

San Francisco Chronicle

NORTHERN CALIFORNIA'S LARGEST NEWSPAPER

WEDNESDAY, JUNE 3, 1998

Big Victory for Measure To End Bilingual Education

Opponents say they'll file suit today

By Nanette Asimov
Chronicle Staff Writer

True to pre-election polls, the anti-bilingual education measure Proposition 227 won overwhelmingly last night — leading opponents to announce they will sue today to block the measure.

A second education measure, Proposition 223 — the 5 percent spending cap on school administration — was trailing last night.

Proposition 227 will outlaw nearly all classes taught in languages besides English, and replace them with an English-language class lasting one school year. The measure will affect California's 1.4 million non-English-speaking students, or nearly one in four students.

"The people in California and the Latino immigrants have won a tremendous victory," said Ron Unz, the software entrepreneur who bankrolled much of the crusade to end bilingual education. He and others in the English-only campaign spent the evening in a Los Angeles hotel glued to the Internet, watching returns.

"We won despite the opposi-

tion of the president of the United States, the chairmen of the California Republican and Democratic parties, and all four candidates for governor," he said.

State Superintendent Delaine Eastin — who was falling short last night of the 50 percent vote needed to avoid a runoff against Gloria Matta Tuchman, a Proposition 227 co-sponsor — said she will uphold the new law despite her opposition.

"The just-passed initiative provides for a transition period of at least 60 days, and I will be contacting school districts within the next few weeks with preliminary guidance," Eastin said.

She said an implementation team will also "review ambiguous provisions of the initiative" that may conflict with federal law.

But a victory for Proposition 227 is no assurance that the educational landscape will change anytime soon.

"We will sue to seek relief from this ill-founded, illegal proposition that would set our children back over 30 years," said San Francisco

ANTI-BILINGUAL: Page A16 Col. 3

STATE PROPOSITIONS

219 — Ballot measures

59% of precincts reporting

	VOTE	%	NO	VOTE	%
YES	1,986,913	67	NO	957,562	33

220 — Courts

59% of precincts reporting

	VOTE	%	NO	VOTE	%
YES	1,967,480	64	NO	1,098,268	36

221 — Judicial officers

59% of precincts reporting

	VOTE	%	NO	VOTE	%
YES	2,400,346	81	NO	564,596	19

222 — Murder sentences

59% of precincts reporting

	VOTE	%	NO	VOTE	%
YES	2,429,499	78	NO	699,480	22

223 — School admin. costs

59% of precincts reporting

	VOTE	%	NO	VOTE	%
YES	1,474,804	46	NO	1,699,863	54

224 — State contracting

59% of precincts reporting

	VOTE	%	NO	VOTE	%
YES	1,200,665	39	NO	1,872,787	61

225 — Term limit labeling

59% of precincts reporting

	VOTE	%	NO	VOTE	%
YES	1,663,738	54	NO	1,423,729	46

226 — Union dues use

59% of precincts reporting

	VOTE	%	NO	VOTE	%
YES	1,499,079	47	NO	1,704,235	53

227 — Bilingual education

59% of precincts reporting

	VOTE	%	NO	VOTE	%
YES	2,049,005	62	NO	1,276,646	38

Anti-Bilingual Education Measure Wins

From Page 1

superintendent Bill Rojas, confirming that his district will join Latino civil rights groups and the American Civil Liberties Union in a federal lawsuit today.

They are expected to claim the measure violates a federal guarantee of equal access to education, and are holding press conferences in San Francisco this morning.

School districts from San Jose to Sacramento say they have no plans to stop using primary languages to help children learn. Several — including Oakland, San Jose, and Berkeley — said they will also try to win a state waiver.

San Francisco and Alameda were the only counties in the state where the measure was failing last night.

With the measure's victory, proponents may also head to court. Proposition 227 lets parents sue any teacher who violates its English-only provisions.

But its passage also places up to \$61 million of federal bilingual ed-

“We will sue to seek relief from this ill-founded, illegal proposition ...”

— BILL ROJAS, S.F. superintendent

ucation money to California, say U.S. education officials. That is because 70 percent of the \$88 million in total funding comes in the form of grants for many activities that, as of today, may be illegal.

Each of the 254 such grants held by California districts will now come under immediate review, said Delia Pompa, director of bilingual education for the U.S. Department of Education.

Although no other state has produced an initiative similar to Proposition 227, several are watching closely to see how the legal and financial issues unfold in the nation's largest state school system.

In California, about 700,000 children have been taught all or partly in their first language, records show.

Under Proposition 227, such classes will be prohibited for children under age 10 unless parents of 20 students in the same grade make a request in person each year. This rule also will apply to “language immersion” schools, which are popular with English-speaking children learning a foreign language.

The measure also requires that \$50 million in school money be spent each year to teach English to adults.

Teacher Luisa Ezquerro, bilingual education department chairwoman at San Francisco's McAteer High, said she will not comply with the English-only rule, despite the threat of lawsuits against teachers. Her views showed how hard it will be for teachers, who mainly opposed the measure, to comply with it.

“I'll go to court,” she said. “If they want to use me as a test case, fine.”

Meanwhile, Proposition 223 was trailing last night. The measure would cap spending on school administration at 5 percent of a district's overall budget.

Districts failing to comply would be fined about \$175 per pupil, money that would be given to districts that did comply. Oppo-

nents say the measure, developed by the Los Angeles teachers' union, would benefit the vast Los Angeles district at the expense of smaller districts.

Statewide, districts spend an average of 7.3 percent on administration — or about \$700 million more than the proposition would allow, said the state Legislative Analyst.

Only the rare district spends 5 percent or less on administration. Los Angeles spends 7.4 percent, San Francisco 8.4 percent, Oakland 9.9 percent, Mount Diablo 5.5 percent, and San Jose 10.6 percent.

The Sacramento Bee

Big ad push by Prop. 227 foes

Bilingual-ed allies to raise cost issue

By Phil Garcia
Bee Deputy Capitol Bureau Chief

With less than a month before the vote, opponents of a June 2 ballot measure to all but end bilingual education are launching a television advertising campaign that attacks the measure as a "\$50 million-a-year . . . new spending program" that won't benefit children.

The ads, two versions of a 30-second spot and a separate 10-second pitch to defeat Proposition 227, are expected to be aired in the last two weeks of the campaign, Richie Ross, campaign consultant to the opposition campaign, Citizens for an Educated America, told The Bee on Wednesday.

Those ads will be supplemented by a Spanish-language ad that is scheduled to begin airing statewide on Friday and that argues the measure won't allow parents and teachers to decide what is best for students.

Ross declined to say how much is being spent on the ads and exactly when the English-language ads would begin airing.

The main provision of Proposition 227 would mandate a state-wide system of English-immersion instruction — intended to last one year — for the roughly 1.4 million California public school students identified as having limited English-speaking skills.

But the opposition campaign for weeks has blasted a provision in the measure that calls for a \$50 million-a-year expenditure for the next 10 years to provide free or subsidized adult English programs for parents and others who "pledge" to tutor students with limited English skills.

"This fight is about that \$50 million being spent that way," Ross said. Proposition 227, sponsored by Silicon Valley software entrepreneur Ron Unz, has consistently received strong support in the polls — 71 percent in the last Field Poll. An Unz spokeswoman suggested Wednesday the opponents' ads wouldn't reverse voter sentiment.

"It sounds like they're trying to appeal to the conservative voter without disclosing all the information about the savings that will go along with the end of the current (bilingual education) program," said Unz' spokeswoman, Sheri Annis.

For its part, the Unz campaign at this point is planning to run radio ads statewide in English and Spanish, Annis said.

That the opposition campaign even has money on hand to buy television time is somewhat surprising in that the most recent campaign disclosure statements showed it had roughly \$530,000

cash on hand — an amount that wouldn't sustain a large television buy.

Throughout the campaign thus far, Unz has highlighted support he has received from Latinos in doing away with existing bilingual education programs that he argues harm Latino immigrant students.

The opponents English-language ad counters with a young, Anglo girl who peers into the camera with an alarmed look and declares, "The people behind Proposition 227 don't tell you the state already ended mandatory bilingual education. And they don't tell you about the money."

An adult male voice then intones, "Proposition 227 appropriates \$50 million a year for a new spending program." The girl adds, "And it won't go to our schools." The male voice continues, "Proposition 227 funds teaching non-English speaking adults who will tutor kids English."

The ad ends with the girl saying, "Kids won't learn English that way" and with the male voice closing with, "President Clinton says 'No' on 227."

The first line in the ad refers to the state Board of Education's unanimous decision last month to adopt a new bilingual education policy that allows local school districts to choose how to educate students with limited English skills.

In citing Clinton, opponents are highlighting the White House's recent decision to oppose the measure.

Thursday, May 7, 1998 **A3**

Summary of Prop. 227 Campaign Spending

Yes on 227 was outspent by a ratio of nearly 20 to 1 in advertising

The Yes on 227 ("English for the Children") campaign committee was established in May 1997, and raised and spent nearly \$900,000 through December 1997. The bulk of these funds were spent on gathering the nearly 800,000 signatures submitted to qualify Proposition 227 for the ballot. The cost of this qualification campaign was quite low by initiative standards (for example, during 1998, a group spent \$3.5 million to qualify an initiative expanding the availability of Charter Schools in California). This financial information is based on official campaign spending reports filed with the California Fair Political Practices Commission (FPPC).

Following qualification of Proposition 227, the Yes on 227 campaign raised and spent an additional \$350,000 from Jan 1, 1998 through the June 2 election, of which approximately \$200,000 was spent on advertising and voter contact activities.

By contrast, the main No on 227 campaign committee, which was formed late in 1997, raised and spent approximately \$4.4 million from Jan 1, 1998 to June 2, 1998, of which approximately \$3.9 million was spent on advertising and voter contact. In addition, two smaller No on 227 committees together raised and spent some \$50,000 over those same months.

Thus, during the five months leading up to the June 2nd election, the No on 227 campaign outspent the Yes on 227 campaign by a overall ratio of more than 12 to 1, and by a ratio of nearly 20 to 1 in advertising.

Furthermore, A. Jerrold Perenchio, the Republican billionaire who funded much of the No on 227 campaign, also provided large quantities of free air time on his Univision television network to broadcast No on 227 editorials, with no equal time provided for opposing Yes on 227 views (providing equal time for opposing views is standard practice for mainstream media outlets). Although estimating the actual value of this unreported in-kind contribution is difficult, the *Los Angeles Times* (5/22/98) reported that these 60 second editorials were running four times daily on each Univision station during the three weeks prior to the election. Depending on the times these editorials ran, the value of this air-time would be over \$50,000 per day on KMEX-TV in Los Angeles, and perhaps another \$25,000 for the other Univision stations in California, representing an additional in-kind advertising contribution of \$1 to 2 million to the No on 227 campaign.

Los Angeles Times

FRIDAY, APRIL 10, 1998

Asian American Leaders Endorse Prop. 227

■ **Ballot initiative:** Garden Grove, Westminster councilmen say dismantling of bilingual education is in kids' best interest.

By TINI TRAN
TIMES STAFF WRITER

GARDEN GROVE—Proponents of Proposition 227, which seeks to dismantle bilingual education statewide, welcomed endorsements Thursday from their latest supporters: a prominent group of local Asian American leaders, including Garden Grove Councilman Ho Chung and West-

minster Councilman Tony Lam.

The initiative's author and primary funder, Silicon Valley entrepreneur Ron Unz, pointed to the public support as the strongest sign yet of the measure's broad appeal in California's ethnic and immigrant communities.

"I think our initiative has the potential to unify all the different ethnic groups around the notion that young children should be taught English as quickly as possible once they get into public schools," Unz said.

Thursday's press conference marked the first time that a group of Asian American leaders has publicly endorsed the June 2 ballot initiative, which seeks to overhaul the current bilingual program by giving

students with limited English skills a year of intensive English lessons before moving them into regular classes. Few exceptions would be allowed.

The controversial initiative has gained some very clear support among Latino and Asian voters.

According to the latest statewide poll, in March by the Field Poll, based in San Francisco, 70% of voters are in favor of the initiative, with Asian Americans solidly backing the measure by a 6-to-1 ratio—more than among whites or any other ethnic group. Of the 1,178 voters surveyed, 75% of Asians, 71% of whites, 63% of blacks and 61% of Latinos indicated that they would vote for the measure.

Yet even with the measure's popular support, many politicians have shied away from an issue that has been painted by some as the logical race-based sequel to Propositions 187 and 209, which struck at illegal immigration and affirmative action.

The Asian American leaders who came to the press conference Thursday said that their decision stems not from politics but from personal experience with the U.S. educational system.

"The education issue cannot be distorted by ethnic sensibilities or political opportunism," said Chung, who organized the press conference. "Children are our future. We have to educate them. We have to have

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PROP. 227: Initiative Backed by Prominent Asian Americans

Continued from B1

one common language for everybody to be able to communicate. . . . That's why my heart is with this issue."

Chung, a Korean immigrant who arrived in the United States 30 years ago, said that his four children's experience in the education system convinced him that teaching students in English as early as possible is key to their success.

"When I came, my first concern was how my daughter would pick up English," he said. "But her teacher provided extra care in English . . . and she picked up English just as the other kids in her class."

He was echoed by Westminster's Lam, who came to America as a Vietnamese refugee with six children in 1975.

"It looks like a racial issue, but it's not. Ultimately, this will benefit the children," he said.

Lam supported his school district in 1996 when it was one of four Orange County districts that successfully petitioned the state to drop bilingual education altogether. Last month, the State Board of Education formally turned over to local school districts the responsibility for deciding how to handle bilingual education.

Education groups have lined up in heavy opposition to denounce what they say would be a dangerous experiment in language instruction. But initiative proponents say the decades-old bilingual education system has proved to be a failure.

Proposition 227 is "something that most affects California's immigrants—Asian immigrants, Latino immigrants, European immigrants," Unz said. "It's especially important that our initiative has received strong support from California's immigrant community."

The Sacramento Bee

A4 Thursday, April 23, 1998

Prop. 227's critics attack mandated adult-literacy cost

By Phil Garcia
Bee Deputy Capitol Bureau Chief

CAMPAIGN  '98

Behind in the polls and just weeks away from the vote, opponents of a ballot measure that would all but end bilingual education are out to tar the initiative as nothing less than a \$500 million taxpayer boondoggle.

Be it in statements to the media, debates on talk radio or televised community forums, the new line of attack against Proposition 227 is that it would mandate \$50 million a year for the next 10 years to be spent on adult literacy — separate from any spending on classroom instruction. That's "taking money away from the schools to teach adults English at an additional cost to taxpayers," said one recent news release.

"In all the debates that I go to, ... the main line of attack is the \$50 million," Ron Unz, the Silicon Valley software entrepreneur backing the measure, said recently.

"This is coming from groups who have never opposed education spending. ... They suddenly have switched gears just (weeks) before the election, which isn't very effective."

The main provision of Proposition 227 would mandate a state-wide system of English-immersion

instruction for the roughly 1.4 million California public school students identified as having limited English-speaking skills.

The initiative also has a provision calling for a \$50 million-a-year "community-based English tutoring" program, starting with "the fiscal year in which this initiative is enacted and for each of the nine fiscal years following thereafter."

That provision adds that the money is to come from the state's general fund budget to provide free or subsidized adult English programs "to parents or other members of the community who pledge to provide personal English language tutoring to California school children with limited English proficiency."

According to the analysis by the state legislative analyst in the official primary ballot pamphlet, the costs of the provision "would likely reduce spending on other school programs by a like amount," although total state funding for K-12 schools "probably would not change" because of constitutional-guaranteed levels of spending.

Richie Ross, campaign consultant for Citizens for an Educated

America, the group leading the fight against the Unz measure, called the English literacy proposal "a goofy idea."

"This is a new spending program to teach non-English speaking adults who pledge to tutor kids in English," Ross said. "... Had we liberals conceived of anything this stupid, we would have been stoned."

He suggested that the opposition media campaign — once it starts — would highlight the issue. "When you focus attention on this cockamamie \$50 million-a-year boondoggle to give money to adults and not kids, people go ballistic," Ross said.

Unz retorted: "If the worst thing they can say is that it funds adult English literacy ... it shows the desperation of their campaign."

Please see 227, page A5

227: Likely voters strongly favor initiative

Continued from page A4

Normally, English literacy programs are motherhood and apple pie."

For months now, pollsters have consistently found strong voter support for the measure — the latest being a Los Angeles Times poll released last week that showed 63 percent of likely voters favoring Proposition 227 and 23 percent opposed.

The poll, however, did find that those opposing the measure cited the \$50 million-a-year provision for English-language tutoring as a key reason.

Assemblyman Rod Pacheco of Riverside, the Legislature's only Latino Republican, cited the \$50 million provision among other reasons for his opposition to the measure during a recent interview with The Bee.

"(One) problem I have is the additional \$500 mil-

lion ... for adult education in regard to English proficiency. We already provide that service in our state," Pacheco said. "I'm not for adding another \$500 million on top of what we spend for bilingual education every year."

But Assemblyman Tom McClintock, R-Simi Valley, said he'd "rather pay \$50 million a year for a system that works than pay \$300 million a year for a system that fails 94 percent of our children every year.

"One of the legacies of the bilingual bureaucracy is that we have crippled an entire generation, leaving them without the tools to succeed in an English-speaking country," McClintock added.

But Ross remained undeterred. "It'll be dead meat when we finish," he predicted.

San Francisco Chronicle

NORTHERN CALIFORNIA'S LARGEST NEWSPAPER

TUESDAY, APRIL 28, 1998

A3

Education Secretary Blasts Proposition 227

Riley calls proposed limits on bilingual programs 'disaster'

By Louis Freedberg
Chronicle Washington Bureau

Washington

Secretary of Education Richard Riley yesterday unambiguously denounced Proposition 227, which would end most bilingual education programs in California, as a "disaster," "counterproductive" and "just plain wrong."

The announcement ended a months-long debate within the administration over whether to publicly oppose the initiative, which the latest Field Poll shows is favored by 70 percent of likely voters.

"Proposition 227 may satisfy people's sense of frustration, but ultimately it is counterproductive to our common goal of making sure children learn English while making academic progress in oth-

er subjects as well," Riley said in a lengthy statement.

Governor Pete Wilson said he has not yet decided whether he favors the proposition, though he is "strongly leaning that way." But in keeping with a long-standing feud with Clinton on a range of issues — from affirmative action to immigration — Wilson accused the president of meddling in what is purely a state issue.

"I frankly think he has no business, I think the U.S. Department of Education has no business," said Wilson, "substituting his judgment for that of the people of California," where the federal government spends approximately \$80 million annually on bilingual programs.

Despite Riley's language, the administration is trying to carve out a middle ground on the issue

— similar to its "mend it, don't end" policy on affirmative action.

Administration officials acknowledged yesterday that some children remain in bilingual education classes longer than they should, and said that ideally children should learn English in no more than three years. But Riley emphasized that the three-year time line is not a "mandate" or a "command."

"Some children may learn English in one year or two, and others may need three years or even more," he said. "The focus should be on the individual needs of each child and not on some artificial and arbitrary time frame."

By proposing a flexible approach, the administration is taking aim at a key element of Proposition 227, which requires children with limited English proficiency to be taught in special "English immersion" classes for one year before being transferred into regular classes.

"The one-year time limit and one-size-fits-all approach to learning English flies in the face of research that tells us that children learn in different ways and at different speeds," said Riley.

Administration officials said its legal analysts have studied the proposition and concluded that it would not violate civil rights laws, including the Supreme Court's landmark 1973 *Lau vs. Nichols* ruling, which led to bilingual programs across the nation. In that case, brought by Chinese parents in San Francisco, the court ruled

that school districts must take steps to ensure that limited English-proficient students can fully participate in the regular school program.

But Riley warned that actual implementation of the initiative could cause school districts to run afoul of federal law. "The initiative will in all likelihood result in problems under federal civil rights laws," said Riley.

Education Undersecretary Marshall Smith, a former dean of the School of Education at Stanford University, said the administration will not propose any changes to bilingual education policy until next year, when Congress is expected to weigh in on the issue.

But he suggested that for now, the administration has rejected the notion of cutting off funds to California districts that do not provide full educational opportunities for immigrant children. "You'd like to have teeth in laws; you'd like to hold communities accountable," he said. "At the same time, you don't want to withdraw funds that are being used to support kids."

"Proposition 227 ... is counterproductive to our common goal of making sure children learn English while making academic progress in other subjects."



— RICHARD RILEY,
secretary of education

"I frankly think (the president) has no business ... substituting his judgment for that of the people of California."



— GOVERNOR PETE WILSON

The Sacramento Bee

A4 Sunday, May 31, 1998

► CAMPAIGN '98

CAMPAIGN NOTEBOOK

A weekly roundup of odds and ends from the trail of Campaign '98

Persistent questioning gets right sound bite

Quote of the week

"People don't wake up in the morning and say, 'I wonder what the Board of Equalization is doing today?'"

— Johan Klehs, a Castro Valley Democrat, on the relative obscurity of the state Board of Equalization, which collects more than \$35 billion a year in taxes and to which he is seeking re-election.

When the four leading gubernatorial candidates were asked at a May 23 debate on Spanish-language television to give a "simple and clear answer" on how they would vote on Proposition 227, there may have been a simple and clear reason.

The videotaped responses from candidates **Al Checchi**, **Gray Davis**, **Jane Harman** and **Dan Lungren**, all of whom had announced their opposition to the bilingual-education measure well before the debate, soon ended up on a statewide television ad for the forces fighting the initiative.

Those forces include **A. Jerrold Perenchio**, who has donated \$1.5 million to the effort against 227 and is the chairman of the Spanish-language network Univision, the debate sponsor.

Lungren appeared a little miffed when the Univision moderator pressed him for a "yes or no" answer even after Lungren had said he opposed the measure.

"I'm voting no. That's what I mean by opposition," repeated Lungren.

Checchi also said he opposed the measure, but was pressed until he finally said he too would vote no.

Sure enough, the anti-227 ad features those very sound bites, along with similar responses elicited from Davis and Harman.

A Univision spokeswoman denied their moderator was seeking sound bites for the commercial.

Richie Ross, the anti-227 campaign manag-

er who made the ad, said he went to the debate with a commercial in mind, but did not tell the candidates. He also denied any coordination with Univision, except to ask "for all the videotapes of the debate they had."

Nor did the candidates know why the Univision cameras captured them in a group shot before the debate, holding their hands together much like a sports team does before a game.

They know now. That rare show of togetherness among the four rivals closes the 30-second anti-227 ad. Univision spokeswoman **Anne Corley** said the group shot was taken for "post-event publicity" for Univision.

The un-endorsed candidate

Bill Lockyer's campaign staff says it was an innocent mistake. His opponents say it was a deliberate attempt to deceive voters.

Whatever the cause, about 440,000 voters last week received a "pro-choice" slate mailer stating that Lockyer, a Democratic state senator running for state attorney general, has been endorsed by U.S. Sen. **Dianne Feinstein**.

Problem is, Feinstein has not endorsed any candidates in the race for attorney general. The producers of the mailer were not informed of the error until after the cards were printed, but before they were mailed, and there were intense discussions about how to correct it. Finally, it was decided — with Feinstein's

approval — that the mailer would go out with the error, but that Lockyer would also send voters a separate mailer correcting it.

In his mailer, Lockyer apologized, blaming the error on "a miscommunication by my campaign for which I accept full responsibility." However, the "correction" underscored a different sentence — one praising Lockyer's endorsement by the Pro-Choice Voter Guide.

Cease-fire

Throughout Thursday's Republican senatorial debate in San Jose, state Treasurer **Matt Fong** and businessman **Darrell Issa** maintained a civilized demeanor despite frequently exchanging sharp words.

In fact, at one point, there was a toast.

Asked about campaign finance reform, the wealthy Issa, who has lent his campaign more than \$12 million, reiterated his support for raising the cap on the amount of money individual donors can give to Senate campaigns, a change that would have made it much easier for Fong to raise money.

"This is always a sad moment when I have to agree with Matt on the campaign trail, but he has some good points," Issa said.

"Cheers," Fong replied, raising a Styrofoam cup in Issa's direction. "Cheers," Issa replied.

It was a rare moment of peace between the two candidates in the final days of their increasingly acrimonious campaign battle.

— Bee Capitol Bureau