

Los Angeles Times

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THE TIMES POLL

Bilingual Education Gets Little Support

■ Latinos, even more than whites, favor dismantling the program. Californians also back assault weapons ban and don't want unions' political activity restricted.

By MARK Z. BARABAK
TIMES POLITICAL WRITER

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

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

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

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

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

Among its other findings:

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

- Californians evidently look

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forward to their expanded choices under the state's new "open primary" law, which allows them to vote next June for whichever candidate they prefer, regardless of party. Only a minuscule percent-

THE TIMES POLL

age said they intended to use the opportunity to make political mischief.

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

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

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

Much of the early attention surrounding the 1998 campaign has focused on the proposed bilingual education initiative. The measure, pushed by Silicon Valley businessman Ron Unz and Orange County schoolteacher Gloria Matta Tuchman, promotes English-only in-

How the Poll Was Conducted

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

struction for California's 1.3 million students with limited English skills.

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

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

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

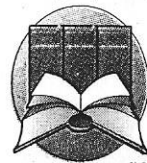
As a case in point, she noted the polling history of Proposition

187, the 1994 anti-illegal immigration initiative. A Times poll conducted in September 1994 found that Latinos supported Proposition 187, 52% to 42%.

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

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

English-Only Support



Percentage of each group supporting a proposed initiative to have all public school instruction conducted in English, and to place students not fluent in English in a short-term English immersion program.

All voters	80%
Whites	80%
Latinos	84%

Source: Los Angeles Times Poll

San Francisco Chronicle

NORTHERN CALIFORNIA'S LARGEST NEWSPAPER

TUESDAY, DECEMBER 9, 1997

Big Majorities In Poll Support Bilingual Limit

Shorter transitions advocated for pupils learning English

By Robert B. Gunnison
and Nanette Asimov
Chronicle Staff Writers

Sacramento

A proposed ballot initiative to dramatically shrink California's bilingual education program enjoys wide support among voters of all parties and ethnic groups, a new Field Poll reports.

Among the 71 percent of voters who said they were aware of the initiative, 51 percent said they would vote yes, 16 percent no and 4 percent said they did not know.

Support strengthened after voters were read a summary of the measure, which is expected to officially qualify for the June ballot in the coming weeks. Sixty-nine percent said they would vote yes, 24 percent no, and 7 percent were undecided.

The measure was backed by 62 percent of Democrats and 76 percent of Republicans; 71 percent of white non-Hispanics, 66 percent of Latinos, 71 percent of African Americans and 55 percent of people of Asian descent and other backgrounds.

Mark DiCamillo, associate director of the poll, said the antipathy for bilingual education is so strong among voters that it overrides particular concerns with the details contained in the measure, which is sponsored by electronics millionaire Ron Unz.

"The concept of teaching kids

in English is a very broad concept that is supported in our society," DiCamillo said. "It touches a very strong nerve in public opinion."

But DiCamillo said the poll's findings may expose a vulnerability. "The quarrel may be with the particulars," DiCamillo said, noting that there is little consensus among voters about how to replace the existing bilingual program.

For example, the survey shows that voters are at odds with parts of the so-called English for the Children measure, especially a requirement that a strictly limited bilingual program be imposed statewide. Fifty-five percent of those polled said they preferred that rules be determined by local school districts, not the state.

DiCamillo also noted wide disparities when voters were asked how long children should receive bilingual instruction.

California's 20-year-old bilingual education law requires that pupils with limited or no English ability be taught in their native language until they are proficient in English, as long as seven years in some cases.

The Unz initiative would impose a "sheltered English immersion" not to last longer than one year.

The poll reported that a quarter of voters thought one year was the appropriate time to learn English, while nearly equal numbers said the instruction should take two or three years.

FIELD POLL/Bilingual education

INITIATIVE

■ After being read a summary of the proposed initiative requiring English as required language of instruction in the public schools, registered voters stated their opinions:

Voter	Would vote YES	Would vote NO	Undecided
Statewide	69%	24	7
Democrats	62%	28	10
Republicans	76%	20	4
Other political affiliations	71%	24	5
White (non-Hispanic)	71%	22	7
Latino	66%	30	4
Black/African American*	71%	22	7
Asian/other*	55%	35	10

* small sample sizes

IMPLEMENTATION

■ Should decisions about how school bilingual education programs are implemented be made on a statewide basis or locally by each school board? (asked of registered voters)

Voter	Locally	Statewide	Undecided
Statewide	55%	40	5
Democrats	51%	42	7
Republicans	58%	37	5
Other political affiliations	55%	40	5
White (non-Hispanic)	53%	42	5
Latino	61%	36	3
Black/African American*	48%	43	9
Asian/other*	65%	24	11

* small sample sizes

The poll was conducted November 12-23 by the Field Institute. Results are from a telephone survey of 696 randomly selected registered voters in California, including 334 Democrats, 271 Republicans, 91 with other political affiliations; 502 whites (non-Hispanic), 101 Latinos, 44 Black/African Americans and 49 Asians/other. The margin of sampling error is plus or minus 3.6 percentage points.

Chronicle Graphic

Both foes and supporters of the proposed initiative claimed the poll results supported their own views.

"I'm pleased by the numbers," said Sherri Annis, spokeswoman for the initiative campaign. "Most of the population wants children to be taught English as soon as possible."

But opponents said the Field numbers show that as voters become more familiar with the details of the initiative, support declines. They also cited an earlier poll by the Los Angeles Times, which showed 80 percent support in October.

"We're making progress," said Kelly Hayes-Raitt, a consultant hired by bilingual education supporters, including the California Teachers Association and the Association of School Administrators.

She added that the seemingly contradictory results over local control vs. support of a statewide mandate suggests that voters may not yet know that teachers and school board members would be held legally liable for failing to teach in the manner prescribed under the initiative, which would become part of the state Education Code.

"Once voters realize that the initiative is out of step with their values, then they'll defeat this initiative in June."

The telephone survey was conducted November 12 to 23 among 696 registered voters. The Field Institute said that among such a group, the sampling error would be plus or minus 3.6 percentage points and that results from subgroups could have larger sampling errors.

Polls, Polls, Polls on Proposition 227

Between October 1997 and June 1998, there were thirteen statewide California public opinion polls by non-partisan organizations on Proposition 227, the "English for the Children" initiative against bilingual education. All showed the measure with a wide lead, but the results varied considerably based on the question asked and the sample size.

(1) Los Angeles Times Poll, Oct. 4-7, 1997, 1092 registered voters: "There is a new initiative trying to qualify for the June primary ballot that would require all public school instruction to be conducted in English and for students not fluent in English to be placed in a short-term English immersion program. If the June 1998 primary election were being held today, would you vote for or against this measure?"

	ALL	DEM	REP	IND	Whites	Latinos
Vote for	80	73	89	80	80	84
Vote against	18	23	10	17	18	16
Don't know	2	4	1	3	2	*

(2) California Field Poll, Nov. 12-23, 1997, 696 registered voters (101 Latinos, 49 Asians, 44 blacks): "This initiative requires that all public school instruction be conducted in English. It provides for initial short-term placement, not normally exceeding one year, in intensive, sheltered English immersion programs for children not fluent in English. It would also appropriate 50 million dollars per year for ten years to fund English instruction for individuals pledging to provide personal English tutoring to children in their community. If the election were being held today, would you be inclined to vote YES or NO on this initiative?"

	ALL	DEM	REP	Others	White	Latino	Black	Asian
Vote YES	69	62	76	71	71	66	71	55
Vote NO	24	28	20	24	22	30	22	35
Undecided	7	10	4	5	7	4	7	10

(3) California Field Poll, Jan. 29-Feb.2, 1998, 729 registered voters (48 Latinos, 29 Asians, 30 blacks): "This initiative requires that all public school instruction be conducted in English. It provides for initial short-term placement, not normally exceeding one year, in intensive, sheltered English immersion programs for children not fluent in English. It would also appropriate 50 million dollars per year for ten years to fund English instruction for individuals pledging to provide personal English tutoring to children in their community. If the election were being held today, would you be inclined to vote YES or NO on this initiative?"

	ALL	DEM	REP	Others	White	Latino	Black	Asian
Vote YES	66	60	73	61	68	46	63	79
Vote NO	27	34	18	30	24	45	37	10
Undecided	7	6	9	9	8	9	*	11

(4) San Francisco Examiner Poll, Feb. 19-21, 444 likely voters: "Proposition 227, titled 'Education, Public Schools, English as Required Language of Instruction Initiative Statute,' will appear on the June primary ballot. If approved, it would require all public school instruction to be conducted in English with certain exceptions and appropriate \$50 million per year for 10 years to fund English instruction programs for persons who pledge to provide personal English tutoring to children in their community. If you were voting on Proposition 227 today, would you vote YES or NO?"

	ALL
Vote YES	67
Vote NO	24
Undecided	9

(5) California Field Poll, Mar. 5-15, 1998, 727 likely voters (71 Latino, 40 Black, 59 Asian): "Proposition 227 requires that all public school instruction be in English, unless parents request otherwise and show certain circumstances. It provides English immersion programs for children learning English and funds community English instruction. Fiscal impact on individual school districts could vary significantly by district, but total state spending on education probably would not change. If the election were being held today, would you vote YES or NO on proposition 227?"

	ALL	DEM	REP	Others	White	Latino	Black	Asian
Vote YES	70	57	84	67	71	61	63	75
Vote NO	20	29	10	20	18	34	30	14
Undecided	10	14	7	13	11	5	7	11

(6) Public Policy Institute of California/Baldassare Poll, Apr. 1-8, 1998, 1,623 registered voters: "Proposition 227, the 'English for the Children' initiative on the June ballot, requires all public school instruction to be conducted in English. It provides short-term placement, usually not for more than one year, in English immersion programs for children not fluent in English. If the election were being held today, would you vote yes or no on Proposition 227?"

	ALL	Latinos
Vote YES	76	57
Vote NO	20	40
Undecided	4	3

(7) Los Angeles Times Poll, Apr. 4-9, 1998, 1,105 registered voters: "Proposition 227, the English Language in Public Schools Initiative Statute, would require all public school instruction to be conducted in English. The requirement may be waived if parents show that the child already knows English or has special needs, or would learn English faster through an alternate technique. It would also provide short-term placement not normally exceeding one year in intensive sheltered English immersion programs for children not fluent in English. And the measure would also provide 50 million dollars per year for ten years to provide English instruction for individuals pledging to provide English tutoring to children in their community. Having heard more, if the primary election were being held today, would you vote for or against this initiative?"

	ALL	DEM	REP	Others	White	Latino	Black
Vote YES	63	62	63	65	66	50	67
Vote NO	24	23	24	25	23	32	19
Undecided	13	15	13	10	11	18	14

(8) California Field Poll, Apr. 20-28, 1998, 649 likely voters: "Proposition 227 requires that all public school instruction be in English, unless parents request otherwise and show certain circumstances. It provides English immersion programs for children learning English and funds community English instruction. Fiscal impact on individual school districts could vary significantly by district, but total state spending on education probably would not change. If the election were being held today, would you vote YES or NO on proposition 227?"

	ALL	DEM	REP	Others	White	Latino	Black	Asian
Vote YES	71	61	82	68	73	58	66	74
Vote NO	21	29	11	24	19	41	18	23
Undecided	8	10	7	8	8	1	16	3

(9) Public Policy Institute of California/Baldassare Poll, May. 1-6, 1998, 960 likely voters: "Proposition 227, the 'English Language in Public Schools' initiative on the June ballot, requires that all public school instruction be conducted in English. It provides short-term placement, usually for not more than one year, in English immersion programs for children not fluent in English. The measure would also provide 50 million dollars per year for ten years for English tutoring. If the election were being held today, would you vote yes or no on Proposition 227?"

	ALL	Latinos
Vote YES	67	48
Vote NO	28	48
Undecided	5	4

(10) Los Angeles Times Poll, May 16-20, 1998, 1097 registered voters: "Proposition 227, the English Language in Public Schools Initiative Statute, would require all public school instruction to be conducted in English. The requirement may be waived if parents show that the child already knows English or has special needs, or would learn English faster through an alternate technique. It would also provide short-term placement not normally exceeding one year in intensive sheltered English immersion programs for children not fluent in English. And the measure would also provide 50 million dollars per year for ten years to provide English instruction for individuals pledging to provide English tutoring to children in their community. Having heard more, if the primary election were being held today, would you vote for or against this initiative?"

	ALL	Likely	DEM	REP	Others	White	Latino
Vote YES	63	63	61	66	59	64	62
Vote NO	25	23	28	19	31	23	26
Undecided	12	14	11	15	10	13	12

(11) California Field Poll, May 20-26, 1998, 714 likely voters (86 Latino, 49 Black, 53 Asian): "Proposition 227 requires that all public school instruction be in English, unless parents request otherwise and show certain circumstances. It provides English immersion programs for children learning English and funds community English instruction. Fiscal impact on individual school districts could vary significantly by district, but total state spending on education probably would not change. If the election were being held today, would you vote YES or NO on proposition 227?"

	ALL	DEM	REP	Others	White	Latino	Black	Asian
Vote YES	61	44	78	65	63	52	48	60
Vote NO	33	48	16	27	31	38	37	32
Undecided	6	8	6	8	6	10	15	8

(12) San Francisco Examiner Poll, May 26-27, 688 likely voters: "Proposition 227, titled 'Education, Public Schools, English as Required Language of Instruction Initiative Statute,' will appear on the June primary ballot. If approved, it would require all public school instruction to be conducted in English with certain exceptions and appropriate \$50 million per year for 10 years to fund English instruction programs for persons who pledge to provide personal English tutoring to children in their community. If you were voting on Proposition 227 today, would you vote YES or NO?"

	ALL	Men	Wom	DEM	REP	Others
Vote YES	62	65	59	54	72	65
Vote NO	27	25	33	33	20	23
Undecided	11	10	12	13	8	12

(13) Los Angeles Times/CNN Exit Poll, June 2, 1998, 5143 voters at 100 polling places. Voters willing to be surveyed outside polling places were asked to provide their ballot choices by questionnaire. The undisclosed raw results were then adjusted using an undisclosed methodology to produce the final published results.

	ALL	Men	Wom	DEM	REP	Others	White	Latino	Black	Asian
Vote YES	61	64	57	47	77	59	67	37	48	57
Vote NO	39	36	43	53	23	41	33	63	52	43

San Jose Mercury News

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THURSDAY
JULY 16, 1998

Prop. 227 court challenge fails

■ **Bilingual education:** It appears schools will have to abide by the initiative when the new term begins.

BY HOWARD MINTZ
Mercury News Staff Writer

SAN FRANCISCO — A federal judge Wednesday dealt a swift and enfeebling blow to a lawsuit challenging the legality of Proposition 227 and upheld the voter-approved measure that all but eliminates bilingual education in California. The ruling probably will ensure that the

state's school districts will be forced to comply with the proposition's provisions when classes begin in September.

In a 48-page ruling, U.S. District Judge Charles Legge concluded that Proposition 227 is constitutional on its face and refused a request from a coalition of civil rights organizations to block its enforcement. The judge,

who expressed his reluctance to upend the will of the state's electorate, released his opinion shortly after a 3½-hour hearing packed with supporters and foes of the controversial initiative.

"This court is not a Supreme Board of Education," Legge observed, citing the spirited debate over bilingual education in California.

"It is not the province of this court to impose on the people of California its view of which is the better education policy," he added. "The vote. See **PROPOSITION 227, Page 12A**

Prop. 227 likely to be in effect at beginning of school year

■ PROPOSITION 227

from Page 1A

ers of California expressed their policy preference by enacting Proposition 227."

Barring unforeseen legal developments, Legge's ruling marks the strongest signal yet that school districts should be resigned to following Proposition 227's guidelines for teaching non-English-speaking students by Aug. 2, when the law is slated to go into effect. The state Board of Education just last week handed down regulations outlining how school districts must comply with the initiative.

Intervention unlikely

While civil rights lawyers vowed to appeal Legge's decision to the 9th U.S. Circuit Court of Appeals, it is highly unlikely the federal appellate court would immediately intervene to freeze implementation of Proposition 227 before the Aug. 2 deadline or the start of the school year. The appellate courts are generally reluctant to stay a voter-approved law such as Proposition 227, particularly when a trial judge already has found no compelling reason to put it on hold.

As a result, supporters of Proposition 227 were confident that the law will not be locked up by a protracted legal struggle.

"I'm extremely pleased with the verdict," said Proposition 227 author Ron Unz, a Silicon Valley businessman who sat in the front row of the courtroom gallery as Legge read excerpts of his decision.

"It's a tremendous victory for the people of California and, most important, for the hundreds of thousands of young children who will be beginning the school year in September," Unz added.

State Attorney General Dan Lungren, whose office defended Gov. Pete Wilson even while Lungren opposed the proposition, deferred comment to the governor. Wilson, who has been critical of federal judges in the past for blocking other state ballot initiatives, echoed Unz's senti-

ments.

"I am pleased that the court has upheld the will of an overwhelming majority of Californians who voted to end the state's failed bilingual education program," Wilson said.

"The court has acted properly to let the democratic process stand," he said, "despite the efforts of a determined group of special interests who sought to thwart the will of the people . . . by challenging Proposition 227 without giving it a chance."

Meanwhile, civil rights groups warned that Legge's ruling spells trouble for non-English-speaking students throughout the state and for the majority of school districts lined up against the abolition of bilingual education.

Those foes also maintained that Legge's ruling, which came just hours after a morning protest outside the San Francisco federal building, is vulnerable on appeal.

"We are disappointed the judge did not recognize that what the (state) is doing is unlawful," said Thomas Saenz, an attorney with the Los Angeles office of the Mexican American Legal Defense and Educational Fund. "This case will certainly go forward. The decision places a tremendous burden on the school districts of California."

Immersion plan

Under Proposition 227, which was approved by 61 percent of the state's voters June 2, nearly all public school instruction will have to be in English, except where parents ask for waivers. The nearly 1.4 million schoolchildren who speak little or no English would spend a year in an "immersion program" and then make the transition into regular classrooms.

Civil rights lawyers argue that the ballot measure illegally deprives the state's minority students of equal access to a public education. The lawsuit alleges that Proposition 227 violates federal civil rights law, the Equal Educational Opportunities Act of 1974 and the equal protection clause of the U.S. Constitution.

Until the Proposition 227 case, the

courts had gone a long time without addressing a state's obligation to teach non-English-speaking students. The U.S. Supreme Court ruled in 1974 that schools must provide such students some form of special instruction, but it did not mandate bilingual education.

A 1981 appeals court ruling in a Texas case created a standard that orders schools to "take appropriate action to overcome language barriers" in classes.

But as Legge stressed in his ruling, no court has established a constitutional requirement to provide bilingual education. The judge found that any legal infirmities in Proposition 227 are purely speculative at this stage. He rejected the argument that the law places a discriminatory burden on minority students and violates the 1974 federal statute requiring schools to accommodate non-English-speaking students.

Burden of proof

The judge indicated that the groups challenging the law could return to court later with proof that Proposition 227, once implemented, had amounted to a setback for the state's minority students. However, Legge cautioned that he does not share the belief held by Proposition 227 opponents that the law will cause untold harm to non-English-speaking students.

"I do think the plaintiffs' characterization of (Proposition 227) as a cookie-cutter, one-size-fits-all, strait-jacket approach is powerful advocacy, but in my opinion terribly overstated," the judge said in court. "I think the initiative leaves agencies with significant flexibility (to create programs for children)."

Legge, a conservative 1984 Reagan appointee, moved extraordinarily quickly in deciding the Proposition 227 case in just more than a month. Recent court challenges to California voter initiatives such as propositions 209, 140 and 187 have taken from several months to several years to reach the appeals stage.

Legge said in court that he "accelerated" his handling of the case be-

cause he "realized that school districts need to know what the consequences might be."

The 9th Circuit would have to move in a matter of weeks to alter the post-Proposition 227 landscape in the coming school year — a development considered a long shot by legal experts.

"It's unlikely the 9th Circuit would step in," Sacramento law Professor J. Clark Kelso said. "I don't think the 9th Circuit could find the circumstances to justify an emergency stay, particularly where a trial judge has issued such a lengthy opinion."

Maybe next year

If the 9th Circuit does not grant immediate relief to civil rights groups challenging the law, the appeal process could easily last into next year. Even if the 9th Circuit upholds Proposition 227, civil rights lawyers can return to court down the road to try to prove the law as applied has resulted in harm to non-English-speaking students.

In the meantime, those advocates say they will consult with schools and parents to try to capitalize on Proposition 227's waiver provisions, which they hope may keep some bilingual education programs intact.

"The general public should know they are going to be affected by this," said Deborah Escobedo, one of the lead plaintiff attorneys. "(Limited English) children are going to be placed in mainstream classrooms. This is going to have profound, horrible ramifications for these children."

In addition to more than a half-dozen civil rights organizations, numerous school districts and the California School Boards Association had urged Legge to block enforcement of Proposition 227.

On the flip side, the state Board of Education, a defendant in the suit, was represented by the Pacific Legal Foundation, a conservative Sacramento group, and another conservative legal organization, the Mountain States Legal Foundation, sided with the state in a friend-of-the-court brief, as did Unz's organization, One Nation/One California.