

# Proposition 227: English Language in Public Schools Initiative

## Official Summary Prepared by the Attorney General

Requires all public school instruction be conducted in English. Requirement may be waived if parents or guardian show that child already knows English, or has special needs, or would learn English faster through alternate instructional technique. Provides initial short-term placement, not normally exceeding one year, in intensive sheltered English immersion programs for children not fluent in English. Appropriates \$50 million per year for ten years funding English instruction for individuals pledging to provide personal English tutoring to children in their community. Permits enforcement suits by parents and guardians.

## Official Estimate of Net State and Local Government Fiscal Impact

Impacts on individual school districts would depend on how schools, parents, and the state respond to the proposition's changes. These impacts could vary significantly by district. Requires state spending of \$50 million per year for ten years to teach tutors of limited English proficient students. Total state spending on education, however, probably would not change.

SECTION 1. Chapter 3 (commencing with Section 300) is added to Part 1 of the Educational Code, to read:

### CHAPTER 3. ENGLISH LANGUAGE EDUCATION FOR IMMIGRANT CHILDREN

#### ARTICLE 1. Findings and Declarations

300. The People of California find and declare as follows:

- (a) WHEREAS the English language is the national public language of the United States of America and of the state of California, is spoken by the vast majority of California residents, and is also the leading world language for science, technology, and international business, thereby being the language of economic opportunity; and
- (b) WHEREAS immigrant parents are eager to have their children acquire a good knowledge of English, thereby allowing them to fully participate in the American Dream of economic and social advancement; and
- (c) WHEREAS the government and the public schools of California have a moral obligation and a constitutional duty to provide all of California's children, regardless of their ethnicity or national origins, with the skills necessary to become productive members of our society, and of these skills, literacy in the English language is among the most important; and
- (d) WHEREAS the public schools of California currently do a poor job of educating immigrant children, wasting financial resources on costly experimental language programs whose failure over the past two decades is demonstrated by the current high drop-out rates and low English literacy levels of many immigrant children; and
- (e) WHEREAS young immigrant children can easily acquire full fluency in a new language, such as English, if they are heavily exposed to that language in the classroom at an early age.
- (f) THEREFORE it is resolved that: all children in California public schools shall be taught English as rapidly and effectively as possible.

#### ARTICLE 2. English Language Education

305. Subject to the exceptions provided in Article 3 (commencing with Section 310), all children in California public schools shall be taught English by being taught in English. In particular, this shall require that all children be placed in English language classrooms. Children who are English learners shall be educated through sheltered English immersion during a temporary transition period not normally intended to exceed one year. Local schools shall be permitted to place in the same classroom English learners of different ages but whose degree of English proficiency is similar. Local schools shall be encouraged to mix together in the same classroom English learners from different native-language groups but with the same degree of English fluency. Once English learners have acquired a good working knowledge of English, they shall be transferred to English language mainstream classrooms. As much as possible, current supplemental funding for English learners shall be maintained, subject to possible modification under Article 8 (commencing with Section 335) below.

306. The definitions of the terms used in this article and in Article 3 (commencing with Section 310) are as follows:

- (a) "English learner" means a child who does not speak English or whose native language is not English and who is not currently able to perform ordinary classroom work in English, also known as a Limited English Proficiency or LEP child.
- (b) "English language classroom" means a classroom in which the language of instruction used by the teaching personnel is overwhelmingly the English language, and in which such teaching personnel possess a good knowledge of the English language.
- (c) "English language mainstream classroom" means a classroom in which the students either are native English language speakers or already have acquired reasonable fluency in English.
- (d) "Sheltered English immersion" or "structured English immersion" means an English language acquisition process for young children in which nearly all classroom instruction is in English but with the curriculum and presentation designed for children who are learning the language.
- (e) "Bilingual education/native language instruction" means a language acquisition process for students in which much or all instruction, textbooks, and teaching materials are in the child's native language.

### ARTICLE 3. Parental Exceptions

310. The requirements of Section 305 may be waived with the prior written informed consent, to be provided annually, of the child's parents or legal guardian under the circumstances specified below and in Section 311. Such informed consent shall require that said parents or legal guardian personally visit the school to apply for the waiver and that they there be provided a full description of the educational materials to be used in the different educational program choices and all the educational opportunities available to the child. Under such parental waiver conditions, children may be transferred to classes where they are taught English and other subjects through bilingual education techniques or other generally recognized educational methodologies permitted by law. Individual schools in which 20 students or more of a given grade level receive a waiver shall be required to offer such a class; otherwise, they must allow the students to transfer to a public school in which such a class is offered.

311. The circumstances in which a parental exception waiver may be granted under Section 310 are as follows:

- (a) Children who already know English: the child already possesses good English language skills, as measured by standardized tests of English vocabulary comprehension, reading, and writing, in which the child scores at or above the state average for his grade level or at or above the 5<sup>th</sup> grade average, whichever is lower; or
- (b) Older children: the child is age 10 years or older, and it is the informed belief of the school principal and educational staff that an alternate course of educational study would be better suited to the child's rapid acquisition of basic English language skills; or
- (c) Children with special needs: the child already has been placed for a period of not less than thirty days during that school year in an English language classroom and it is subsequently the informed belief of the school principal and educational staff that the child has such special physical, emotional, psychological, or educational needs that an alternate course of educational study would be better suited to the child's overall educational development. A written description of these special needs must be provided and any such decision is to be made subject to the examination and approval of the local school superintendent, under guidelines established by and subject to the review of the local Board of Education and ultimately the State Board of Education. The existence of such special needs shall not compel issuance of a waiver, and the parents shall be fully informed of their right to refuse to agree to a waiver.

### ARTICLE 4. Community-Based English Tutoring

315. In furtherance of its constitutional and legal requirement to offer special language assistance to children coming from backgrounds of limited English proficiency, the state shall encourage family members and others to provide personal English language tutoring to such children, and support these efforts by raising the general level of English language knowledge in the community. Commencing with the fiscal year in which this initiative is enacted and for each of the nine fiscal years following thereafter, a sum of fifty million dollars (\$50,000,000) per year is hereby appropriated from the General Fund for the purpose of providing additional funding for free or subsidized programs of adult English language instruction to parents or other members of the community who pledge to provide personal English language tutoring to California school children with limited English proficiency.

316. Programs funded pursuant to this section shall be provided through schools or community organizations. Funding for these programs shall be administered by the Office of the Superintendent of Public Instruction, and shall be disbursed at the discretion of the local school boards, under reasonable guidelines established by, and subject to the review of, the State Board of Education.

### ARTICLE 5. Legal Standing and Parental Enforcement

320. As detailed in Article 2 (commencing with Section 305) and Article 3 (commencing with Section 310), all California school children have the right to be provided with an English language public education. If a California school child has been denied the option of an English language instructional curriculum in public school, the child's parent or legal guardian shall have legal standing to sue for enforcement of the provisions of this statute, and if successful shall be awarded normal and customary attorney's fees and actual damages, but not punitive or consequential damages. Any school board member or other elected official or public school teacher or administrator who willfully and repeatedly refuses to implement the terms of this statute by providing such an English language educational option at an available public school to a California school child may be held personally liable for fees and actual damages by the child's parents or legal guardian.

### ARTICLE 6. Severability

325. If any part or parts of this statute are found to be in conflict with federal law or the United States or the California State Constitution, the statute shall be implemented to the maximum extent that federal law, and the United States and the California State Constitution permit. Any provision held invalid shall be severed from the remaining portions of this statute.

### ARTICLE 7. Operative Date

330. This initiative shall become operative for all school terms which begin more than sixty days following the date at which it becomes effective.

### ARTICLE 8. Amendment.

335. The provisions of this act may be amended by a statute that becomes effective upon approval by the electorate or by a statute to further the act's purpose passed by a two-thirds vote of each house of the Legislature and signed by the Governor.

### ARTICLE 9. Interpretation

340. Under circumstances in which portions of this statute are subject to conflicting interpretations, Section 300 shall be assumed to contain the governing intent of the statute.



## English Language in Public Schools. Initiative Statute.

### Argument in Favor of Proposition 227

#### WHY DO WE NEED TO CHANGE CALIFORNIA'S BILINGUAL EDUCATION SYSTEM?

- Begun with the best of intentions in the 1970s, bilingual education has failed in actual practice, but the politicians and administrators have refused to admit this failure.
- For most of California's non-English speaking students, bilingual education actually means monolingual, SPANISH-ONLY education for the first 4 to 7 years of school.
- The current system fails to teach children to read and write English. Last year, only 6.7 percent of limited-English students in California learned enough English to be moved into mainstream classes.
- Latino immigrant children are the principal victims of bilingual education. They have the lowest test scores and the highest dropout rates of any immigrant group.
- There are 140 languages spoken by California's schoolchildren. To teach each group of children in their own native language before teaching them English is educationally and fiscally impossible. Yet this impossibility is the goal of bilingual education.

#### COMMON SENSE ABOUT LEARNING ENGLISH

- Learning a new language is easier the younger the age of the child.
- Learning a language is much easier if the child is immersed in that language.
- Immigrant children already know their native language; they need the public schools to teach them English.
- Children who leave school without knowing how to speak, read, and write English are injured for life economically and socially.

#### WHAT "ENGLISH FOR THE CHILDREN" WILL DO:

- Require children to be taught English as soon as they start school.
- Provide "sheltered English immersion" classes to help non-English speaking students learn English; research shows this is the most effective method.
- Allow parents to request a special waiver for children with individual educational needs who would benefit from another method.

#### WHAT "ENGLISH FOR THE CHILDREN" WON'T DO:

It will:

- NOT throw children who can't speak English into regular classes where they would have to "sink or swim."
- NOT cut special funding for children learning English.
- NOT violate any federal laws or court decisions.

#### WHO SUPPORTS THE INITIATIVE?

- Teachers worried by the undeniable failure of bilingual education and who have long wanted to implement a successful alternative—sheltered English immersion.
- Most Latino parents, according to public polls. They know that Spanish-only bilingual education is preventing their children from learning English by segregating them into an educational dead-end.
- Most Californians. They know that bilingual education has created an educational ghetto by isolating non-English speaking students and preventing them from becoming successful members of society.

#### WHO OPPOSES THE INITIATIVE?

- Individuals who profit from bilingual education. Bilingual teachers are paid up to \$5,000 extra annually and the program provides jobs to thousands of bilingual coordinators and administrators.
- Schools and school districts which receive HUNDREDS OF MILLIONS of extra dollars for schoolchildren classified as not knowing English and who, therefore, have a financial incentive to avoid teaching English to children.
- Activist groups with special agendas and the politicians who support them.

**ALICE CALLAGHAN**

*Director, Las Familias del Pueblo*

**RON UNZ**

*Chairman, English for the Children*

**FERNANDO VEGA**

*Past Redwood City School Board Member*

### Rebuttal to Argument in Favor of Proposition 227

Several years ago, the 1970's law mandating bilingual education in California expired.

Since then local school districts—principals, parents and teachers—have been developing and using different programs to teach children English.

Many of the older bilingual education programs continue to have great success. In other communities some schools are succeeding with English immersion and others with dual language immersion programs. Teaching children English is the primary goal, no matter what teaching method they're using.

Proposition 227 outlaws all of these programs—even the best ones—and mandates a program that has *never* been tested anywhere in California! And if it doesn't work, we're stuck with it anyway.

Proposition 227 proposes

- A 180-day English only program with no second chance after that school year.
- Mixed-age classrooms with first through sixth graders all together, all day, for one year.

Proposition 227 funding comes from three wealthy men . . . one from New York, one from Florida, and one from California.

The New York man has given Newt Gingrich \$310,000!

The Florida man who put up \$45,000 for Proposition 227 is part of a fringe group which believes "government has no role in financing, operating, or defining schooling, or even compelling attendance."

These are not people who should dictate a single teaching method for California's schools.

If the law allows different methods, we can use what works. Vote NO on Proposition 227.

**JOHN D'AMELIO**

*President, California School Boards Association*

**MARY BERGAN**

*President, California Federation of Teachers, AFL-CIO*

**JENNIFER J. LOONEY**

*President, Association of California School Administrators*

# English Language in Public Schools. Initiative Statute.



## Argument Against Proposition 227

Proposition 227 imposes one untested method for teaching English on every local school district in California.

Proposition 227 puts limited English speaking children of *all ages* and languages into *one* classroom.

The California PTA opposes Proposition 227 because it takes away parents' right to choose what's best for their children.

The California School Boards Association opposes Proposition 227 because it *outlaws the best local programs* for teaching English.

California's teachers oppose Proposition 227—teachers can be *sued personally* for teaching in the children's language to help them learn English.

Outlawing decisions by parents, teachers, and school boards on how to teach children English is wrong.

Children in California must learn English.

In thousands of classrooms all over California, they are. Good teachers. Good local school boards. Good parent involvement.

Those successes are not the result of one instructional method imposed on every school by state government.

Sadly, there have been failures too. However, these failures can best be remedied by reasonable program changes that maximize local control.

California should be returning more decisions to parents, teachers, principals, and local school boards.

A growing number of school districts are working with new English teaching methods. Proposition 227 stops them.

The San Diego Union-Tribune Editorial said it best: "School districts should decide for themselves."

We urge you to join us, the California PTA, the California School Boards Association, and California's teachers in voting "NO" on Proposition 227.

**JOHN D'AMELIO**

*President, California School Boards Association*

**MARY BERGAN**

*President, California Federation of Teachers, AFL-CIO*

**LOIS TINSON**

*President, California Teachers Association*

## Rebuttal to Argument Against Proposition 227

The arguments against Proposition 227 were signed by leaders of organizations whose members receive **HUNDREDS OF MILLIONS OF DOLLARS** annually from our failed system of **SPANISH-ONLY** bilingual education.

Because they can't defend bilingual education, they have resorted to attacks that are **FACTUALLY WRONG**.

Proposition 227:

- *Doesn't* impose an untested method of teaching English. Our method *has* been used successfully in the U.S. and worldwide.
- *Doesn't* eliminate choice or impose a single approach. Today, California schools are forced to use bilingual education despite parental opposition. We give choice to parents, not administrators.
- *Doesn't* require schools to mix together children of different ages. We allow such combined classes where necessary at the school's discretion, such as in rural areas with few students. This is *no different* than current law.
- *Doesn't* prohibit teachers or students from speaking

another language in class. This initiative only requires that school instruction be primarily in English. Teachers can still use some of the child's native language. Foreign language programs remain completely unaffected.

- *Doesn't* allow teachers to be sued for speaking a foreign language. Parents may only sue those who "*willfully and repeatedly*" refuse to obey the law and teach children in English.
- *Should* save huge amounts of money. Although we maintain *per capita* spending on English learners, once these children are quickly taught English and moved into regular classes, this extra funding ends.

The opposition's only true statement is that children must learn English. The current system fails to do this. Change is necessary.

**JAIME A. ESCALANTE**

*East LA Calculus teacher portrayed in "Stand and Deliver"*

## Facts about Proposition 227--"English for the Children"

(1) *Immigrant education is a complete failure in California.* Some 1.4 million California public school children---a quarter of the total---are now classified as not proficient in English. Over the past decade, the number of these mostly Latino immigrant children has more than doubled. California's future depends on these children becoming fluent and literate in English, and this is the official goal of the current system, centered on use of native language instruction, with English being introduced to children only in later grades (so-called "bilingual education"). Yet each year only about 5% of school children not proficient in English are found to have gained proficiency in English. Thus, **California's current system of language education has an annual failure rate of 95%.**

(2) *Latino parents want their children to learn English.* Several state and national polls by the *LA Times*, Field, and other organizations have repeatedly shown that Latinos overwhelmingly support having their children taught English as soon as they enter school; the statewide *Times* poll from October showed 84% Latino support for an all-English curriculum. Adult immigrants are also eager to learn English (English courses are the top advertiser on Spanish language TV).

(3) *Anti-bilingualism has become linked with anti-immigrant sentiments.* There is a strong perception that many opponents of "bilingual education" are using the issue as a cover for anti-Latino and anti-immigrant views. Unfortunately, this is often true. On the other side, private polling indicates that anger at "bilingual education" is a leading cause of anti-immigrant sentiment among California Anglos. Having individuals with strong pro-immigrant credentials lead the move away from "bilingual education" would help to decouple these two issues.

(4) *California state politics is completely gridlocked on this issue.* The legislation requiring "bilingual education" expired ten years ago, but political pressure and statutory interpretations have kept the system alive and growing during this period, with annual spending exceeding \$300 million per year. Dozens of bills marginally changing the system have been proposed over these years, but none have become law. Given this history, it seems likely that the legislature will permit this failed policy to continue indefinitely.

(5) *An initiative would break the impasse and change policy at a stroke.* There is no significant basis in federal or state constitutional law for requiring "bilingual education". An initiative statute redirecting schools toward English language immersion for immigrant children would have immediate and sweeping effect. Such a ballot measure should be overwhelmingly popular, and pass quite easily. A positive, pro-immigrant campaign should win a strong majority of immigrant/Latino voters themselves, lending strong legitimacy to the results.

(6) *Immigrant children and others would become fluent and literate in English.* Research indicates that sheltered immersion for young immigrant children is the most rapid and efficient means of language acquisition, and it is the standard throughout the world. Within months to a year, the overwhelming majority of these young children would become fluent in English and could be transferred into a mainstream classroom, giving them the same educational opportunities as all other school children. This would have a tremendously positive impact on the future of California society. Also, some of the \$400 million to \$2 billion in annual savings would be used to provide \$50 million to local school districts to fund adult English literacy programs for all Californians.

### **Yes On Proposition 227--English for the Children**

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## Falsehoods and Facts about Proposition 227

America's multi-billion-dollar bilingual education industry has grown desperate. Now that our disastrous thirty-year old experiment with Spanish-only so-called "bilingual education" is being exposed by the media, public support is evaporating and our "English for the Children" initiative threatens to put bilingual education out of business once and for all. With jobs and government funding at stake, the profiteers are running scared.

Their last-ditch response has been to try to *change the subject*. All their campaign materials advise their supporters to AVOID THE SUBJECT OF BILINGUAL EDUCATION AT ALL COSTS. Instead, they are attempting to spread ridiculous falsehoods and distortions about our initiative against bilingual education, hoping to raise doubts in the minds of voters. Fortunately, their falsehoods can't stand up to the facts.

- **Falsehood:** Limited-English children of all ages will be forced into one class. 13-year-olds will be mixed together with 5-year-olds.

**Fact:** This is ridiculous. The initiative does say that schools will be permitted to mix together children of different grades (such as 7th and 8th) but this is no different than current law. Schools are already permitted to mix together different ages if necessary.

- **Falsehood:** \$50 million is given with to individuals who promise to tutor children in English.

**Fact:** Utterly false. The initiative allocates \$50 million to local school districts to fund adult English literacy programs for native-born Americans and immigrants alike.

- **Falsehood:** Teachers can be sued for speaking another language.

**Fact:** This is a complete lie. Teachers may certainly speak other languages, though in English-language classes, the "overwhelming" language of instruction is English. Using a little of the child's native language is certainly permitted in any classroom---initiative Co-Chair Gloria Matta Tuchman uses some Spanish in her own immersion classes, as does Honorary Chairman Jaime Escalante. Article 5 of the initiative does allow parents to sue elected officials or educators who "willfully and repeatedly" violate the law by refusing to allow children to be taught English. But teachers who violate the law can already be held liable under existing legal statutes.

- **Falsehood:** Our proposed system of "sheltered English immersion" is risky and untested.

**Fact:** Language research has shown that sheltered immersion is the most effective means to teach children another language. Co-Chair Gloria Matta Tuchman has been using sheltered English immersion for 15 years in her first-grade class with tremendous success, and her entire school has followed her approach. Every other nation uses some form of immersion to teach language to immigrant children; bilingual education is used nowhere else in the world. Immersion is tried-and-tested; bilingual education is an experiment which has failed.

- **Falsehood:** The initiative is a one-size-fits-all approach which violates local control of education.

**Fact:** There is no local control under the current system. With a few small exceptions, bilingual education is mandatory for all school districts in California. Our initiative provides a general framework for language-education in the state, requiring all schools to normally teach children English as soon as they enter, but within this general requirement, each school district can implement the proposal under its own local approach.

- **Falsehood:** School districts will have only 60 days to implement the initiative, which isn't enough time.

**Fact:** Our initiative will be voted on June 2, 1998 and will take effect at the beginning of the next school year in September. However, school districts have been well aware since early 1997 of our initiative and the strong likelihood of its passage. Responsible districts are already drafting contingency plans to implement "English for the Children" if it does pass. Irresponsible school districts, which stick their heads in the sand, may have to rush to implement our initiative after the June election.

- **Falsehood:** During the one-year English-immersion program, children won't be taught other subjects

**Fact:** Absolutely false. English-immersion programs are designed to teach regular academic subjects, but with an emphasis will be on teaching English as quickly as possible.

- **Falsehood:** We freeze the state into a policy which can't easily be changed later.

**Fact:** Like nearly every other initiative, our measure can only be changed by a 2/3rds vote of the state Legislature or another initiative. However, our current failed system of bilingual education has been set in stone for over *twenty years* and has been impossible to change except through our initiative.

- **Falsehood:** Normal children under 10 won't be able to get extra help with English.

**Fact:** Absolutely false. Besides providing sheltered English immersion programs to all children having trouble with English, our initiative also allows parents to apply for a waiver in their children require additional types of assistance with English.

For more information, contact:

**Yes on Proposition 227-English for the Children**

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# English for the Children

The leadership of the "English for the Children" initiative campaign includes:

***Jaime A. Escalante, Honorary Chairman.*** One of America's most nationally renowned public school teachers, Jaime A. Escalante is a Latin-American immigrant who arrived in the U.S. at 32 without knowledge of English. After spending several years in menial jobs while learning English, he began a professional career and eventually became a high school math teacher at Garfield H.S. in Latino East LA. There, he began an extraordinarily successful Advanced Placement Calculus course, proving that large numbers of Latino kids from immigrant and working-class backgrounds could perform college-level mathematics while in high school. These achievements were chronicled in the 1987 Edward James Olmos film *Stand and Deliver*, which brought him international recognition. While at Garfield H.S., he had succeeded in eliminating the school's "bilingual education" programs, which he believed handicapped Latino students. In October 1997, he agreed to join the "English for the Children" campaign as Honorary Chairman.

***Ron K. Unz, Chairman.*** A theoretical physicist by training, Mr. Unz is the founder and Chairman of Wall Street Analytics, Inc., a Palo Alto-based financial services software company which he co-founded in 1987. Mr. Unz holds undergraduate and graduate degrees from Harvard University, Cambridge University, and Stanford University, and is a past first-place winner of the American Westinghouse Science Talent Search. He has long been deeply interested in public policy issues, and serves on the advisory boards of the Center for Equal Opportunity and the Reason Foundation. His writings on issues of immigration, ethnicity, and social policy have appeared in the *Wall Street Journal*, the *Los Angeles Times*, *Policy Review*, *Reason*, and various other publications. In 1994, he received 34% of the vote in a Republican primary challenge to incumbent Governor Pete Wilson of California.

***Gloria Matta Tuchman, Co-Chair.*** An elementary school teacher in Santa Ana, Ms. Tuchman has specialized for over thirty years in teaching limited-English students. A past member of MALDEF and U.S. English, she has served on numerous state and national commissions on educational reform, and twice was elected president of her local school board. As a Mexican-American child from Texas, she was a central plaintiff in a desegregation lawsuit under which her rural town was forced to open its public facilities to children of all ethnic backgrounds. Her step-father later served as National President of LULAC (the League of United Latin American Citizens), and she herself was honored as LULAC Woman of the Year in 1988.

***Fernando Vega, Regional Honorary Chairman.*** A long-time leader of Latino Democrats in the San Francisco Peninsula area, Fernando Vega is a past member of the Redwood City Board of Education and City Council. In 1992, he was chosen by the Clinton-Gore campaign to lead their regional drive among Latino voters in the Peninsula, turning out 18,000 Latino voters, which contributed significantly to the Democratic victory that year. While on the Redwood City Board of Education, he helped to establish "bilingual education" programs in the local schools, but later decided that the programs were a failure, and turned against them in the 1980s. After years of struggling against local "bilingual" programs, he joined the "English for the Children" campaign as a Regional Honorary Chairman in August 1997.