the 25% cap on English only programs and the priority on programs that develop bilingual proficiency hinder flexibility. One response would be to eliminate the 25% cap. Although this response would appease the more conservative element, such a change would be extremely unpopular with the bilingual advocacy community.]</i>	
Sec. 7123 Evaluations	Increases in the number of teachers who meet state/local certification requirements.	Issue guidance on program evaluation Establish consequences for late or incomplete evaluations Establish consequences for lack of progress

<u>Area</u>	<u>Legislative Changes</u>	<u>Administrative Changes</u>
Professional Development <i>(Subpart 3)</i> Sec. 7142- Purpose <i>Training for all Teachers</i> Sec. 7143- Purpose <i>Teachers and Personnel</i> Sec. 7144- Purpose <i>Career Ladder</i>	Add to Purposes-- Reforming teacher preparation curricula in institutions of higher education to reflect high standards for pedagogy, subject content and language proficiency to ensure participants are effectively prepared to provide high-quality instruction to LEP students. Improving the skills and knowledge of higher education faculty to better prepare all teachers to provide instructional services to LEP students. How programs meet State/local certification standards. Accreditation standing of program. Standards for selecting participants Expected competencies of graduates. Eliminate post-doctoral	

<u>Area</u>	<u>Legislative Changes</u>	<u>Administrative Changes</u>
<i>(Continuation)</i> Professional Development <i>(Subpart 3)</i> Sec. 7145 <i>Graduate Fellowship- authorization</i> “The Secretary may award Fellowships for Masters, doctoral and post-doctoral study” Sec. 7149 <i>Program Evaluations</i>	Eliminate post-doctoral Add “Data on performance indicators the project has used to support the effectiveness of the program design” Identification of effective professional development strategies, practices	Issue guidance on program evaluation Establish consequences for late or incomplete evaluations Establish consequences for lack of progress

INTER-OFFICE CORRESPONDENCE
Los Angeles Unified School District

TO: Members, Board of Education **INFORMATIVE**
Date: February 18, 1998

FROM: Ruben Zacarias

SUBJECT: **ENGLISH ACADEMIC TESTING RESULTS FOR SPANISH
SPEAKING LIMITED-ENGLISH-PROFICIENT (LEP) STUDENTS**

The purpose of this memorandum is to inform the members of the Board of Education about English achievement for Spanish speaking students who began as LEP in kindergarten or first grade in the LAUSD. We have disaggregated the student achievement data by those students in primary language bilingual programs and those in an English language development program (ELDP). Some students from both groups redesignated to fluent-English-proficient and some remained as LEP.

Attached to this memorandum are English academic testing data for Spanish speaking students who remained in the same elementary school for at least five years.

It is important to note that students from both program groups received "full treatment". That is, both bilingual and ELDP student cohorts received their entire sequence of instruction at the same elementary school from kindergarten or first grade through the fifth grade.

The first set of data are districtwide fifth grade Stanford 9 scores (Attachment A) for Spanish speaking students who began in kindergarten or first grade and were receiving either primary language assistance (Bilingual Program) or English language assistance using special methods (ELDP).

At no point do LEP students who received English language assistance programs (ELDP) outperform the students who received primary language assistance programs (Bilingual Program) on Stanford 9 reading, language and math tests. In other words, Spanish speaking LEP students who were in a bilingual program for at least five years scored higher on English achievement tests than Spanish speaking LEP students who received an English language assistance program of instruction for at least five years.

Attachment B shows the same bilingual and ELDP program cohorts' data compared to the District median percentile for all students districtwide who began in kindergarten or first grade and remained in the same school through the fifth grade. It is important to note that these fifth grade bilingual program students are approaching the District median percentile in reading, language and math in English on Stanford 9.

For those students who tested on Stanford 9 as fifth graders, we also collected their test scores in English on CTBS U when they were fourth graders to determine if the same achievement pattern occurred. These data are presented on Attachments C and D. Again, at no point, do Spanish speaking LEP students who received English assistance programs (ELDP) outperform bilingual program students.

These fourth grade achievement data were collected for informational purposes only. **Please be advised that Stanford 9 scores and CTBS scores are not comparable with one another.** In other words, the scores on Stanford 9 and CTBS are not "matched scores."

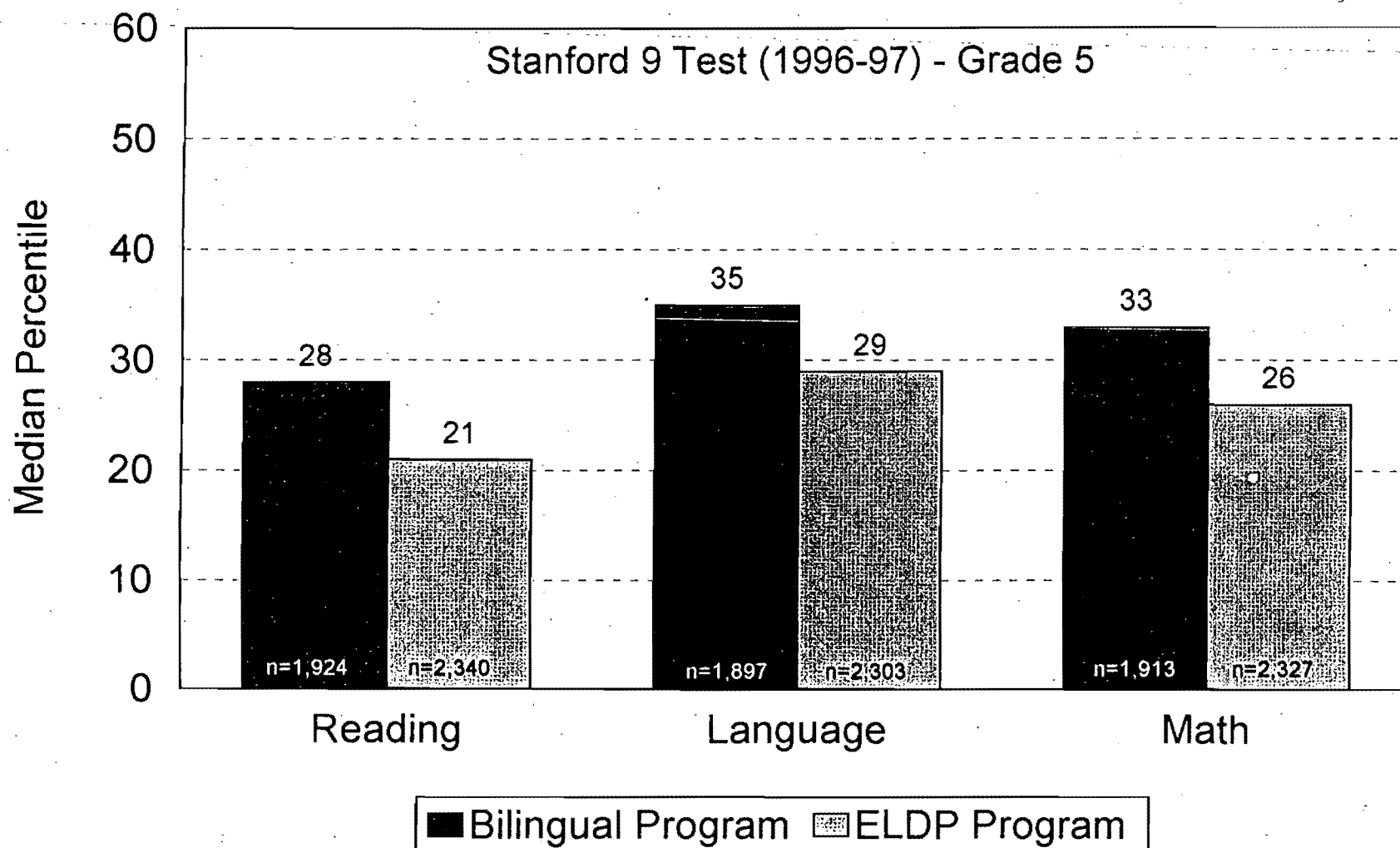
Similar results can be expected from all schools with appropriate staffing and effective implementation of the Master Plan programs. A full report of these results by cluster and school will be completed by April 1998.

If you have any questions, please contact Carmen N. Schroeder, Assistant Superintendent of the Language Acquisition and Bilingual Development Branch at (213) 625-4625.

Attachments

English Academic Testing

Los Angeles Unified School District

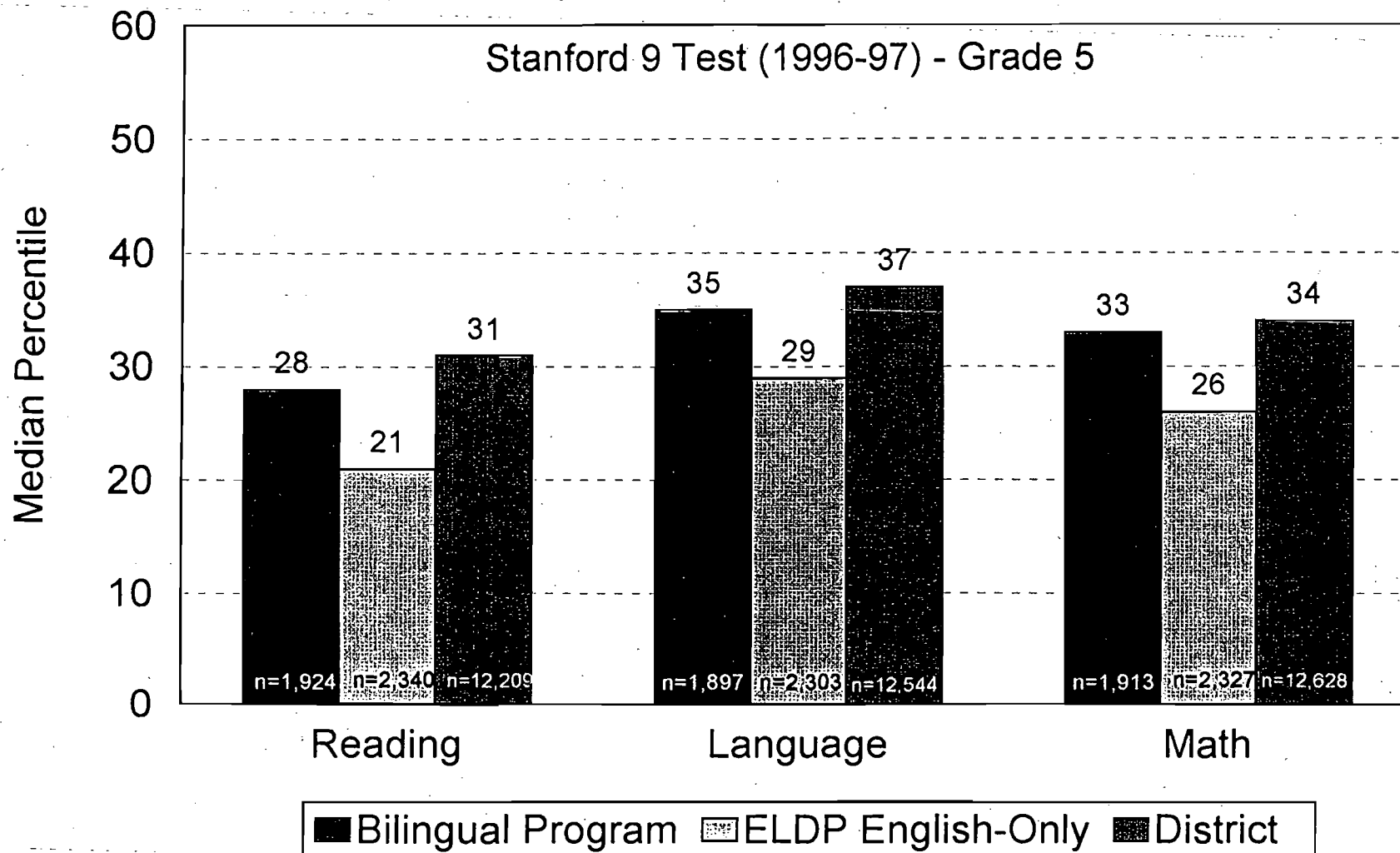


2/5/98

Spanish-speaking students who participated in a Bilingual or ELDP (all English) program. Students began as limited-English proficient (LEP) in kindergarten or first grade and received their entire elementary school instruction at the same LAUSD school.

English Academic Testing

Los Angeles Unified School District

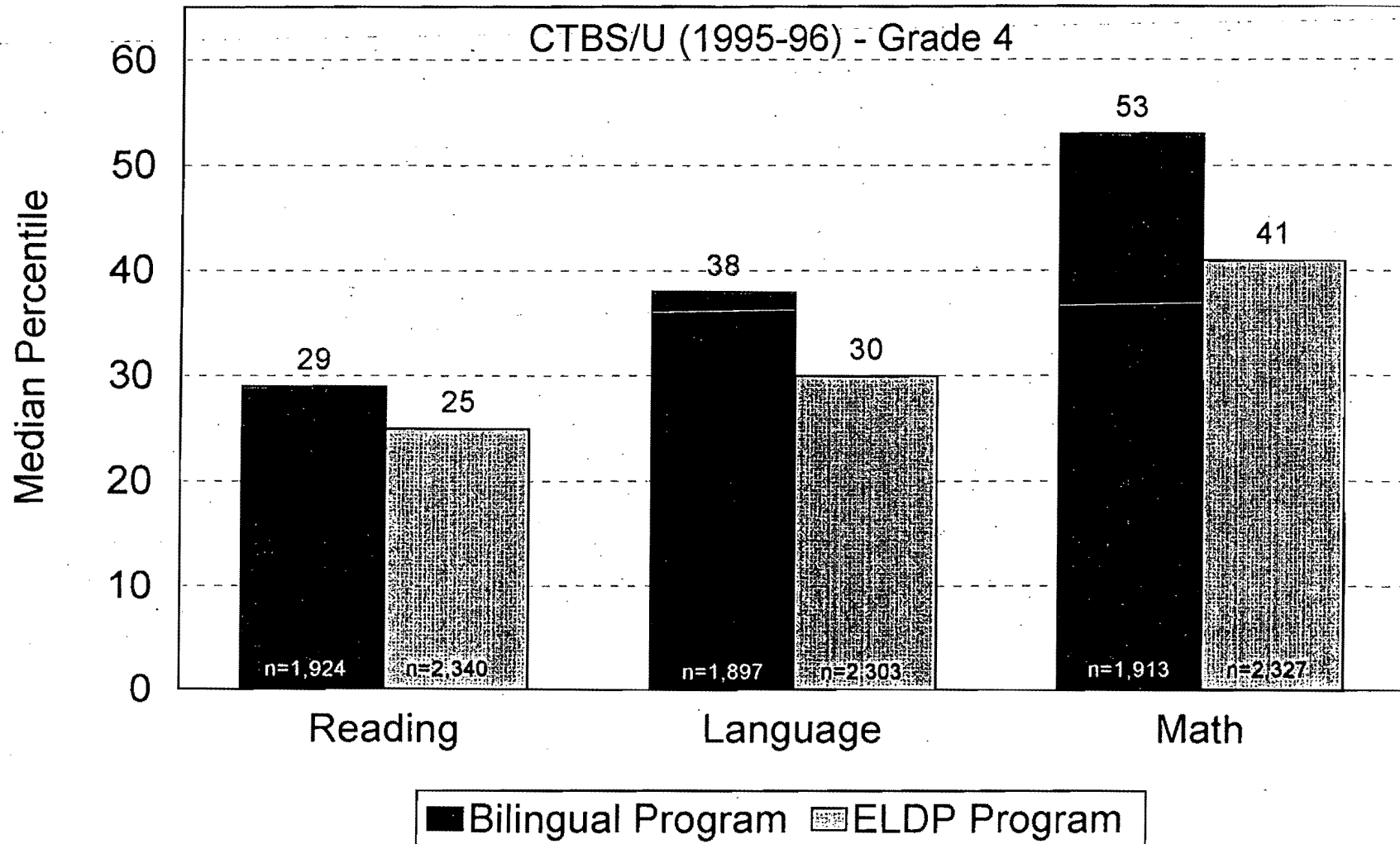


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English Academic Testing

Los Angeles Unified School District

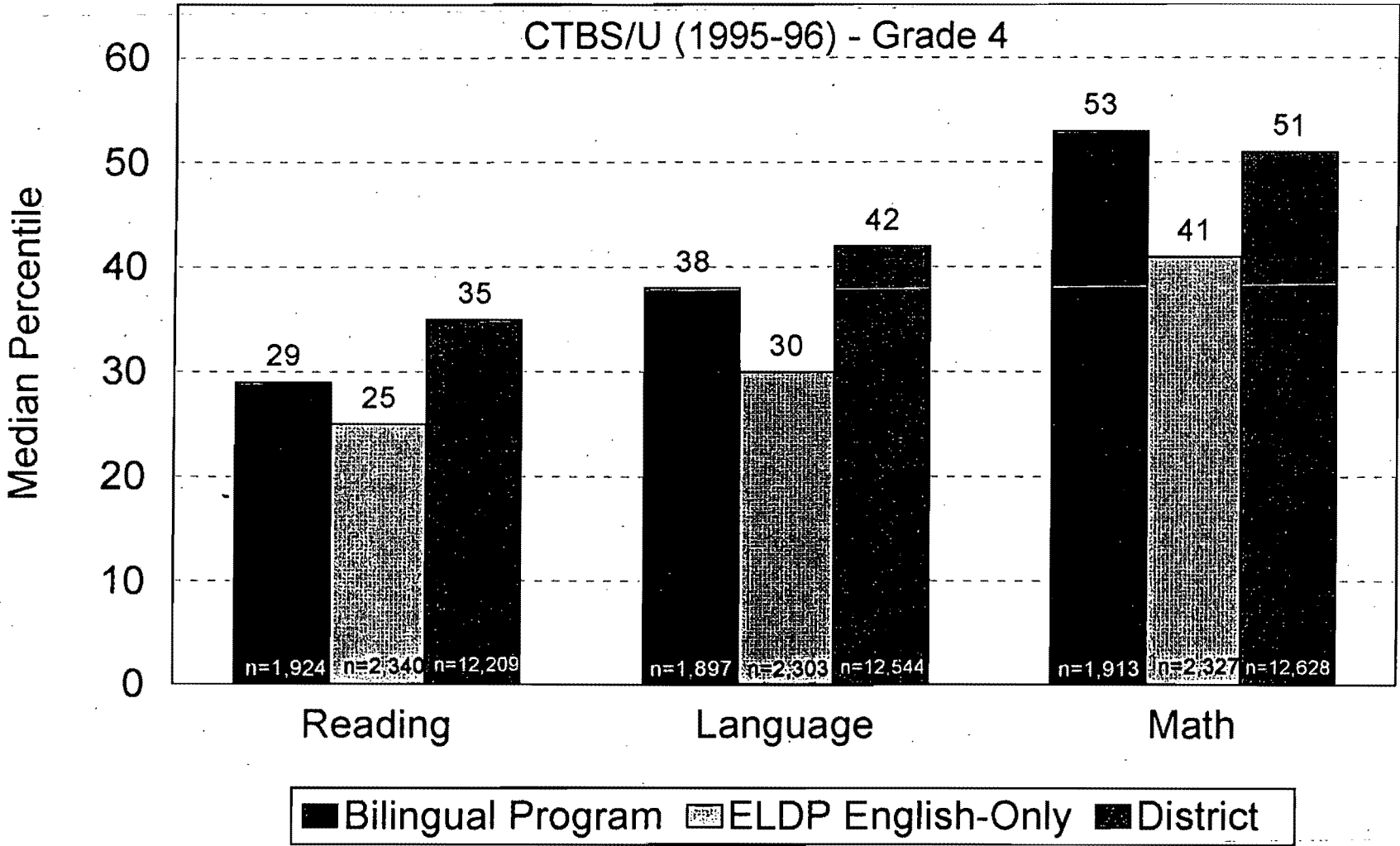


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English Academic Testing

Los Angeles Unified School District



2/5/98

Spanish-speaking students who participated in a Bilingual or ELDP (all English) program. Students began as limited-English proficient (LEP) in kindergarten or first grade and received their entire elementary school instruction at the same LAUSD school.

Modifications to Strengthen Title VII

DRAFT

Professional Development

- Increase the numbers of teachers trained to teach limited English proficient students *By providing an \$100 million a year in funding for Title VII Professional Development programs over five years, 50,000 teachers will be trained. California, alone, has a current shortage of 20,000 teachers.*
- Address the provision of high quality professional development to enable all teachers to develop expertise in subject content and teaching strategies that address the needs of LEP students and increase the number of teachers who meet state and local certification requirements.
- Address reforming teacher preparation curricula in institutions of higher education as well as improving the skills and knowledge of higher education faculty.

Program Improvements

- Reinforce the requirement that programs be aligned with high standards through strengthening language and monitoring and program evaluation.
- Support adoption of successful programs by refocusing documentation and dissemination efforts.
- Foster appropriate student assessment through increased research and links with Title I, state education agencies, and professional organizations.
- Eliminate the Special Alternative Instruction cap of 25% on English only programs. *Current Title VII implementation indicates a great deal of flexibility in practice. In 1994, two provisions, shortage of teachers and diversity of languages, were created to override the 25% cap when appropriate. As a result of implementing these two provisions, out of 268 grants funded in 1997, only 32 are dual language only approaches. The balance of the programs are a mixture of dual language, ESL, and English immersion approaches. In fact, 81 of the programs include no native language component. Despite these facts, the perception by some is that the 25% cap on English only programs and the priority on programs that develop bilingual proficiency hinder flexibility. Although eliminating the cap would appease the more conservative sector, such a change would be extremely unpopular with the Asian, Hispanic and other language minority advocacy communities as well as the Hispanic Congressional Caucus.*
- Establish procedural consequences for lack of progress as indicated through evaluations.
- Implement clear expectations and a stepped up monitoring schedule.

LEGISLATIVE HISTORY OF MONIES APPROPRIATED TO ENGLISH PROGRAMS¹ THROUGH TITLE VII FUNDS

- 1968 Legislation stresses native language instruction.
- 1978 Developmental Bilingual Education programs eliminated.
- 1984 Developmental Bilingual Education programs reinstated and Special Alternative Instruction Programs created. Limited to 4% of funds.
- FY85-92 12.4% of Title VII Part A funding supported by Special Alternative Instruction Programs.
- 1988 Special Alternative Instruction Programs expanded to 25% cap.
- 1994 Reconfiguration of funding; Title VII continues to allocate up to 25% of its instructional program budget to support all-English methodologies, however two provisions for overriding the cap can are created (P.L. 103-382, Sec. 7116[I]).

¹Programs which use English as the language of instruction.

SFUSD

San Francisco Unified School District

**Performance of
Redesignated
English Language
Learners (LEPs)**

February 1998

Waldemar Rojas, Ed.D.
Superintendent of Schools

Language Academy & Other Bilingual Programs

The following is excerpted from:

"Language Academy: 1998 Annual Report"

Dr. J. David Ramirez, *Evaluator*

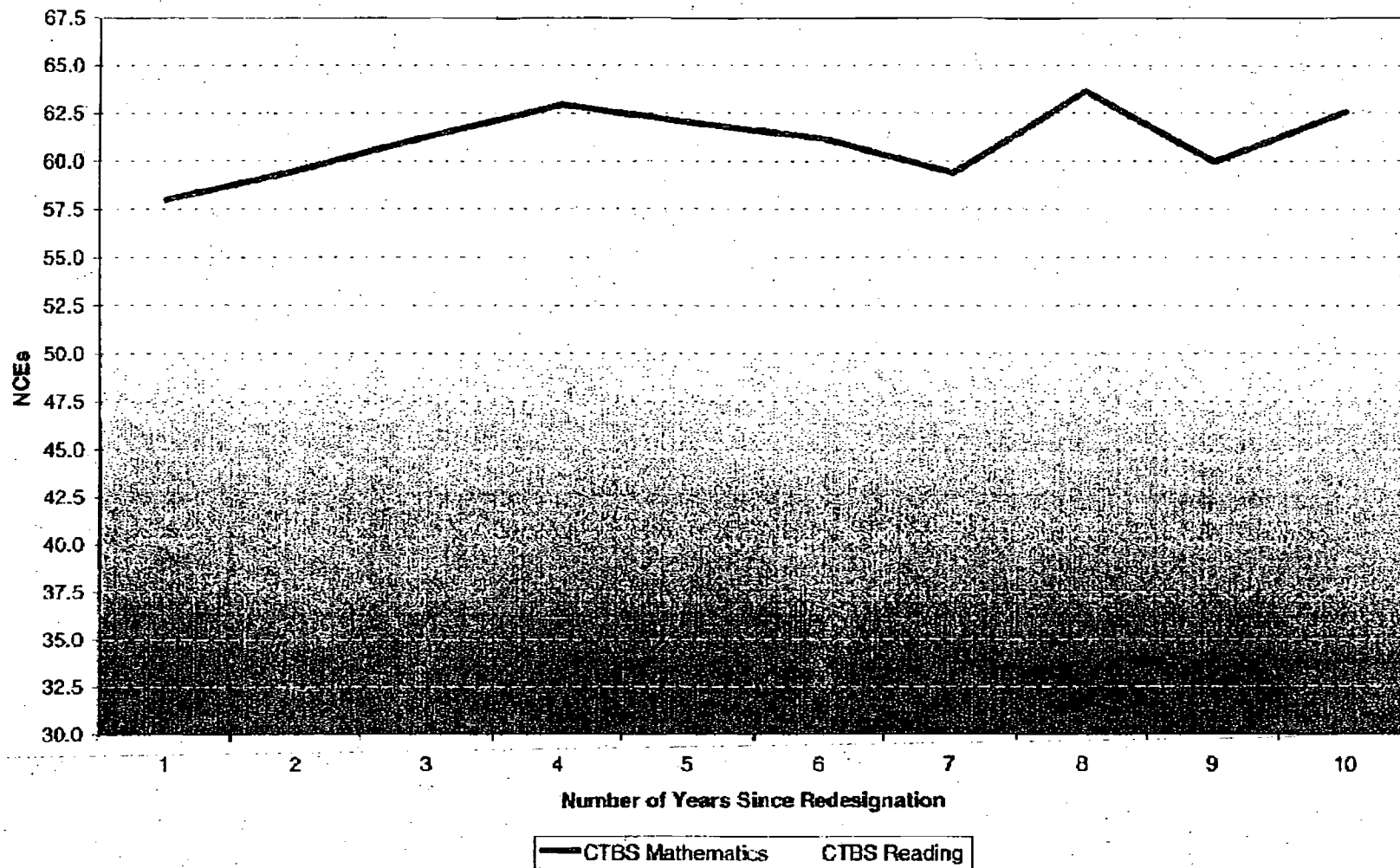
Center for Language Minority Education & Research
California State University, Long Beach

February, 1998

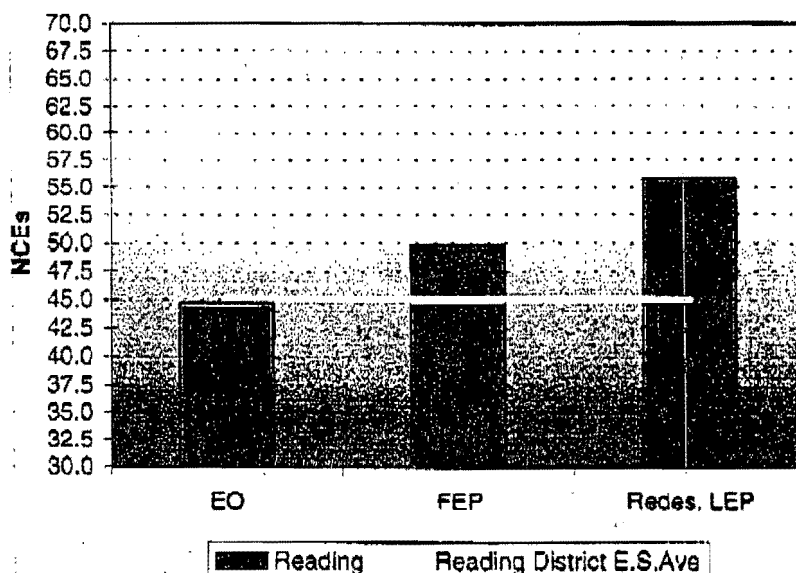
Drawing from the district's various sources of student information, a data set is being constructed to allow for an analysis of both indirect and indirect measures of student progress. Recognizing the central importance of direct measures of student progress, we began with the results of the CTBS-English. The data set includes information on over 12,000 students served by the San Francisco Unified School District during the 1994-95 and 1996-97 school years.

The highest performing students tend to be those students who have been Redesignated Fluent English Proficient (FEP). These students out perform students in the other language status categories (i.e., English Only, Bilingual, English Dominant, Limited English Proficient). That is, those students who had at one time been identified as being Limited English Proficient, received services provided to English learners, progressed in their English language skills, and were consequently re-classified or re-designated as being FEP. A closer look at the Redesignated FEP students reveals that on average they had received special support services for almost five years before being re-designated from LEP to FEP. (Graph 21) It is interesting, that the other two highest performing groups of students included those that were identified by SFUSD at point of entry into the school district as being Bilingual or Fluent English Proficient and hence in no need of special language development services. These two groups also tended to outperform English Only students. Thus, it seems that those students with multilingual skills appear to be outperforming students who are only monolingual. This is consistent with language acquisition theory which posits the cognitive benefits of multilingualism. This finding will be explored more thoroughly as the study progresses.

Redesignated Student Achievement by Years Since Redesignation

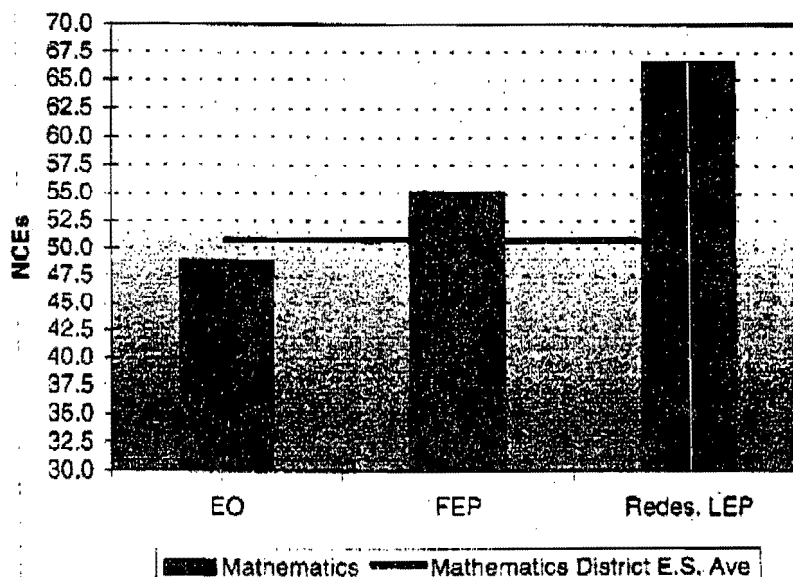


GRAPH 1: District-Wide Comparison of Elementary School Reading Achievement by Language Proficiency (1994/95 - 1996/97)



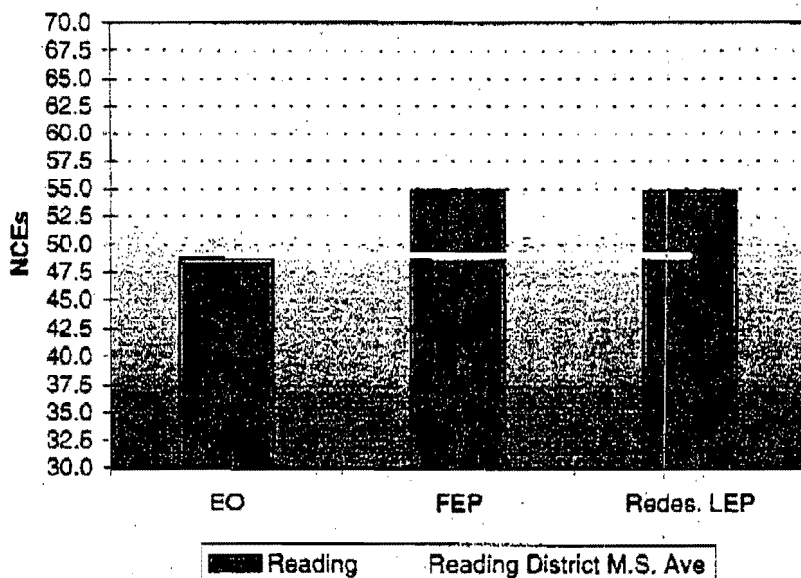
Results based on:
1994/95 - 1996/97
Ave. Number of Students
EO 8,452
FEP 3,539
Redes. FEP 1,661

GRAPH 2: District-Wide Comparison of Elementary School Mathematics Achievement by Language Proficiency (1994/95 - 1996/97)



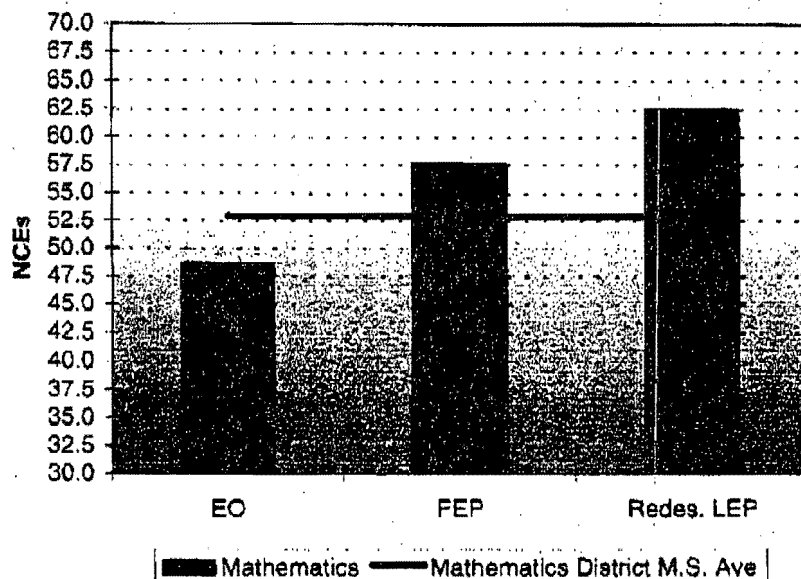
Results based on:
1994/95 - 1996/97
Ave. Number of Students
EO 8,622
FEP 3,579
Redes. FEP 1,664

GRAPH 3: District-Wide Comparison of Middle School Reading Achievement by Language Proficiency (1994/95 - 1996/97)



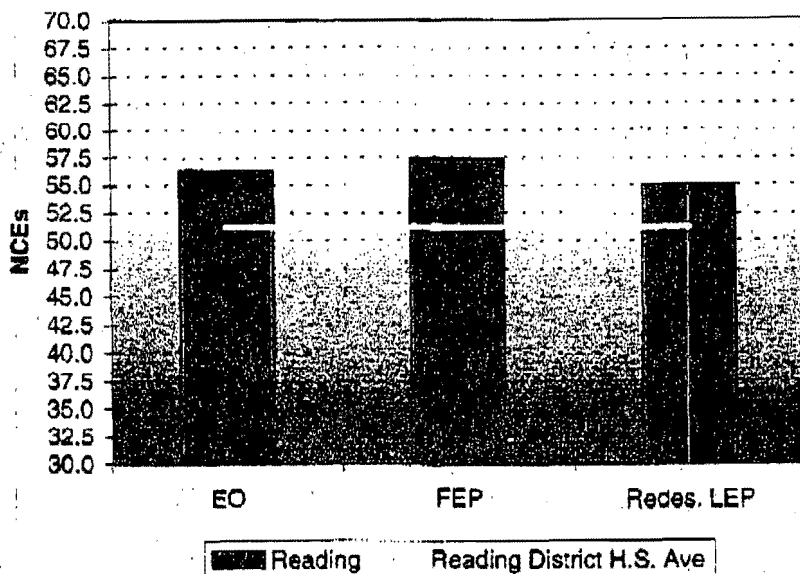
Results based on:
1994/95 - 1996/97
Ave. Number of Students
EO 3,022
FEP 2,870
Redes. FEP 2,950

GRAPH 4: District-Wide Comparison of Middle School Mathematics Achievement by Language Proficiency (1994/95 - 1996/97)



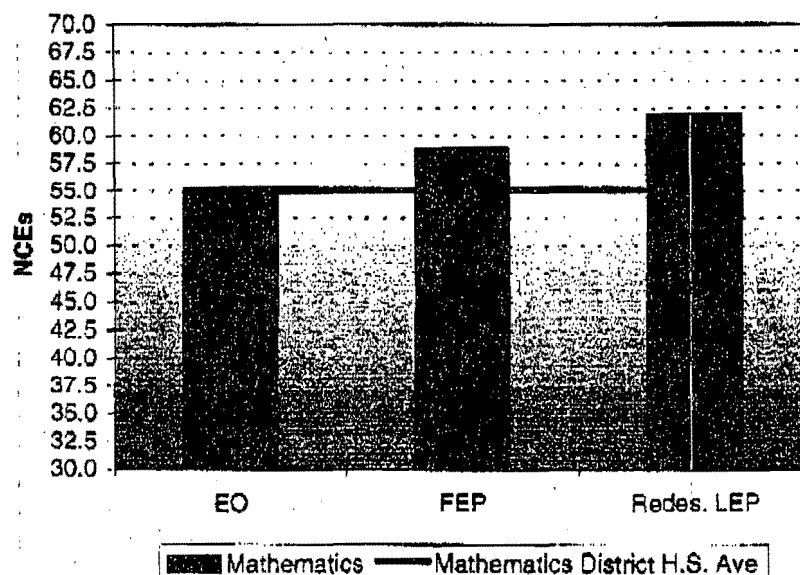
Results based on:
1994/95 - 1996/97
Ave. Number of Students
EO 2,893
FEP 2,790
Redes. FEP 2,927

GRAPH 5: District-Wide Comparison of High School Reading Achievement by Language Proficiency (1994/95 - 1996/97)



Results based on:
1994/95 - 1996/97
Ave. Number of Students
EO 4,880
FEP 1,944
Redes. FEP 3,760

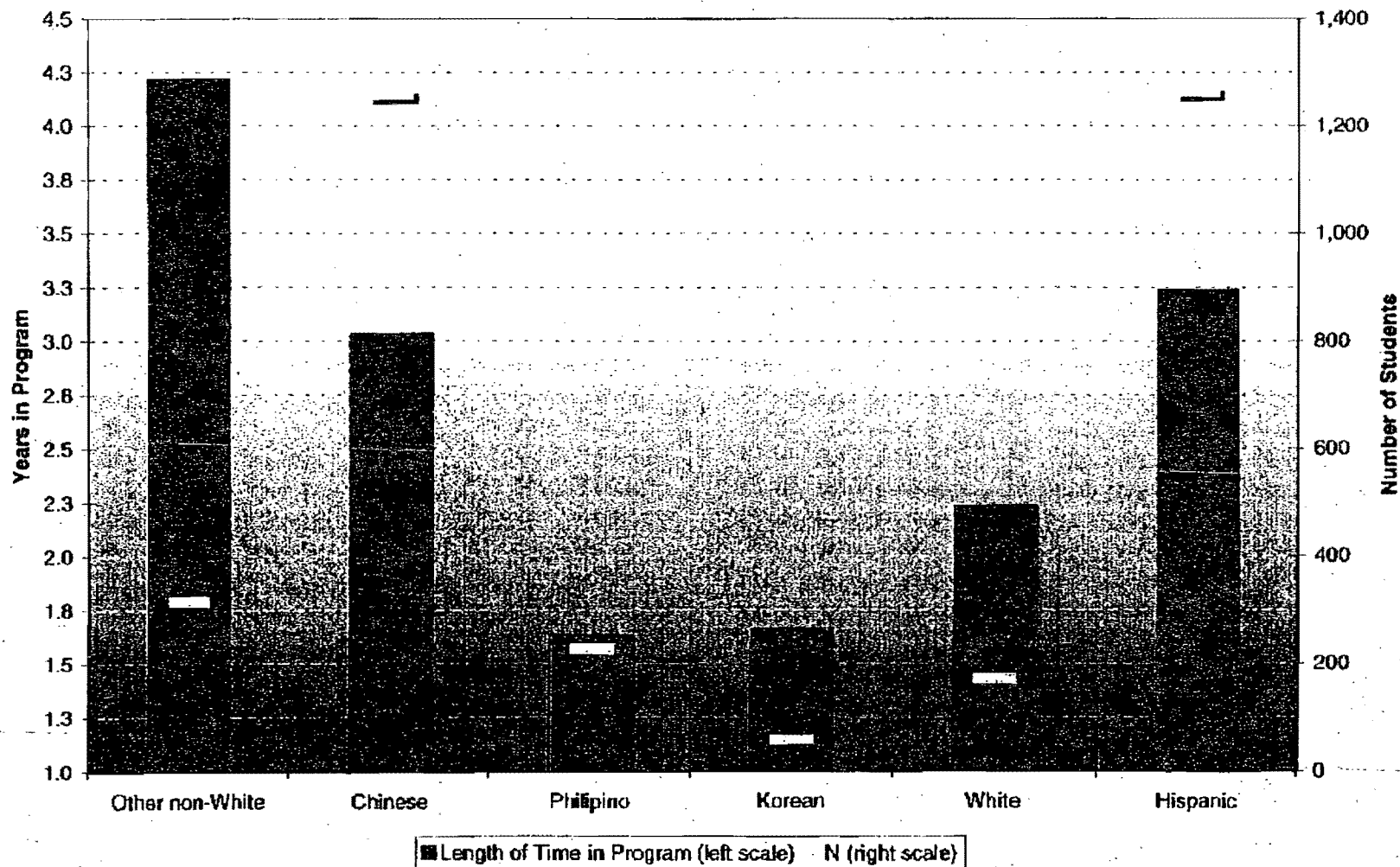
GRAPH 6: District-Wide Comparison of High School Mathematics Achievement by Language Proficiency (1994/95 - 1996/97)



Results based on:
1994/95 - 1996/97
Ave. Number of Students
EO 4,193
FEP 1,706
Redes. FEP 3,265

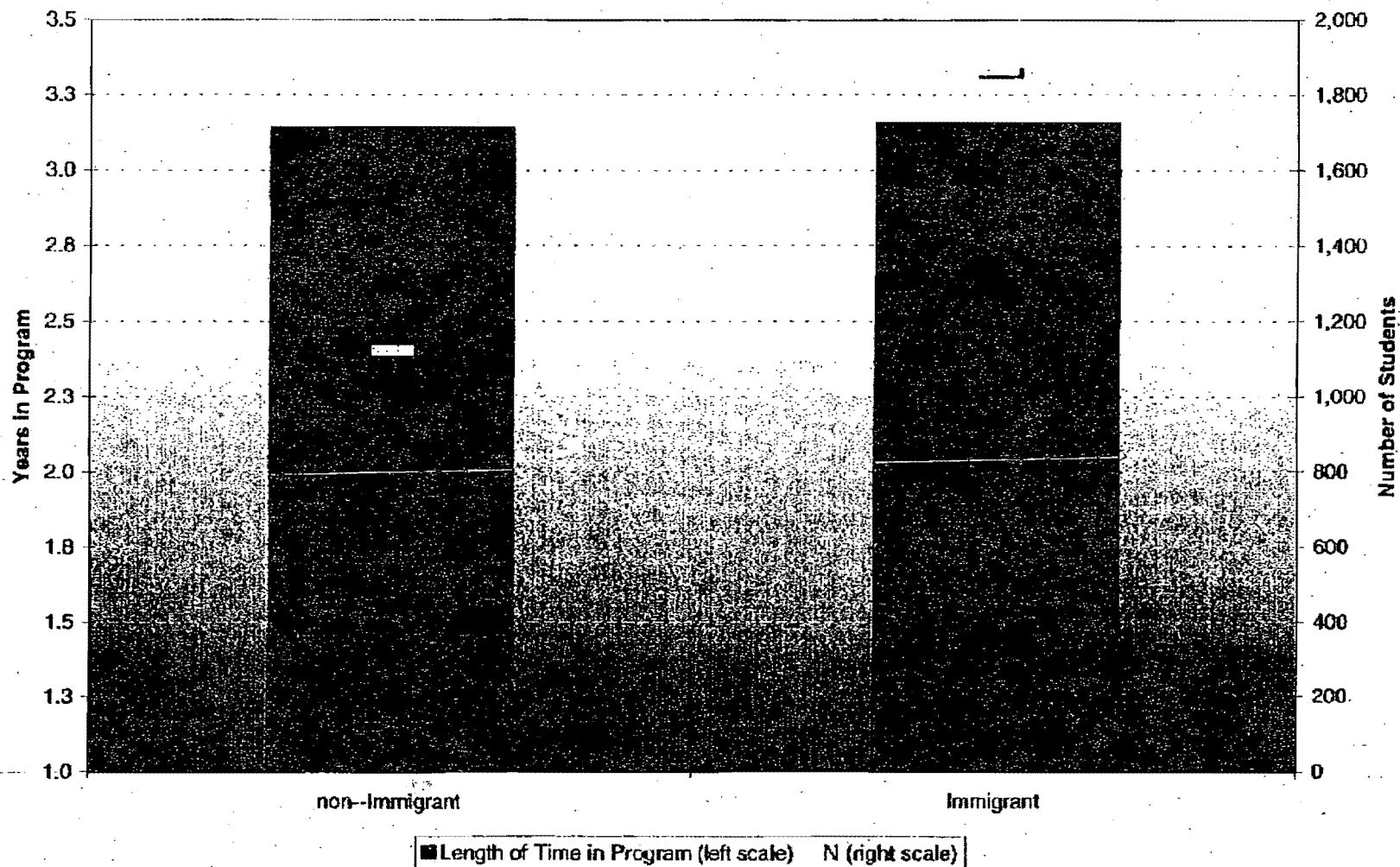
Language Academy Schools

Length of Time Current 1996-97 LEP Students Have Been in A Program by Race



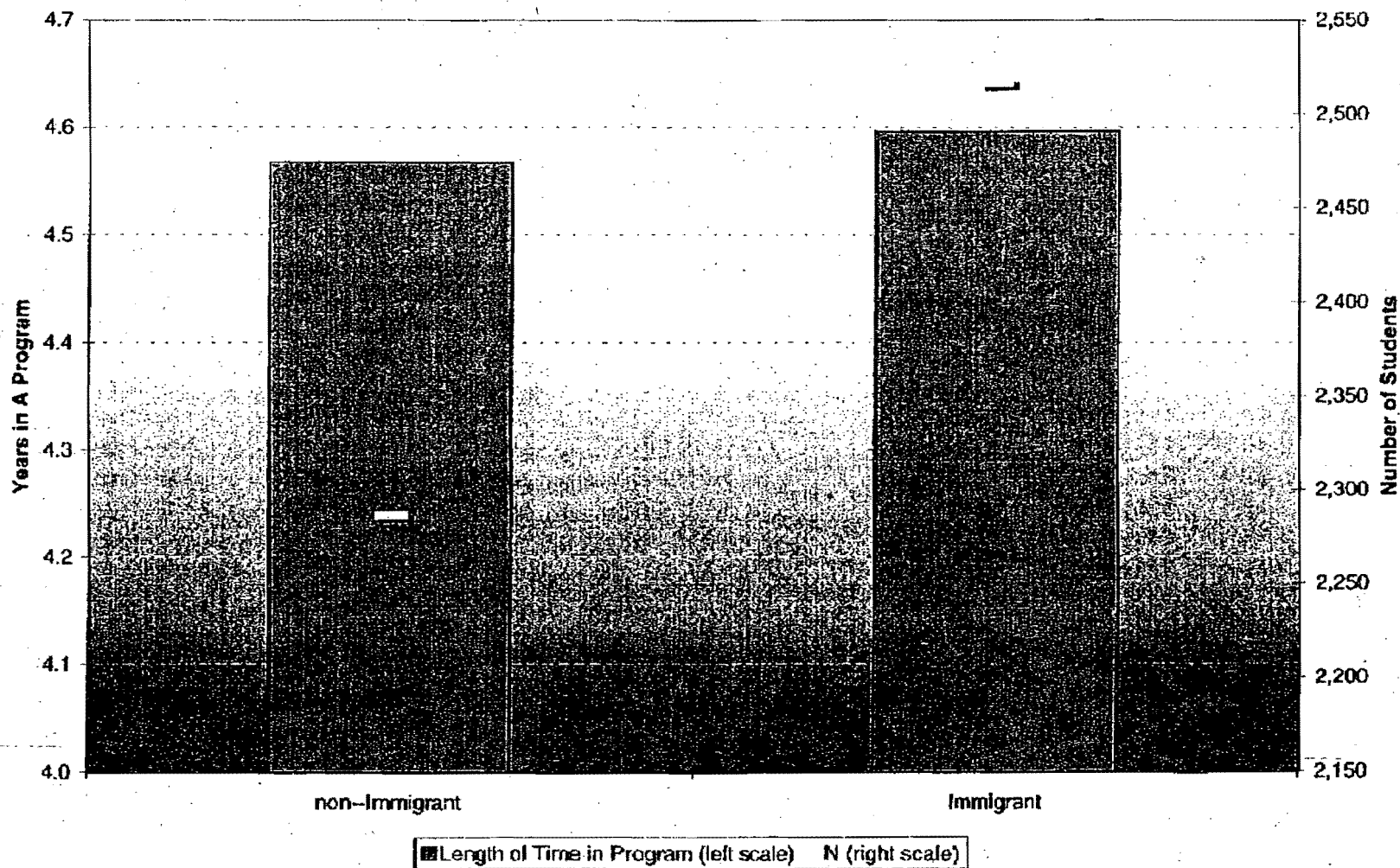
Language Academy Schools

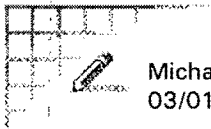
Length of Time Current 1996-97 LEP Students Have Been in A Program by Immigrant Status



Language Academy Schools

Length of Time Until Redesignation (Redesignation Status in 1996-97)





Michael Cohen
03/01/98 02:33:08 PM

Record Type: Record

To: See the distribution list at the bottom of this message
cc: Jonathan H. Schnur/OVP @ OVP
Subject: Unz/Bilingual ed

We are meeting on Wed, March 4 (4:30 in OEOB 211) to review where we are on Unz and, in particular, to discuss with Mike and Delia from Education options for possible changes to the bilingual education program. Over the past few days I've managed to talk to almost all of you. In order to bring everyone up to speed and help focus our discussion on Wednesday, I thought it would be helpful to try and capture where I think we are right now.

1. There is an emerging consensus among ourselves for a recommendation to the President to oppose Unz.

I think we have all concluded that Unz is bad policy, and that it is in the Administration's long-term political interest to come out against Unz. This is despite the fact that, with the exception of a number of advocacy groups in CA, just about everyone we have talked to believes that Unz will pass.

Assuming the President agrees with this recommendation, we have not yet come to agreement on who should announce the Administration's position, or when it should be announced. Over the past several weeks, our informal conversations have focused alternately on Secretary Riley or the Vice President or the President. With regard to timing, my latest conversations with Mickey and Karen focused on making our position known within the next 30-45 days (by mid-April).

2. There is also an emerging consensus that opposition to Unz must be combined with a "mend it don't end it" position on bilingual education, which stresses that helping LEP kids master English is a primary purpose of bilingual education programs, and which proposes steps to increase the effectiveness of bilingual education programs.

When we meet on Wednesday we will review Education Department recommendations for strengthening bilingual education. The Department has been conducting an evaluation of bilingual education. I'm not certain when the results of this evaluation will be available, but, if we can get them soon enough they should help inform any changes we propose.

3: We are not getting intense pressure yet to take a position on Unz.

While the California advocacy groups pressed us to help with the fight against Unz (by taking a public position and by helping with fund raising), the elected officials have not been pushing for the Administration to get involved in this battle. The initiative is still below the radar screen for the public and for most educators. Nonetheless, pressure is likely to build soon, so we shouldn't relax. Karen thinks we probably need to take a public position within the next 30-45 days, by mid-April.

4. We are mid-way through the consultation process we agreed we would undertake before an Administration position could be announced.

We've talked with national advocacy groups, and with California elected officials and educators, researchers and advocates. We've talked with Unz and some of his supporters in the CA legislature. Mickey was in CA last week and had additional conversations with elected officials;

Karen is staying on top of things as well, and has talked with a number of legislators in the past few days as well.

On Wednesday a number of us are meeting with Dems in the CA Congressional delegation. We also need to meet with members of the Hispanic Caucus (though I don't think this is scheduled yet.) Next week there is a meeting with the Hispanic Education Coalition.

5. There is some movement on the compromise legislation.

Karen reports that the compromise legislation we discussed during our visit is picking up some momentum, and that Sen. Alpert may be on the verge of reaching agreement with members of the Hispanic Caucus on some amendments to her bill.

We still don't know if this legislation will draw Wilson's signature or veto, and even if enacted it is not likely to stop Unz. However, if this bill moves it would give opponents of Unz better ammunition and cover.

I think that covers the main points that have come up in conversations over the past few days. Let me--and everyone else--know if I've gotten anything wrong.

Message Sent To:

Elena Kagan/OPD/EOP
Maria Echaveste/WHO/EOP
Mickey Ibarra/WHO/EOP
Karen E. Skelton/WHO/EOP
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Mike_Smith @ ed.gov @ inet
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The proposed California ballot initiative known as "English for Children" will eliminate choices for parents, local control over instructional methods, and stifles teacher judgement for limited English proficient children.

This initiative would require that limited English proficient children will only receive English immersion instruction for a maximum of one year, except under extraordinary circumstances. This approach ignores evidence that supports effective teaching geared to the needs of specific students, rather than adhering to a single instructional method are needed to help children learn English and achieve high academic standards.

The Clinton Administration supports effective bilingual education that is: 1) focused on teaching all students to be able to read English effectively and independently and to succeed in mainstream school classes as soon as possible; 2) taught by qualified and well-trained teachers; 3) designed to combine English with the native languages of students, as appropriate, to support content learning; and 4) allows students to access a quality curriculum linked to state and national standards.

The California Initiative - The 'English for Children' Ballot Initiative Pros and Cons

Cons

- Creates a "one size fits all" approach to educating limited English proficient students.
- Eliminates the rights of parents and teachers to choose the best educational approaches for the student to learn English and succeed in school.
- Severely limits the authority of local school boards to offer the best instruction for limited English proficient children.
- Removes the ability of educators to adequately address the individual needs of students.
- In all probability will increase the number of problems for schools which must comply with federal civil rights law.*
- Segregates limited English proficient students.
- Requires the use of an untested method of teaching English to limited English proficient students.
- Teachers will be held personally liable if they do not comply with the initiative in providing only one year of immersion instruction and then placing the child in mainstream English classroom.
- Teachers are not currently prepared to teach the number of limited English proficient children who will enter mainstream English classrooms at a much earlier stage in learning English or prepared to teach high-quality and effective immersion programs.

Pros

- Allows parents to choose whether their child will be in bilingual educational.
- Requires limited English proficient children to enter mainstream educational opportunities after one year.
- There is an existing educational need for a different kind of program for limited English proficient children.
- The implementation of Unz would be less costly to the taxpayer than the current system of teaching English.

* Lau v. Nichols is a 1974 Supreme court case where the Court held that school districts must take steps to ensure that national origin minority group children, who have limited proficiency in English, can effectively participate in the districts' educational programs.

Berman

[Do Peneduit Schools have bilingual ed program

Zoe Lefgren - Parents come out

- watch out for local control

Mark Mahan - certain result in each act of his

(test)

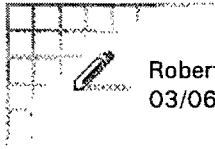
Col (?) - don't remember what
focus on program that work

focus on results

Bob Filner - "we should all be bilingual"

- talk about 2 languages or a group

Figure - like adult English program



Robert M. Shireman
03/06/98 01:41:47 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: Yesterday's Washington Times article on Bilingual Ed.

In case you didn't see it:

The Washington Times

03/05/98; Edition: 2; Section: A;NATION; Page A6 Category: National

Study links bilingual education to limited earnings potential

By Carol Innerst

THE WASHINGTON TIMES

Bilingual education handicaps Hispanic children, severely limiting their earnings potential when they enter the job market, a new national study shows.

On average, first-generation Hispanic students who went through bilingual education programs over the past two decades are now earning about 50 percent less than their peers who received an English-only education.

The study, conducted by University of Maryland labor economist Mark Hugh Lopez and Marie T. Mora, an economics professor at New Mexico State University, is the first to link participation in a bilingual education program with later labor market opportunities.

"Between \$8 billion and \$10 billion a year are spent on special services for limited-English-proficient students at the state and local level," said Mr. Lopez, an assistant professor in Maryland's school of public affairs. "However, these programs may be hindering rather than helping these students."

In 1991, first-generation Hispanic workers who had participated in bilingual education classes earned an average \$19,240 compared with average earnings of \$26,794 for their peers who did not enroll in such programs.

Among second-generation Hispanics - those born in this country to foreign-born parents - students in bilingual education earned on average about 30 percent less than those in English-only programs. The income disparity did not exist for third-generation students.

"One would expect that first-generation Hispanic students {those who are foreign born} would be the most likely to benefit from these programs, yet they are the ones suffering the greatest penalties in the labor market," Mr. Lopez said. "This raises concern that bilingual education may widen, rather than narrow, the socioeconomic gap between limited-English-proficient groups and those for whom language is not an issue."

Using data compiled from the 1990 census and the High School and Beyond surveys of the National Center for Education Statistics, the researchers looked at the incomes of 1,251 students who graduated from high school in 1982.

It is not a random sample, but controls for education and background characteristics and captures the "sample states would identify as potential {bilingual education} students," Mr. Lopez said.

"No matter how we cut this data, we're getting the same negative results across the board in earnings and educational attainment," he said.

"The results do not surprise me," said Rosalie Porter, chairman of the board of the Institute for Research in English Acquisition and Development (READ), a Massachusetts-based organization that focuses on educational improvement for language-minority children.

"Analogous to this, the dropout rates for Latino children are so high after 30 years' investment in bilingual programs," Mrs. Porter said. "In Los Angeles public schools at the end of the 1995 school year, the Latino dropout rate was 44 percent compared to 20 percent for the state as a whole.

"The troubling part, of those who had dropped out, 75 percent had been in a bilingual program. If bilingual education were a helping tool, it should be producing more academic success for bilingual kids through high school."

Since passage of the Bilingual Education Act in 1968, school districts have implemented many programs aimed at meeting the needs of the nation's growing immigrant populations. In 1995, there were about 2.8 million limited-English-proficient students in U.S. schools, 75 percent of whom were Spanish speakers.

Debate over the effectiveness of bilingual education programs, which employ native-language instruction, has heated up as California moves toward a June vote on the "English for the Children" initiative that would nearly abolish bilingual education in the state's public schools.

English-only advocates say that students must be immersed in the English language to effectively learn it. They oppose the segregated bilingual classes where immigrant students do not mix with English-speaking peers and as a result do not easily assimilate into American culture

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