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Bilingual Education Is Facing Its Demise in California Vote

By ETHAN BRONNER

SANTA ANA, Calif. — Bilingual education, once widely hailed as a humane and sound method of immigrant assimilation, has fallen into disfavor, disparaged as a bureaucratic boondoggle, even by many of the people it was primarily designed to serve: the nation's increasing Hispanic minority.

On Tuesday, California voters are expected to endorse Proposition 227, which will eliminate the hundreds of bilingual programs in a state that is home to nearly half of the pupils in the United States with limited English proficiency, setting the stage for similar attacks on such programs nationwide.

If it passes, Proposition 227, which essentially limits help for non-native speakers to a year of intensive English instruction, will mark an extraordinary intervention by voters into classrooms to mandate teaching methods, a sign of the growing importance of education in the nation's political debate.

The shift in the fortunes of the nation's bilingual education system has been dramatic, the result of flag-

ging support among its main constituents, Hispanic Americans, a growing political resistance to education bureaucracies, and the sense that, despite a plethora of studies, there was no conclusive evidence that it worked. Behind that erosion of support is a stubborn statistic: the high dropout rate of Hispanic youths.

According to the National Center for Educational Statistics, the school dropout rate recorded in 1995 for Hispanic students born in the United States remained at 17.9 percent, but that of Hispanic immigrants was 46.2 percent. This compares with a dropout rate of 12.2 percent of blacks and 8.6 percent of whites. Foreign-born blacks and whites had lower drop-out rates than those who were born in the United States.

Since three-quarters of schoolchildren nationwide who speak limited English are Hispanic, and since bilingual education is often made to stand for the whole question of educating foreign-language children, the failure of the schools to educate Hispan-

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ic youths is often discussed interchangeably with bilingual education as if they were the same thing. But in fact, most Hispanic students do not study in bilingual classes because there are simply not enough classes to accommodate their rapidly growing numbers.

Moreover, most bilingual classes take place in underfunded school districts, adding to the difficulty of assessing their effectiveness. In California, only 30 percent of the students with limited English ability are in bilingual classes because there is a shortage of about 20,000 bilingual teachers in the state. And there is no known difference in dropout rates between those in bilingual classes and those of similar background studying only in English.

Crucial Division On Supporting Plan

While the California initiative is the work of a white Republican Silicon Valley millionaire named Ronald K. Unz, it is backed, according to repeated opinion polls, by at least half of the state's Hispanic voters.

They include Virginia Martinez, a former bilingual education teacher in Santa Ana, a town an hour south of downtown Los Angeles with the largest concentration of Hispanic immigrants and their offspring in the country, according to national census data.

Here, where the issues of immigrant absorption and bilingual education are particularly pronounced, Ms. Martinez tests for English competency at Taft Elementary School, which has foregone bilingual education for the past 13 years, favoring English immersion, the aim of Proposition 227.

"I kept seeing kids doing poorly in the upper grades after they had gone through bilingual education," she said. "There was no transition to English. I felt that bilingual education was holding them back."

In the school, Hispanic and Asian children learn in English from the first day, with the occasional translation help of teacher aides. High scores reflect clear success, although Taft serves a more middle-class and ethnically mixed population than many schools with bilingual programs.

At the same time, Pio Pico Elementary School, just a few miles

away, is a reminder of what bilingual education was supposed to be. Built on a lot once overrun by gangs, now an oasis of learning and community involvement, Pio Pico serves a uniform population of low-income Mexican and Central American immigrants who believe deeply in bilingual education.

"With bilingual education, I am involved with my daughter's schooling," said Martha Leon, a housekeeper whose daughter, Lizeth, is in fourth grade. "My daughter is learning English, but because of the Spanish, I feel the school is mine, part of me."

Limits Were Enacted In Some Other States

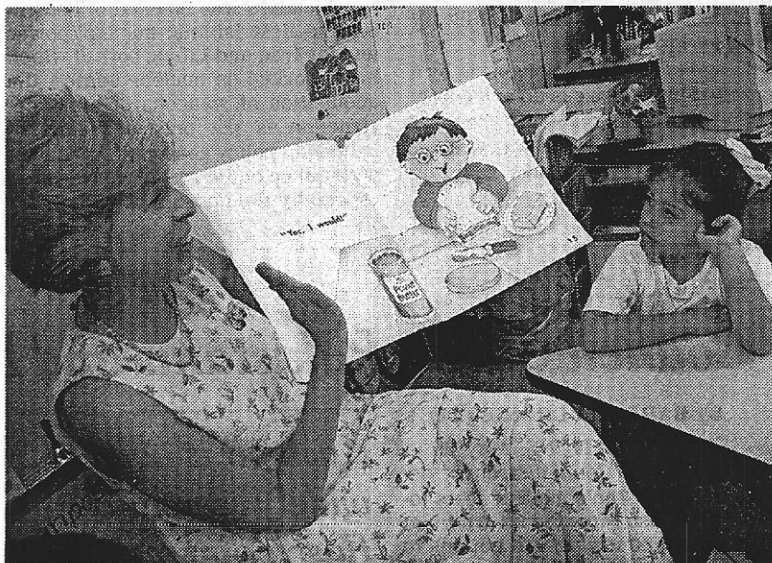
This issue is not confined to California. Backed by a broad range of politicians, including then Gov. Ronald Reagan, today's bilingual education emerged from the civil rights era and was supported by its own Supreme Court decision, the 1974 *Lau v. Nichols* ruling. The court ordered states to give special help to students who didn't speak English, but didn't specify what remedy the states should use.

Aside from California, 10 states mandate bilingual education and most others permit it. Since 1968, when Congress first passed the Bilingual Education Act, the Federal Government has helped fund it. And while not one of those programs yet faces a sweeping initiative like that in California, all are under debate if not outright attack and curtailment.

In Chicago and Denver, school boards have recently limited bilingual classes to three years; in Arizona, the legislature has voted to limit funding for them to four years. In Albuquerque, N.M., parents are suing the school system, alleging that bilingual classes segregate their children, a charge that had been leveled at New York State by Brooklyn parents three years ago. This followed a Board of Education report asserting that bilingual programs had failed to teach children as effectively as those in English-only classes.

Extra Factors Skew Statistics, Some Say

Supporters of bilingual education contend that the programs have never been adequately supported or im-



Thais Sainz using an English-as-a-second-language class to help pupils like Juanita Quintana at Pio Pico Elementary School in Santa Ana, Calif.

Future of Bilingual Education to Be Put to the Test at the Polls in California

plemented, and are thus unfairly blamed for the shortcomings of Hispanic education in this country. What is clear is that demographics will only add urgency to the debate. In California alone, 100,000 Mexicans arrive legally each year, an unprecedented immigration from a single country that is slowing their assimilation. Nationally, by 2008, Hispanic-Americans will outnumber blacks to become the nation's largest minority. Within half a century, they are expected to constitute 25 percent of the American population, making their education an issue of enormous long-term consequence.

Within the scholarly community, views on bilingual education remain largely positive but even there, disillusionment can be felt over the sloppiness of research and the difficulty of drawing conclusions. The programs' failings are acknowledged though they are not attributed to any theoretical weaknesses.

"I am fairly certain that if you control for all other factors — rates of poverty, teacher training, school climate — and just study the process of language acquisition, you have a slight edge for bilingual education. But that edge is extremely small," said Kenji Hakuta, professor of education at Stanford University and chairman of a panel that produced a recent National Research Council report on educating children with limited English.

"People are genuinely and appropriately dissatisfied, but they are misdiagnosing the problem. The kids are learning English. The problem is that they are not progressing in school subject matters."

He, like other opponents of Proposition 227, say that since it forbids bilingual education except under exceptional circumstances and requires all children to fit into one unproven method of educational transition, it is poorly conceived and dangerous. Mr. Unz and his supporters counter that their plan is based on European models that do work.

Too Little Progress In Too Much Time

One of the problems in the debate is the varying definition of bilingual education and the many programs that come under its rubric, from English as a second language to so-called structured immersion — mostly English instruction with some subject content thrown in — to true bilingual teaching.

In its most widely understood form, bilingual education teaches academic subjects to immigrant children in their native languages while, at the same time, gradually instructing them in English so that after a few years they join regular classes.

The idea is that instead of losing time learning English before entering school or having to struggle in English before they are ready, these children can keep up with their grade levels while gradually transferring into mainstream classes.

Important elements of the theory behind this plan were provided in the last quarter-century by Jim Cummins, a professor of education at the University of Toronto. He argued that learning to read in one's native language makes it easier to read in a second language and that the more children master in their first language, the more they will be able to master in the second.

Practical experience backed these theories in part. When children arrived in the United States partially-but well-schooled abroad, they made the transition to English and American classes easily. They understood how a language worked and were able to transfer their skills.

The problems occurred mostly with children who were either born in the United States to Spanish-speaking households or had received inadequate schooling before immigrating. Teaching those children for years in their native language before allowing the transition to English seems to have done them little good.

As Charles L. Glenn, professor of education policy at Boston University, put it:

"Someone who plays soccer will learn to play American football faster than someone else who has never played a sport. But that does not make it efficient to teach soccer first if the goal is football. We should build on academic skills if a child already has them in another language but we should not make developing new ones in that language a priority."

Still, the research on bilingual education is notoriously inconclusive, and studies often seem to be done by scholars seeking to bolster their own views. The original theory of bilingual education was that students would move out of their native languages as rapidly as possible into English, normally in one to three years. But that approach has lagged, with many students staying six to seven years in primary language classes both because they were not yet fluent enough in English and because of more complex reasons.

Some Spanish language teachers felt protective of students and feared they would be mistreated in mainstream classes. Others simply found it easier to instruct pupils in Spanish and thus made insufficient effort to teach in English.

Still others believed that the longer native speakers were taught in their language, the more easily they would learn subjects in English.

For the backers of Proposition 227, the dragging transition to English is what is wrong with bilingual education. They also complain that it has developed its own bureaucracy and budgets — replete with extra money for schools with students who stay in bilingual education and salary bonuses for bilingual teachers. They say it has lost sight of the welfare of the children and that the country has historically, and successfully, relied on quick assimilation through English. Mr. Unz, for example, often mentions immigrants like his mother who learned English in kindergarten and never looked back.

The truth is more complicated. Richard Rothstein, a researcher at

the Economic Policy Institute in Washington has written a book called "The Way We Were?" (Century Foundation Press, 1998) in which he demonstrates how poorly immigrants from Italy, Poland and Russia did in school in the early part of the century without bilingual education. For example, in 1931, only 11 percent of the Italian students who entered high school graduated compared with 40 percent for all students.

When bilingual education was es-

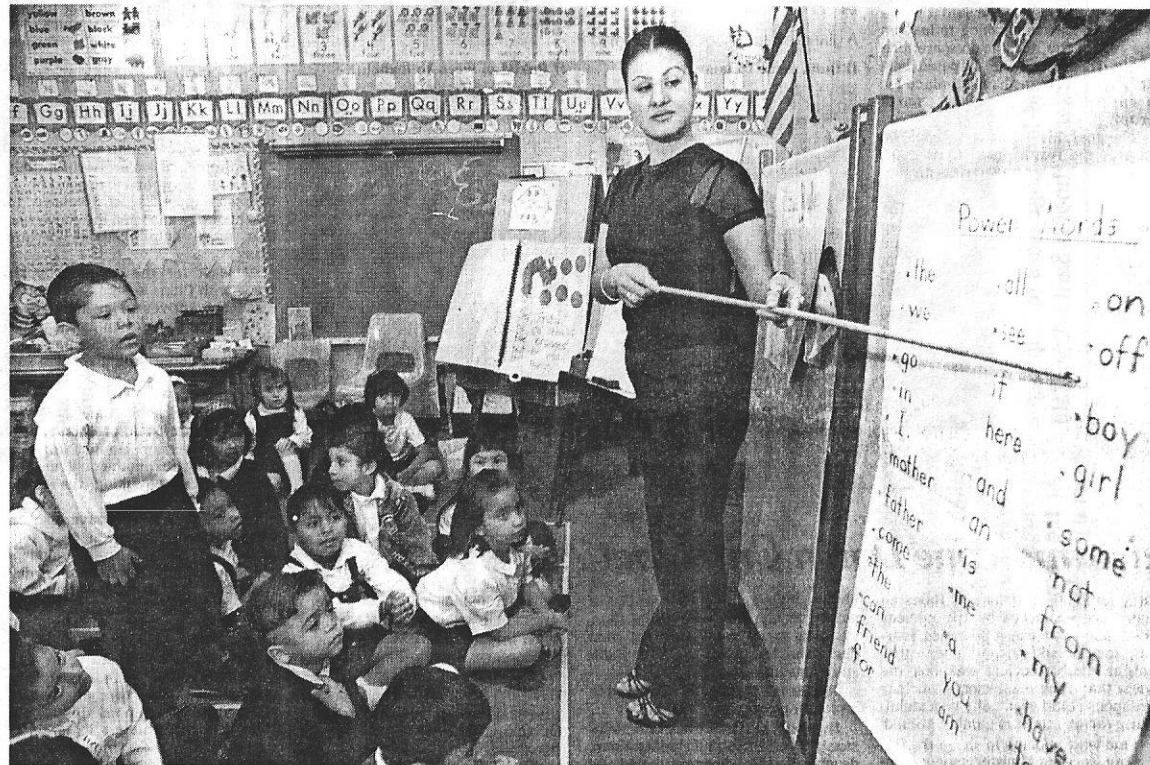
ablished in the 1960's, it was boosted partly by the assertion that the American economy depended on its citizens' ability to do business abroad.

Today, English is the international language, far more dominant than it was 30 years ago. Parents across the globe are demanding more and earlier English instruction for their children and many foreign-born parents here consider mastery of English to be fundamental for their children.

This, too, has weakened the case for bilingual education and driven voters toward Proposition 227.

But at Pio Pico, there is a feeling that all they have worked toward is endangered. When asked what they would do if the initiative passed, Judith Magsaysay, the principal, half joked that she would go to jail rather than stop using Spanish to help her pupils. When the parents around the table heard her, they said in chorus,

"Don't worry. We'll bring you tortillas in prison."



Photographs by Kim Kullish for The New York Times

Veronica Lares, an instructional aide at Taft Elementary School in Santa Ana, Calif., teaching English words to her pupils in an immersion class.

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

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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.

Superintendent as jailbird

Bill Rojas says he prefers incarceration to enforcing Prop. 227, suggesting that students should defy the law whenever they want

SOME THINGS bother us about the attitude of Bill Rojas, San Francisco's superintendent of schools, toward the passage of Proposition 227, which requires a radically new system for teaching non-English-speaking students in California.

We're disappointed by his vow to go to jail rather than implement the law, which was approved June 2 by 61 percent of California voters. It may be, as Rojas says, that the law is unconstitutional, but that is for others to determine.

We much prefer the attitude of the California Teachers Association. Although the union opposed the proposition, CTA President Lois Timson said flatly after the election that teachers must comply with the law.

Rojas' pledge of civil disobedience is probably a bit of hyperbole. We suspect he doesn't mean it, that he wouldn't go to jail if faced with the choice. So, some people might be tempted to excuse his remarks as political theater.

But there's a more sinister aspect to his announced intention to defy the law. Is this the kind of model we want for children? It isn't right for a top school official to say, in effect, "If you don't like the law, just don't obey it."

Schools are supposed to teach that, in a democracy, all of us must live by the rules and by the results of elections — even when our side loses. Those are important lessons. Otherwise, we all do our own thing and anarchy results.

Rojas undermines his own authority. If he flouts the law, how effective will he be at enforcing school rules?

This newspaper was strongly opposed to Prop. 227. In its attempt to teach students English faster and more effectively, the initiative puts a straitjacket on students, parents and teachers. We believe Prop. 227 could end up hurting the very people it proposes to help: the 1.4 million students in this state with limited English proficiency.

Civil rights groups have filed suit to stop enforcement of Prop. 227. That's their right under the democratic process. And it's Rojas' right to cheer them on.

But it's not his job to defy the law.

What he should do is develop contingency plans to make sure, should Prop. 227 be upheld in the courts, that San Francisco has the best English-immersion program in the state.

He should insist that parents who want bilingual instruction for their children get it, as permitted by Prop. 227.

He should demand that all students who "graduate" to mainstream English classes are proficient enough in the language to succeed. Prop. 227 does not, as its more wild-eyed opponents argued, mandate "one year and out" into the mainstream. One year is set as a goal, as the proposition's author, Ron Unz, acknowledges.

Rojas should also ensure that no teacher in English-immersion believes she or he will be incarcerated for uttering a word in a language other than English. Prop. 227 doesn't threaten that.

We like Bill Rojas' passion for education. Usually. But when it spills over into threats of civil disobedience, we think the superintendent has a choice: Obey the law or consider a new line of employment. It would be pretty tough to run the schools from a jail cell.



Los Angeles Times

SATURDAY, AUGUST 1, 1998

State Board Grapples With Prop. 227

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■ **Education:** Officials get crash course in alternatives to bilingual classes as courts turn back last-minute challenges.

By NICK ANDERSON
and DOUG SMITH
TIMES STAFF WRITERS

SACRAMENTO—Up and down the state, public school officials have clamored for answers to a question posed by the passage of Proposition 227: If not bilingual education, then what?

Although the initiative approved by voters in June was a loud statement against teaching children in two languages, the program it required instead—"structured English immersion"—remains suspect to many California educators.

So on Friday a group of principals, teachers and researchers came here to give the State Board of Education some real-world tips on how to build an "immersion" program. Most drew on the premise that good teaching of basic skills works just as well for students with limited English abilities as for those who grew up with the language.

All agreed on one thing: Time is short. A federal appeals court Friday refused to put the initiative on hold statewide, and another judge turned down an eleventh-hour effort by civil rights groups to delay its implementation in Los Angeles.

The ruling by U.S. District Judge Lourdes Gillespie Baird means that on Monday, 47 campuses in Los Angeles Unified School District will lead the first wave of conversion from bilingual teaching as the initiative begins to take effect around the state.

Yet it remains unclear exactly how that transition will play out in the classroom as school districts grapple with how much they will be allowed to help their students using Spanish, Korean, Cantonese or dozens of other languages.

"Teachers must be given a curriculum to follow soon," Patrice Abarca, a teacher at Heliotrope Elementary School in Maywood, told the state board. "Please, don't make thousands of teachers develop their own individual English language development program."

By Friday afternoon, opponents of the initiative had nearly exhausted their legal efforts to halt

its implementation.

In the Los Angeles case, a 28-page order by Baird found that the school district's plan was not "a dramatic 'wholesale' change" from current teaching practice, as the lawsuit alleged. Baird said the revised plan relied on teaching methods that were well-established.

The judge criticized the Mexican American Legal Defense and Educational Fund and others who allege that upheaval in Los Angeles Unified's programs will cause students irreparable damage. "You're not giving teachers the credit they're due," Baird said.

Attorneys for MALDEF said after the hearing that they will review Baird's decision before charting a new strategy, but that they will not let the matter rest.

In a separate case, the U.S. 9th Circuit Court of Appeals turned down a bid to block the initiative statewide. The two-judge appellate panel declined to issue an emergency restraining order after two federal judges had ruled that the will of the voters should take precedence over the claims of potential harm to minority students. The initiative passed by a 61-39 majority June 2.

Though the appeal is pending in the statewide case, attorneys said the earliest a hearing could be scheduled is October, by which time schools across the state should have launched English immersion programs.

Foes of Proposition 227 nevertheless promised to continue their campaign to preserve bilingual programs by encouraging parents and teachers to resist all-English instruction.

On Friday, however, the state board made their task more difficult. It voted unanimously to tighten a loophole in new state regulations that supporters of Proposition 227 had feared would give educators too much freedom to preserve bilingual classes.

Previously, the board had ruled that any parent could get their child excepted from the initiative's terms unless educators had "sub-

stantial evidence" that the request was not in the student's interest. But the board changed the wording to give school officials more discretion, striking the requirement that there be "substantial evidence" before a waiver request is denied.

That move came after the board heard from a panel of educators and researchers largely in favor of teaching students mostly in English.

In addition to Abarca, the Los Angeles teacher, there were two Canadian professors, an English-as-a-second-language teacher and an administrator from Sacramento County, and two elementary school principals from Inglewood, Nancy Ichinaga and Marjorie Thompson. Only Abarca voiced support for bilingual education.

The group's message:

- Teach students the basics, especially phonics, from the beginning. All of the panelists stressed the importance of ensuring that students can match sounds to letters and master the formation of syllables.

- Make it interesting. Drilling is often necessary, the panelists said, but students will tire of it unless they have something interesting to read.

- Expect high performance from everyone. Don't neglect spelling, grammar and punctuation.

- Give extra time to students who need it.

In addition to the expert panel, state officials also have adopted another time-honored technique for finessing a troublesome issue: the blue-ribbon task force.

On Thursday, state Supt. of Public Instruction Delaine Eastin announced that Supts. Vera Vignes of the Pasadena Unified School District and Roberto Moreno of the Calexico Unified School District will head a group of teachers, administrators, parents, researchers and others to investigate what makes a good English immersion program. The group will convene in September.

Los Angeles Times

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SATURDAY
AUGUST 8, 1998

Largely Latino School Is Closely Watched for Reaction to Immersion

■ **Education:** After first week of English-only lessons, teachers tread carefully and parents take a wait and see attitude to see if the new methods are working.

By NICK ANDERSON and LOUIS SAHAGUN
TIMES STAFF WRITERS

She despises the new law. Dictionaries and textbooks from the no w-junked bilingual program still sit on her classroom shelves. Spanish slips easily into her speech.

But no one can accuse Yvette Olivares-Estrada, a home-grown teacher from the barrio, of failing to carry out Proposition 227 with vigor.

Here in Room 17 of Christopher Dena Elementary School in East Los Angeles, Olivares-Estrada this week introduced her second- and third-grade students to the wall posters on which they would compile their new English vocabulary, starting with "I" and "My." She read "There's a Nightmare in My Closet" and led a quick game of "Simon Says."

Almost everything was done in English—by someone who disdains English immersion.

"I'm still going to be the best teacher that I can be," Olivares-Estrada said, "knowing full well that this program has no goals at this point. It's vague. It's sketchy."

That it still may be. But in 47 Los Angeles Unified School District campuses—those that began new terms under year-round schedules—Proposition 227 became a reality this week.

And the experience of Christopher Dena Elementary posed a significant test. A quiet school in

the middle of a Latino neighborhood, Dena was the first place targeted by a coalition of pro-lingual activists hoping to convince parents to seek waivers out of English-only classes.

During the week, dozens of parents attended meetings on the changing curriculum, one organized by the Civil Rights in Public Education Network, a loose-knit alliance of teachers backed by the Mexican American Legal Defense and Educational Fund. The group hopes that parents—once informed of their options—will demand that their children be placed back into bilingual education.

The host of that meeting, speaking almost entirely in Spanish, told the parents that bilingual education was "backed by years and years of research" while the alternatives—two kinds of Eng-

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IRIS SCHNEIDER / Los Angeles Times

Yvette Olivares-Estrada tries new teaching materials and methods at Christopher Dena Elementary.

PROP. 227: Largely Latino School Watched

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lish immersion—were experimental. “They might work or they might not,” he said.

But few parents were immediately inclined to take the defiant step back to bilingual education. Most seemed to follow a cultural tendency of their native countries—to trust the advice of school authorities.

Typical was Marly Hernandez, whose son Dan moved Monday from a bilingual kindergarten into an English first grade. Attending a meeting one afternoon on parent options under the new system, Hernandez was not yet inclined to ask for a waiver to put her son back into bilingual education.

“Let’s see what happens first,” she said. “I’m going to try it out. If I don’t see him making any progress, then I’ll think about a change.”

Still, Hernandez fretted that many students might be intimidated by the language switch. And she noted sharply that she had not had a voice in Proposition 227—because she is not a citizen. The voters, she said, “decided for me.”

So if a new order had taken hold by Friday at this and dozens of other Los Angeles schools entering the post-227 era, it remained a fragile new order.

Tucked into a poor neighborhood southeast of downtown, between Olympic Boulevard and the Santa Ana Freeway, Dena Elementary is the sort of school guaranteed to take the full brunt of the anti-bilingual education initiative voters enacted on June 2. Proposition 227 won 61% support from an electorate that was largely white and middle- to upper-class.

Of 1,050 students from kindergarten through fifth grade, 87% are classified as “limited English proficient,” more than triple the statewide average. Of those, virtually every one speaks Spanish at home. Almost every student carries a ticket good for a free or cut-price lunch. Crowding forces the school to keep its doors open year-round.

Although there are plenty of students from Mexico and other Latin American countries, many others appear to be U.S.-born children of immigrants, judging from the names on the ID cards atop their desks: Andy, Dan, Stacey, Walter and Judith.

Until this school year, most of those youngsters were learning to read and write in Spanish in the crucial first years of elementary school, with English reading phased in later.

Dena’s faculty is largely a veteran group. Many grew up bilingual or became bilingual by training. And they insisted in interviews that, whatever the faults of bilingual education elsewhere, it had worked in *their* classrooms.

But perhaps it was their seasoning that enabled these teachers to adapt when the first group of students, known as Track A, was thrust into English immersion classes Monday. Other tracks start in September and October.

Even before the transition began, teachers were swapping ideas, loaning each other English storybooks and pulling old work sheets out of the closet, garage and library. Fresh photocopies from an English phonics reader helped plug the desperate void for instructional materials in a school that recently invested tens of thousands of dollars in new Spanish readers.

One teacher volunteered to test-pilot an English phonics series from another publishing company—a handy stratagem for getting free sample materials.

All the improvisation was necessary because the school district has not yet drawn up a detailed curriculum for English immersion.

“We’re kind of on our own,” said Shirlee Wolf, a third-grade teacher who learned Spanish as a Peace Corps volunteer in the Dominican Republic. “But just getting together and talking among ourselves, we can

pass along a lot of good ideas.”

Of course, the teachers were not all smiles about the new system. Many lamented that teaching reading skills to the youngest students—formerly done in Spanish—would take a back seat to teaching them the basics of listening and speaking in English.

Molly Johnson, a first-grade teacher, has worked here 30 years. That’s long enough to have taught the young Olivares-Estrada. Long enough to have earned her bilingual credential after studying Spanish on her own for eight years. Long enough to have witnessed—and survived—repeated flip-flops on language policy in the state’s largest school district.

“I have seen it come and go,” Johnson said. “I can remember when we were not allowed to put anything in Spanish on our walls, and when we were not allowed to put anything in English on the walls, and when we were required to put both languages on the walls, in color codes.”

On Tuesday, the last Spanish-language poster in Johnson’s room hung by her desk. “*El Rinconcito de la Maestra*,” it read, “Teacher’s Little Corner.”

Johnson wasn’t sure whether she would be allowed to keep it.

District and school administrators spent the first few days trying to resolve such matters, answer questions and make policies on the fly. Johnson’s poster was allowed, her principal ruled, but a Spanish alphabet was not.

The district’s superintendent, Ruben Zacarias, finally put out a memorandum clarifying that the initiative does not ban the use or display of teaching materials in Spanish, and does not prohibit the use of any Spanish in the classroom or on the playground.

“Punitive action against anyone who is speaking a language other than English **will not be tolerated**,” Zacarias wrote, emphasizing his point in bold.

That’s a good thing for Dena Elementary. Otherwise, lots of students would have been dinged for chatting with friends and asking teachers questions in Spanish. And many teachers would have been dinged for helping students who couldn’t understand them in English.

Still, there are limits. Principal Karen Robertson had this advice for teachers on when it is appropriate to switch languages: “It’s still permissible to use Spanish, but it has to be connected to what you’re trying to accomplish in English.”

The assistant principal, Carolyn Haselkorn, led a teacher workshop one morning on how that rule works in practice. Holding up a copy of “*Los Tres Cerditos*,” Haselkorn said teachers could read their students the Spanish version of a famous fairy tale—so long as they spoke only English when they followed up with activities and skits such as building their own mini-houses of straw, wood and brick and acting out the parts of the Big Bad Wolf and the Three Little Pigs.

The teachers bought the approach. Though some Los Angeles teachers have signed pledges to resist Proposition 227, most were in a mood to cooperate. When one veteran complained that she had been “scrounging” to find materials to use in English, another immediately volunteered her stock of English readers.

But the teachers were outraged when Haselkorn passed out copies of the new state standards for English language arts—reading, writing, listening and speaking. By the end of first grade, the document said, students would be expected to “read aloud with fluency in a manner that sounds like natural speech” and “write brief expository descriptions of a real object, person, place or event, using sensory details.”

“So it doesn’t matter if [the children] don’t speak the language—they still have the same goals?” one incredulous teacher asked.

“You do the best you can,” Haselkorn said.

The New York Times

SATURDAY, AUGUST 8, 1998

A10

California Schools Toddle as Bilingualism Ends

By DON TERRY

LOS ANGELES, Aug. 7 — Shoved against a wall in a hallway at the Union Avenue Elementary School here, and stacked as high as a fourth grader, are two dozen unopened boxes of brand new textbooks.

The sight is a teacher's dream come true. But the books inside are in Spanish, so the boxes will soon be sent away. This week, with the beginning of a new term in 50 year-round public schools in Los Angeles, the nation's most ethnically diverse and populous state took its first shaky steps into the uncertain new world of Proposition 227, the ballot measure that effectively dismantles 30 years of bilingual education in California.

The nationally watched initiative, which was approved by the voters last June, will cause sweeping changes in public schools like Union, where nearly 90 percent of its nearly 2,000 pupils were enrolled in bilingual classes last year.

"What 227 is doing is adding to the stress level of teachers," Rita Payan Caldera, the principal of Union, said on the first day of school as she answered parents' questions in Spanish and directed children to their classes in English. "I think it was too drastic of a change too quickly. But it's the law, and we're going to do our best to make it work."

Proposition 227 has forced school administrators and teachers to act and think in ways they have not for decades. Under the new law, the schools have to do in one year what sometimes took three, five or seven years to do — if ever, critics say — and that is, to teach children accustomed to another language to speak, write and read English.

If this first week is any indication, the schools of California are in for a bumpy journey, at least for the next few weeks and months.

Classes began here with the Los Angeles Unified School District, the second largest in the country (after New York City's), scrambling to find enough appropriate English language books and other educational material to comply with the new law and its tight timetable for teaching the three R's to immigrant children "overwhelmingly" in English instead of Spanish, Korean or any of the other foreign languages that have filled California's classrooms for a generation.

"We're not prepared to deliver instruction on Day 1 like we would normally be," conceded Victoria Castro, president of the school district's board of directors.

A shaky start in the new world of Proposition 227.

But Los Angeles was not the only California school district caught with its supply closet bare and its lesson plan unfinished.

"This is a statewide problem," said Doug Stone, a spokesman for Delaine Eastin, the State Superintendent of Schools. "A lot of these districts purchased material before the election, and now the Superintendent is going to have ask the Legislature for additional money so new resources can be purchased."

The schools opened this week only after two failed court challenges and promises of more legal maneuvering. There were sleepless nights for Mrs. Caldera and other principals and administrators, and nagging worries for immigrant parents like Ruben Ramirez, 29, and Sylvia Garcia, 35, who share the same hope: a better life for their children.

"I want English for my son," Mr. Ramirez said as he walked his little

boy to his first day of kindergarten at Union. "We use English on my job, but I don't understand everything. That's why I like it for my son."

But Mrs. Garcia, who has three children at Union, said she was afraid that Proposition 227 would make life harder in her neighborhood of immigrants. "It's not good, only English," she said.

At least one group of teachers vowing to defy the new law and some districts and school officials in other cities searched for loopholes to delay or ignore its implementation, arguing that it would harm, not help, the 1.4 million public school children in California for whom English is a second language.

Many teachers were uncertain about who will even be in their classrooms 30 days from now when, under the new law, parents can sign waiver forms and seek to have their children put in what would probably be a limited number of bilingual classes. There is some talk around Los Angeles by opponents of Proposition 227 of starting a campaign to create a wave of waivers.

Still, it was a relatively easy first week, considering that only a handful of schools opened. Implementation is going "relatively well," said Ruben

Zacarias, the Los Angeles Superintendent of Schools. "Everyone's dealing with this — 'coping' with this, I guess, is a better word."

Hundreds of other schools will begin classes in the next few weeks, and by early September some 7,500 schools across the state will open. "That will be the real test," said Mr. Stone, the spokesman for the State Superintendent of Schools.

Ron K. Unz, a conservative Republican and Silicon Valley millionaire who was the main sponsor and financial backer of the ballot measure, said school districts throughout the state should pass the test, and if they did not they would have only themselves to blame.

The districts, Mr. Unz said, had ample time to develop contingency plans to put the initiative into effect. It was leading in voter opinion polls for months before the election.

"L.A. Unified and others partially ignored the initiative in the vain hope that a legal challenge would be successful," he said. "To the extent that some schools were not ready, I think that's irresponsible on the part of elected officials."

But Ms. Castro, the school board president, said the district had done everything it could to prepare. "We can't act on specter or opinion polls," she said. "What if we had made those purchases and it didn't pass?"

At Union, where 99 percent of the pupils are eligible for free lunch programs, Mrs. Caldera, the principal, and her staff do not have time to worry about finger pointing right now. They have children to teach.

"I'm not going to approach this kicking and screaming," said Mrs. Caldera, who voted against Proposition 227 and has been involved in bilingual education as a teacher or an administrator for 25 years. "I'm going to approach this as an opportunity, but we're going to have a lot of problems."

The biggest problem, she said, is a lack of supplies, especially English language textbooks for children with limited skills in English.

Steve Montoya, a 30-year-old bilingual teacher at Union for the last three years, said he did not believe that one year was an adequate time for most students to learn enough English to be sent to mainstream classes, as the new law calls for. But, he also said that bilingual education had problems and that English was not emphasized enough in the past.

"Some teachers got lazy," Mr. Montoya said. "It was just easier to speak Spanish to the kids."



Kindergartners at Union Avenue Elementary School in Los Angeles sat with their parents in an orientation meeting on Monday.

Los Angeles Times

Commentary

THURSDAY, SEPTEMBER 3, 1998

B9

Schools Are Subverting the People's Will

■ **Bilingual instruction:**
Californians voted for English immersion, but many districts play obfuscating word games.

By ALICE CALLAGHAN

When 61% of Californians voting in June elected to replace native-language instruction with structured English immersion, did they know that school boards across the state had a tacit veto by simply refusing to implement the measure?

In the weeks following passage of Proposition 227, we have learned that nothing the education bureaucracy opposes will be done. Many school districts, including San Francisco, Oakland and Fresno, defiantly refuse to implement any part of the proposition. From National City to San Diego County, districts have readied waivers, not English lessons, so students can continue Spanish classes.

California voted overwhelmingly on June 2 to replace—not repair—its failed 30-year “bilingual” educational experiment with the universally practiced method of structured immersion.

Structured English immersion programs use subject matter instruction designed to promote English acquisition while teaching academically demanding, grade-level-appropriate material. Special teaching techniques are used to help students understand English instruction even though their English proficiency is still limited.

Proposition 227 specifies that “nearly all” instruction be in English, allowing for the common-sense use of a child’s native language for concept clarification whenever necessary.

While some districts are refusing to recognize Proposition 227, others have devised plans that they believe contravene the proposition and enable them to continue existing programs. The Los Angeles County Office of Education announced that schools can teach non-English-speaking students in their native language as much as 49% of the time and still be in compliance with Proposition 227. Districts in Riverside and Vista have decided that classroom instruction need be in English only about 60% of the day.

I prefer to believe that no educators are so clueless about structured English immersion that they believe parceling the minutes of the day gets them there.

The Los Angeles Board of Education has designed an implementation option, “Model B,” which enables school staff who are philosophically opposed or feel threatened in their careers to continue existing bilingual programs. Indeed, school board members openly say they intend to continue Spanish-language classes in the content area and use Spanish-language texts.

The state Board of Education passed regulations that made no mention that children requesting waivers must meet one of three conditions set forth in the proposition: that a child already speaks English, is over 10 years of age or has such special physical, emotional, psychological or educational needs that an alternate course of study would be better suited to the child’s overall educational needs.

The board appears to have made a 180-degree dive on this by writing regulations saying that all waiver requests shall be granted unless educators determine that alternative programs, such as native language instruction, would not be better. Ox-

nard schools collected 1,700 signed waivers before school even began.

Voters don’t need a law degree to know that this is the reverse of what they voted for on June 2. The waiver process was intended to provide flexibility for the exception, not to leave a loophole so wide that Los Angeles and other districts could drive their whole native language program right through it.

Curriculum and materials for teaching structured English have existed for many years, in many different forms, throughout Los Angeles and the rest of California. Inglewood’s Bennett-Kew and Kelso elementary schools have used structured English immersion for 20 years, resulting in test scores exceeding most English-speaking students from the suburbs. If Los Angeles teachers are not likewise trained and competent to teach English as a second language, it is no wonder that educational outcomes have been so dismal.

In a 1991 ruling, the California Supreme Court expressed its reluctance to interfere with the implementation of initiatives. “Indeed, it is our solemn duty to jealously guard the precious initiative power, and to resolve any reasonable doubts in favor of its exercise.” California’s educational bureaucracies should demonstrate such a commitment to the democratic process.

Failing to do so will result in time-consuming and costly litigation and continue to frustrate efforts to ensure that all children in California become truly literate in English.

Alice Callaghan, an Episcopal priest, directs Las Familias del Pueblo, a nonprofit community center in Los Angeles’ garment district.

Opinion

WEDNESDAY, SEPTEMBER 2, 1998

7B

LETTERS • SCOTT WILLIS • BILINGUAL EDUCATION

Backers of 227 may not be getting what they voted for

BY DOUGLAS LASKEN

ON June 2, 61 percent of California voters passed Proposition 227, requiring English immersion classes for non-fluent students in which "nearly all" instruction will be in English.

But that's not necessarily what we're going to get.

My district, Los Angeles Unified, isn't challenging Proposition 227 in the courts, like San Jose Unified, San Francisco and Oakland. Administrators say L.A. Unified will comply. They're also requiring English-immersion teachers to obtain a credential proving they're fluent in Spanish.

As the teachers' representative at my school, I wanted to find out why English-immersion teachers need to know Spanish. So, I attended a city-wide teachers' meeting on Proposition 227, sponsored by the bilingual education, Chicano/Latino education and human rights committees of our union, the United Teachers of Los Angeles (UTLA), and by MALDEF, the Mexican-American Legal Defense Fund.

Theresa Montaño, head of UTLA's bilingual committee, chaired the meeting, flanked by officials from MALDEF, the Los Angeles County Board of Education and various activist groups. Montaño told the audience — about 50 teachers and parents — that L.A. Unified will comply with Proposition 227 by offering two English-immersion options, Model A and Model B.

Model A is English immersion, with aides or classmates providing some help in students' native language.

Model B is called English immersion, but up to 30 percent of instruction will be in Spanish. A story may be read entirely in English, but the "ending concept" must be explained in Spanish.

Because of the heavy use of Spanish, the teacher must have the old-style bilingual credential, certifying fluency in Spanish and conferring an extra \$5,000 a year in pay.

All former bilingual students will be sent to Model B classrooms unless parents specify otherwise. Montaño told us that the district officials who are developing this policy are very close to

her, and share "our struggle."

Next came revelations about Proposition 227's waiver provision, which allows parents to request bilingual education by proving their child has special "emotional, educational, and psychological" needs that require an alternative to English immersion. L.A. Unified has promised that every waiver will be granted, Montaño said. All a parent need do is ask for bilingual.

The focus of the meeting then changed to the problem of letting all Latino parents (there was no mention of other ethnic groups) know how easy it will be to get out of Proposition 227. Speakers warned the teachers that "advocacy" of Model B or waivers on school time is illegal, and they were urged to organize after-school meetings for parents to spread the news.

Applications for permits to use school facilities for the meetings were passed out, and 1,000 free fliers advertising each meeting were promised. We were given a "hot line" number to report "civil rights violations," such as a parent not knowing that English immersion is not actually required.

It all seemed pretty strange to me, considering recent history at my elementary school in Hollywood. We teach about 1,400 students who are not proficient in English, so we held informational meetings on Proposition 227 throughout August, listening to parents' concerns. To date, the number of parents objecting to English instruction, or demanding waivers, is zero.

Of course, nobody has told them yet that our plan to teach their children English tramples on their rights.

We think of conspiracies as invisible, but in L.A. Unified the conspiracy is being played out in public. Bilingual teachers, union and district officials are attempting to keep Spanish instruction in the classroom with its attendant flow of money and perks.

Meanwhile, thousands of children are wondering if they are finally going to be taught in the language of this country.

Douglas Lasken is a fifth-grade teacher at Ramona Elementary School in the Los Angeles Unified School District.



Girls chat in Liberty Elementary School kindergarten class in Riverside, where in the first month of this academic year teachers devoted 40% of instruction to reading in Spanish.

GINA FERAZZI
Los Angeles Times

Responses to Prop. 227 All Over the Map

■ Some districts are seeking exemptions from the requirements, while others are using anywhere from 60% to 90% English in immersion programs. Initiative's sponsor warns of prosecuting violators.

By LOUIS SAHAGUN
TIMES STAFF WRITER

RIVERSIDE—As children return to classrooms up and down the state, school districts are hastily devising programs to comply with Proposition 227—and are spinning out a variety of efforts to delay, dilute or embrace the law's requirement that students be taught "nearly all in English."

No surprise there. The ambiguous language of the initiative was intended to encourage flexibility in developing English immersion programs to replace bilingual education.

The result is a mix of programs based on various definitions of "nearly all." Some districts have decided that as little as 60% English instruction complies with the law, while others have settled on 70%, 80%, even 90% English. Still others are trying to obtain waivers that would exempt them from the law altogether.

As for the students, their future academic success or failure will be influenced by the effectiveness of these new, largely untested programs. School districts have rushed to develop the new curriculum since the law, sponsored by Palo Alto software engineer Ron Unz, was approved by 61% of the

voters in June.

"I'm hopeful that if everyone stays committed to bringing these children up to where they can be, we'll weed out the programs that aren't working," said Rae Belisle, legal counsel to the State Board of Education. "We need to get away from our emotional connections to the measure on both sides, behave like adults and move on with what works."

In the Riverside Unified School District, where 15% of the 36,000 students speak little or no English, "nearly all" means 60% English instruction.

"We decided that if Unz could call 61% an overwhelming majority of voters in favor of Prop. 227, what the heck is wrong with our program?" said Georgia Hill, the district's assistant superintendent of instructional services.

Then there is the Compton Unified School District, which has emerged as one of the strictest in implementing the initiative.

"We think you can provide good English immersion with 90% English instruction—even 98%—and our intent is to prove ourselves right," said Randolph Ward, state administrator of the district, which came under state control in 1993 amid charges of severe mismanagement and political cronyism.

The San Bernardino City Unified School District and Ventura County's Oxnard School District are aggressively urging parents to file individual waivers to have their children continue in bilingual education. In San Bernardino, an estimated 10% of the district's 45,000 students have signed up for waivers.

At the same time, three Northern California districts are fighting in Alameda County Superior Court for the right to be excluded from the requirements of the new law. In a partial victory, the

court Friday ordered the State Board of Education to give serious consideration to district's requests to have enforcement of Proposition 227 waived.

The case could have repercussions beyond Northern California because three dozen districts have applied to the state for waivers.

Unz and his supporters are ready to pounce if districts, administrators or teachers stray too far from the law's basic intent: eliminating bilingual programs in favor of English immersion.

"A number of school districts are refusing to obey the law," Unz said in an interview.

"They are not only in the position of being sanctioned by the state Department of Education," he said, "but their individual administrators and teachers can be . . . sued."

Unz was referring to a provision of the initiative that says educators who willfully violate the law can be held personally responsible.

"There is a real possibility that some administrators and teachers will lose their homes and be forced into bankruptcy over this," he added. "And I think the public might be sympathetic toward a parent who sues."

That kind of talk worries Riverside Unified administrators, but not enough to cause them to alter their English immersion effort.

In the first month of kindergarten class at Liberty Elementary School, teachers devoted their 40% allotment of native language instruction to reading in Spanish.

One of their first lessons focused on the hard C sound. Since the students don't know English, the teachers asked them to use their native language to

come up with words starting with that sound.

"We begin with words they can contribute in their own language: *caballo* (horse), *camisa* (shirt), *caja* (box)," said bilingual coordinator Betsy Sample. "As their fluency increases, they'll shift to words like 'car,' 'clown,' 'camel.'"

She proudly pointed to a poster pinned to a classroom wall charting the ways that students travel to school each day. In large, uneven handwritten letters it proclaimed: "4 *niños vienen caminando* (four youngsters arrive walking)."

"They could not have composed this simple sentence if we said they could not speak Spanish," she said.

Compton Unified administrator Ward said Riverside's approach is all wrong.

"I think it's dangerous to have half a class in Spanish and half in English, because you may end up getting illiteracy in both languages," Ward said. "I lived in South America for two years, so I know that when you speak, listen, watch television and read signs in another language, you will learn it quickly."

"If our students are going to be tested and evaluated in English, we'd better give them all the English they can get," Ward said.

Although the state gave school districts wide latitude in implementing Proposition 227, officials hope to eventually provide them with more guidance and assistance. The state has assembled a task force to evaluate the effectiveness of the various English immersion programs.

"There's a variety of ways to determine what works," said the Board of Education's Belisle. "We'll be filling in the blanks in this process for school districts."

San Jose Mercury News

SECTION B | MONDAY | SEPTEMBER 21, 1998

CONFORMING WITH PROPOSITION 227 Unz: District violates law

Bilingual education dispute crops up in Gilroy

BY JACK FOLEY
Mercury News Staff Writer

Gilroy schools are violating Proposition 227, said the law's author, which means school board members and the superintendent could be sued for damages by parents.

Trustees voted unanimously in August to teach non-English-speaking students 60 percent in English and 40 percent in Spanish as they phased out bilingual programs to comply with the new law.

But Proposition 227 author Ron Unz said Friday that the law's actual wording stipulates that classroom instruction for non-English-speaking students — those enrolled in "sheltered English immersion" programs — must be conducted "nearly all" in English.

Sixty percent does not come close to complying, Unz said Friday when told of the Gilroy policy. He said his office had received calls from parents asking about it.

"It's completely illegal," Unz said. "Nearly all" could mean 98 percent or 99 percent or even 97 percent, but it does not mean 60 percent. The law is very clear and the district seems to be ignoring the law."

At least two Gilroy school board members Friday said they now believe they may have been misled by staff reports and may ask that the board revisit the issue. The board took its August action without



Ron Unz says
programs
must be
'nearly all' in
English.

seeking legal advice, said trustee Patricia Blomquist.

"This was by no means an act of defiance," she said. "If we blew it, we'd better review the issue and pull back."

However, Gilroy schools Superintendent David Alvarez defended the district policy Friday, insisting several times that it is in "com-

See **CLASSES**, Page 4B

Legal battle surfaces over bilingual measure

CLASSES

from Page 1B

plete" compliance with state regulations and Proposition 227.

Asked what regulations he was referring to, Alvarez conceded he is unfamiliar with all the particulars of the laws and referred questions to the district's Proposition 227 expert, David Pribyl. But Pribyl declined to comment before he could do more research on the law.

Rae Bellisle, legal counsel to the state Board of Education, said Friday that regulations adopted by the board to help districts implement Proposition 227 do not discuss percentages of time in which instruction in English must be given. Instead, the regulations use the term "nearly all," the same language contained in the initiative.

In Gilroy, school trustees said they depended upon information supplied by Alvarez and Pribyl when debating how to comply with the law and settled on a 60-40 ratio for students learning English.

Several trustees said Pribyl used the term "overwhelmingly" to describe how much instruction must be in English but never mentioned

the "nearly all" standard.

"This is the first time I have heard 'nearly all,'" Trustee Mark Good said Friday. He conceded he may not have read Proposition 227 carefully. "I will be e-mailing the superintendent to ask what the hell is going on."

Under the new law, school board members and district officials can be held personally liable for damages if sued successfully by parents, meaning no taxpayer money can be used either in their defense or to pay judgments, Unz said.

The New York Times

SATURDAY, OCTOBER 3, 1998

California Bilingual Teaching Lives On After Vote to Kill It

By DON TERRY

LOS ANGELES, Oct. 2 — Bilingual education in California was supposed to be in a grave by now, essentially killed when residents voted last spring to end it.

The ballot initiative, supported by 61 percent of the voters, sought to replace 30 years of using Spanish and other foreign languages to help immigrant children in the state learn to read, write and speak English with a method that uses "nearly all" English instruction.

But more than a month into the current school term, bilingual education is clearly still breathing. The reasons are a subject of hot debate.

Supporters of the initiative, Proposition 227, assert that school districts and the education bureaucracy are resisting the will of the voters, taking advantage of loopholes to preserve a rejected method of teaching.

Critics of the proposition see the bumpy transition as a result of confusion, reluctance on the part of some parents and teachers to push children into instruction they are not ready for, and even basic logistical

issues like the lack of textbooks.

What is clear is that the fight over Proposition 227 is not over yet.

Doug Stone, a spokesman for the State Department of Education, said he had heard of no open defiance of the law and "when push came to shove, virtually all of the districts are complying."

Some do not agree.

"A lot of people are trying to loosely interpret and undermine this law," said Sean Walsh, a spokesman for Gov. Pete Wilson, a Republican and a critic of bilingual education. "The law says 'nearly all' should be taught in English. But many districts are using 40 percent Spanish and 60 percent English."

The law does not define what "nearly all" means, so there is much disagreement over what constitutes compliance.

Elena Soto-Chapa, the statewide education director for the Mexican American Legal Defense and Educational Fund, which has gone to court

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Bilingual Education in California Is Alive After Voters Supposedly Killed It

Continued From Page A1

to block the initiative, said that how the hundreds of school districts across the state defined "nearly all" was "just all over the spectrum."

Ms. Soto-Chapa said some districts were using a 60-40 English-foreign language formula while others were using 70-30 or 80-20. "There's a lot of confusion," she said.

The Los Angeles United School District, with 681,505 students the second largest in the country behind New York City, offers two programs for pupils with limited English ability: Model A and Model B. In Model A, the classes are taught virtually all in English. In Model B, 65 percent to 70 percent of the classes are taught in English.

Alice Callaghan, one of the leading proponents of Proposition 227, said "L.A. is absolutely out of compliance."

The State Department of Education has set up a study group to help districts implement the law.

"We realized that before June 2 and after June 2 there would be more questions than answers," Mr. Stone said, referring to the day the initiative was approved. "But that isn't a sign from heaven that school districts can thwart the law."

Out of the 5.5 million public school pupils in California, about 1.4 million have a limited understanding of English, but only 30 percent of them were enrolled in bilingual education programs last year. The rest were in classes in which teachers used nearly all English. There were not enough qualified teachers for bilingual classes.

Under Proposition 227, some parents are eligible to request that their children be retained in a bilingual program, and such waivers can be granted by a school district under three circumstances: The child has a physical or psychological need to be in bilingual education, the child is over 10 years old or the child speaks English.

But the question of waivers is also the subject of intense and varied interpretation and debate. Before a waiver can be granted, a child must spend the first 30 days of school in a class taught primarily in English. That period has now expired for about 25,000 Los Angeles pupils with limited English skills who started the new year in late summer. Although many expected a wave of request for waivers, only about 1,300 have been sought so far, said Forrest A. Ross, director of language acquisi-

tion for the Los Angeles district.

Ms. Soto-Chapa said, "I think a lot of parents are taking a wait and see approach."

At the Logan Street School in Los Angeles, a few blocks from Dodger Stadium, parents of 250 of the 360 pupils eligible have asked for and received waivers. Those children are now in bilingual classes.

"We're not trying to circumvent the law," said Logan Street's principal, May Arakaki. "We're just giving the parents the options they and their children deserve and are entitled to."

Mrs. Arakaki and her staff have had to do some fancy juggling. Mrs. Arakaki had to move three children whose parents signed waivers into Helen Trevino's second-grade class, which is primarily bilingual, and move three others into an English-immersion class.

Still, Ms. Trevino has a class of nine bilingual pupils and six who are taught primarily in English, forcing

her to go from table to table and tongue to tongue. Ideally, the class would be either all bilingual or virtually all English.

"I'm for bilingual education," Ms. Trevino said. "But the new law has passed and we have to deal with it."

In one twist, 39 of the nearly 1,000 schools districts in California — including Los Angeles, San Diego, Fresno and Oakland — have requested waivers of some kind to teaching all classes primarily in English — whether for individual schools or for entire districts.

But in August, the State Board of Education, whose 11 members are appointed by the Governor, refused to consider the waiver requests, saying it did not have the authority to grant them to districts.

"The initiative was very clear about waivers," said Bill Lucia, executive director of the State School Board. "And it doesn't say anything about districtwide waivers."

After the board refused to hear the

requests, the districts of Oakland, Hayward and Berkeley took the board to court, demanding that it be forced to do so.

"We feel that bilingual education works and we feel that our community believes in bilingual education," said Sue Piper, a spokeswoman for the 53,000-pupil Oakland Unified School District. "That's not to say it's perfect. But our test scores show that the children who graduate from bilingual education do very well."

Judge Henry Needham of Alameda County Superior Court ruled last month that the board had to hear the districts' waiver requests. The board appealed the decision and voted to postpone action on the requests pending the outcome of the appeal. That could be months, and in the meantime the districts are required to implement the proposition.

Governor Wilson had urged the board to appeal Judge Needham's decision, saying it "could potentially eviscerate Proposition 227."

Mr. Lucia said some of the board members were also concerned that they might be sued by proponents of the proposition if they ruled on the waivers before the issue of the board's authority had been determined in the appeal.

"It could require individual board members to get lawyers," he said. "It's a serious matter. It's a question of losing your house."

The initiative says teachers and administrators who implement the law improperly can be held liable.

"We're going to be suing soon," said Ms. Callaghan, a leading supporter of the proposition. "We won't let this go on much longer."

The threat of lawsuits has also had a chilling effect on teachers. Hundreds of teachers in Los Angeles signed a petition last spring pledging open rebellion if Proposition 227 passed. The teachers vowed to risk being sued and dismissed by continuing to use bilingual education methods in their classrooms. But so far,

the rebellion has not materialized — at least not openly.

"Open defiance would be dismissal, and that was made very clear to us," said Steve Zimmer a member of On Campus, the teachers' group that organized the pledge of resistance. "But you certainly still have defiance. It's just being done behind closed doors."

Mr. Zimmer said some teachers were simply teaching how they had always taught immigrant children, using bilingual methods, while others who otherwise comply with the law were still using a lot of bilingual methods because they did not yet have the books and other materials necessary to put the proposition into effect.

"There aren't enough books," he said. "There are stories about fourth graders using kindergarten books."

Still, Mr. Zimmer said, the majority of teachers are doing their best to comply with the law.

"Even though we did the pledge," he said, "I can't in good conscience tell a teacher to let this fail so we can get rid of it. The efforts of teachers, not to damage children is what is making this work at all."

But Ms. Callaghan said she received almost daily reports of widespread non-compliance by teachers and districts.

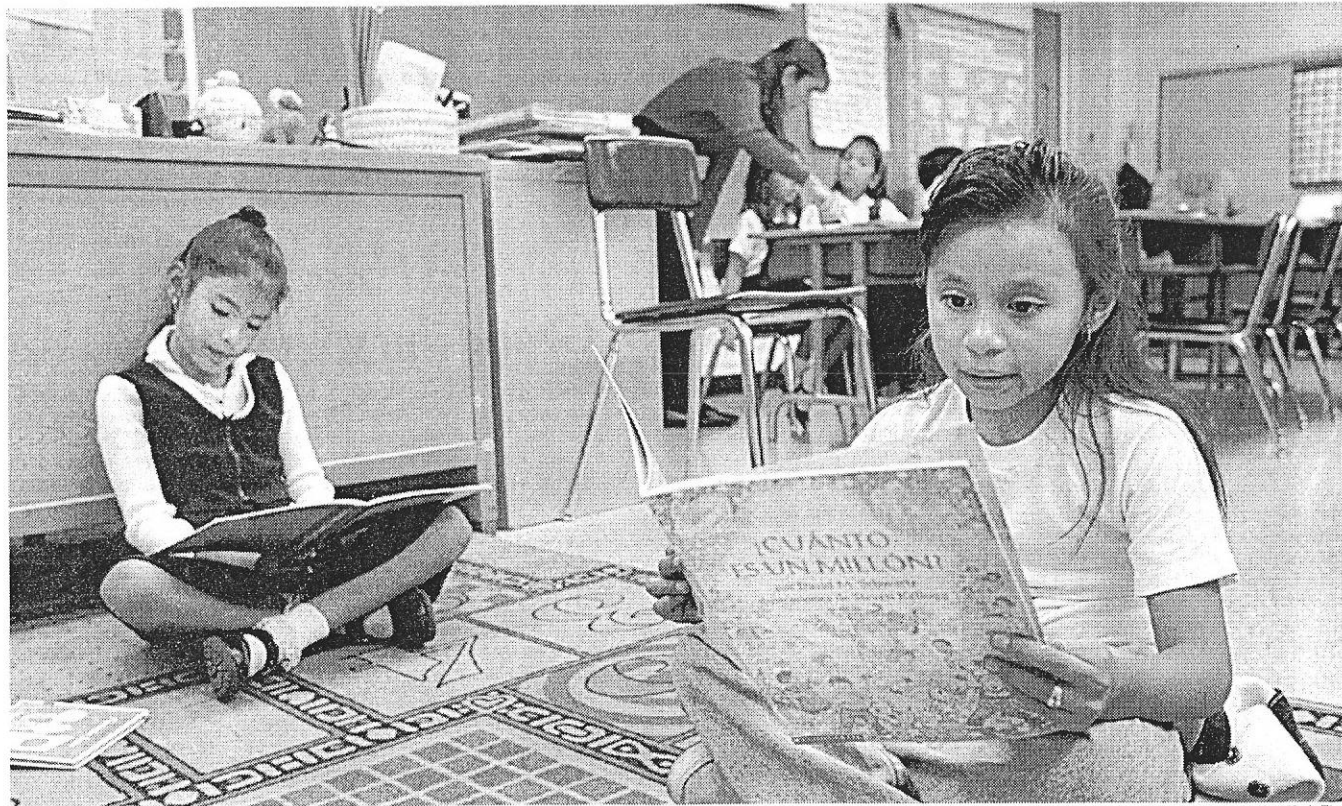
"Name me a district that is not defying the law," she said. "There will be less Spanish spoken, but that doesn't mean they will teach English immersion. The law required that bilingual education be replaced, not mended. It's going to be a very unfortunate year."

Yet at individual schools like Logan Street in Los Angeles, it is more a year of improvisation, of trying to accommodate and educate at the same time.

Gloria Rodriguez has two children at Logan, a daughter, Christina, 8, a third grader, and a son, Gabriel, 9, a fourth grader. Her daughter began school in bilingual classes but tested high enough to move into classes taught in English before Proposition 227 became the law.

Mrs. Rodriguez signed a waiver for her son.

"He's not ready yet," she said. "My daughter is doing very well, and I think it is because of bilingual education. When she goes to college, she wants to learn Japanese and French. That will be four languages she will know how to speak and write. Employers will love her."



Monica Almeida/The New York Times

In Helen Trevino's class at the Logan Street School in Los Angeles, there are nine bilingual pupils while six are taught primarily in English.

Los Angeles Times

SUNDAY, AUGUST 16, 1998

Unlocking the Mystery of Model B

All right, here's your Sunday morning puzzle. Read the descriptions below of two classroom models. Choose the single word that marks the key distinction between them.

Model A

This model provides instruction in English. Students will be taught English language skills and academic vocabulary in English. Students will be taught subjects using special methods in English, with primary language for clarification, as needed.

Model B

This model provides instruction primarily in English. Students will be taught English language skills in English. Students will be taught subjects using special methods in English combined with primary language instructional support.

Before I tell you the answer, pretend that your child's future literacy rides on your finding the crucial distinction and decoding its significance. If you choose wrong, your child will suffer.

Pretend further that your own English skills are not so great because you grew

ESSAY

ROBERT A. JONES

up speaking Spanish and never had the benefit of a formal education in English.

Stumped? The answer is "primarily." We'll get into its many nuances later.

For now, understand that this exercise is not faked. Many parents are making this decision for real. The descriptions

were lifted from materials sent to parents of limited-English students by the L.A. Unified School District.

In sum, Models A and B constitute L.A. Unified's response to Prop. 227, which brought down the curtain on the bilingual era. As you can tell, the model descriptions were written with exquisite subtlety and nuance. And parents now must choose between them and send their kids off with hope and a prayer.

You might think that the air of mystery would lift at the dozens of orientation meetings held for parents.

Please see JONES, B8

JONES

Continued from B1

After all, Prop. 227 was straightforward in its directives: children with limited English would be enrolled in English immersion classes where teachers are trained to build fluency quickly. Without delay. Without the endless diversions into native languages that was the hallmark of bilingual ed.

But no. At one meeting at Woodlawn Avenue Elementary School in Bell, the clarity was thoroughly lost. First parents were subjected to an elaborate presentation of two scoring measurements called SOLOM and LASSM. Their purpose in choosing classes was not explained.

Then the principal offered what she knew about Models A and B. It wasn't much. She hadn't been told more herself.

During the meeting a mother, speaking Spanish, asked what she should do with her 10-year-old son who does not read or write English after several years of bilingual classes.

Should he go to A or B, the mother wanted to know.

The school officials said they could not answer. It was up to the parent.

Soon after, the meeting ended, and the mother left looking bewildered.

We live in a strange time. Political upheavals are not what they used to be. Remember when Prop. 13 promised to lower property taxes and did exactly that?

These days Prop. 13 would probably get tangled in the courts for a decade and then emerge thoroughly muddled.

For Prop. 227, the unraveling has not waited for the courts. The erosion from bang to a whimper has started already. And—this probably comes as no surprise—the foggy language, complexity and confusion offered by the school district are part and parcel of the unraveling.

According to Alice Callaghan, the founder of a day care center for Latino children and one of the sponsors of Prop. 227, the success of the new program depends on immersion. If a student loses track

of a lesson and needs individual help in his language, he can get it from an aide. But the teaching must be done in English. Otherwise, it falls apart.

And that gets us back to our key phrase in Model B: "primarily in English."

It sounds innocuous enough but, in fact, it's the code phrase that unlocks the true difference between the models. Model A, in fact, is what Prop. 227 ordered up. Model B is something else.

The "primarily" means the teacher will be teaching not just in English but two languages. It also means the teacher must be certified bilingual and most likely a veteran of the rejected bilingual system.

Forrest Ross, a longtime veteran of the bilingual system himself, developed the models for the district. "We had meetings with parents and discovered there are two basic beliefs about how children learn best," says Ross. "One group wanted all English instruction and the other wanted instruction in the primary language."

"Primary language" means the native language of the student. Since the entire debate about Prop. 227 involved the all-English approach versus the native language approach, the district's "discovery" amounts to a no-brainer. Still, Ross says, Model B was developed to satisfy the parents who wanted the use of native languages.

But doesn't that make Model B a bilingual class?

Not at all, says Ross. It simply means that Spanish will be used by a bilingual teacher in some measure.

According to Ross, that means using Spanish to deliver the backgrounds of lessons and their context.

Or using Spanish textbooks and other instructional material.

Or doing comprehension checks in Spanish.

In all, it sounds like a lot of Spanish in a program that's technically described as English immersion. I asked Ross exactly how much.

"We don't use percentages," he said. "Because [the amount of Spanish] is dependent on the student's proficiency in English."

Which means, I think, that the less English a student speaks, the more Spanish will be used.

□

In fairness to Ross, he reiterates that lesson "content" will be delivered in English and that the total percentage of English used in the classes will be "overwhelming."

Perhaps so. But a sample teaching schedule for Model B—developed by Ross' office—suggests otherwise. I got a copy after it was smuggled out of a teachers meeting.

In this sample, only a single half-hour of instruction was scheduled to be delivered in English. The entire rest of the day was to be delivered in what the District calls "SDAIE with L1 Support."

"SDAIE" is an acronym for Specially Designed Academic Instruction in English. "L1" is district code for the native language of the students.

The teacher had scribbled notes at the top of the page. The notes said, "1/2 hour of English. The rest of the day Spanish."

Actually, you could make a more benign interpretation of the schedule. But at very least it suggests a lot of Spanish was planned for that day.

□

So the simple has been made complex. Definitions blur. The whimpering proceeds.

Incidentally, to make very clear which program it prefers, the district is assigning all former bilingual students to Model B unless their parents specifically choose Model A.

In some quarters the district has been congratulated because it did not join San Francisco and Oakland in refusing outright to implement 227. In public, district officials repeatedly have expressed their desire to conform with the new law.

But it appears that the district's real intent may not be so different from San Francisco's and Oakland's. You might call it a soft-death approach as opposed to hard death.

The subject of Prop. 227, natu-

rally, is a touchy one at the district. One high official, who asked not to be named, made this comment:

"You gotta ask, who wins here?"

Who wins are the bilingual bureaucrats. They're the ones developing the multiple programs and the paperwork forms that justify their existence, never mind that the system is deceptive and is going to leave the parents, the teachers and principals in a potential war zone out there in the field, with people narcising on each other. Meanwhile, the bureaucrats go on and on.

As this official pointed out, Model B is joined at the hip with another fudge: the waiver. Prop. 227 authorized waivers, the idea being that in rare cases a student would need an exemption from English immersion. At the hands of the district and the state school board, the waiver has been turned into an open invitation for parents to demand a bilingual class for any child.

The district is cooperating fully in this maneuver. It has said that all waiver requests will be granted unless school officials have evidence that bilingual would be harmful to a particular child. Not many such actions are expected.

At the end of my conversation with Ross, he said he found it "frustrating" that some people believe the district is trying to undermine the impact of Prop. 227.

"Everything we've done has been determined to be legal by our legal staff," he said.

Perhaps so. But right now it looks as if the simple goal of Prop. 227—to teach immigrant kids English by teaching them in English—will be so altered, and the results so confused, that we will never know whether full implementation would have solved our literacy problems or not.

We voted for it, we passed it. But we didn't get it, and that may leave us with the greatest mystery of all.