

PROPOSITION 58 AND BILINGUAL EDUCATION IN INLAND EMPIRE DISTRICTS

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Californians will head to the polls this November to consider an initiative to overturn most provisions of Proposition 227, the English Language in Public Schools Initiative Statute. This 1998 initiative required California schools to place children with limited English proficiency into mainstream classes after one year of English language instruction specific to English learners. Proposition 58, titled “English Proficiency, Multilingual Education” on the ballot, would remove this requirement and eliminate

the need for parental waivers to place children in bilingual programs, thus allowing districts to implement bilingual programs with greater ease. Spanish-English bilingual education is a particularly important topic in the Inland Empire, where Latinos comprise half the population and 18 districts currently have bilingual education programs. The political debate over Prop 58 is especially relevant in this region, since the effects of the law may directly impact the education of many students.

CALIFORNIA AND INLAND EMPIRE ENGLISH LEARNER DEMOGRAPHICS (2013-14)

	Total Enrollment	English Learners	Percent English Learners	Hispanic Students	Percent Hispanic Students
CA	6,236,672	1,413,549	22.7%	3,321,274	53.3%
SBC	411,583	81,630	19.8%	259,723	63.1%
RC	426,227	89,256	20.9%	261,701	61.4%

Source: California Department of Education DataQuest

Bilingual education in California began in 1967 when Governor Ronald Reagan signed legislation overturning an 1872 statute that required English-only instruction in Cali-

fornia public schools. The following year Congress passed the landmark Bilingual Education Act (BEA) of 1968. A component of President Johnson’s War on Poverty, the BEA attempted

to provide children from low-income, non-English-speaking families with equal access to academic material by instructing them in their primary language. Congress made funding available to school districts to establish programs for children with limited English speaking ability. This funding led to the growth of state programs that gave thousands of teachers across the country extra stipends for teaching bilingual classes. However, children enrolled in these programs often did not transition to English language classrooms, and in some cases may not have learned English at all.

This is exactly the situation presented by the plaintiffs in *Lau v. Nichols* decided in 1974. The case was a class action lawsuit on behalf of Chinese-speaking students from San Francisco against officials from the San Francisco Unified School District. The trial court found that there were 2,856 students of Chinese ancestry in the school system who did not speak English. Of those, about 1,000 were given supplemental courses in the English language. About 1,800 (63%) did not receive that instruction. The Supreme Court found that the school district's failure to provide English language instruction to these students denied them a meaningful opportunity to participate in the state's public education program and thus violated the Civil Rights Act of 1964. In response, the Department of Health, Education and Welfare's Office of Civil Rights released federal requirements known as the Law Remedies of 1975, mandating that local districts provide English learners with English development programs. Districts failing to comply risked losing federal funds.

The next two decades saw a proliferation of bilingual education programs in California. By 1998, according to the California Legislative Analyst's Office, approximately 30% of the state's English learners were enrolled in bilingual education programs. *The Los Angeles Times* reported in 1998 that more than 5,800 schools in the

state had at least 20 students with limited English skills. Of those schools, 1,150 did not move a single student into English fluency according to a *Times* analysis of state records for 1997. The *Times* report found that fewer than 7% of limited-English students were becoming fluent each year, but noted that the failure was not exclusive to bilingual programs. One-third of the schools that failed to move any students into English fluency were teaching only in English.

This is the context in which software entrepreneur Ron Unz and teacher Gloria Matta Tuchman introduced Proposition 227, an initiative which required children with limited English skills to be placed into mainstream classrooms after one year of special English instruction. Supporters of Prop. 227, the English Language in Public School Statute, believed that bilingual programs forced thousands of Spanish-speaking children into bilingual education programs that taught them almost exclusively in Spanish, failing to provide them with essential English skills. California voters passed Prop. 227 with a 60.8% majority in 1998. The measure split Latino voters, with a pre-election Field Poll showing Latino voters supporting the measure by a margin of 52% to 38%.

Prop 227, codified in Chapter 3 of the Educational Code, mandated that schools keep Spanish speakers in intensive English instruction for a maximum of one year before transitioning into mainstream classrooms. However, Prop 227 itself contained a loophole to this requirement. It permitted the English-only requirements to be waived if a child's parent or legal guardian personally visits the school, receives information about any existing alternative programs, and applies for a waiver to place their child in an alternative program. Schools may approve waivers for students meeting any one of three conditions: (1) English learners who have attended an English-only classroom for at least 30 days and whose teachers, principal, and district superin-

tendent all agree would learn better in a bilingual program; (2) students who are at least ten years old; or (3) students who are already fluent English speakers. Local school districts have significant autonomy to approve parental waivers for students with limited English proficiency.

Currently California public school children are automatically placed in Sheltered English Immersion programs or English Language Mainstream classrooms in accordance with Prop. 227.

If parents visit the school and decide to place their child in an alternative program, the student may be moved to an alternative bilingual or dual language immersion program. Bilingual programs teach English learners in English and their primary language, and more common dual immersion programs teach both English learners and native English speakers in two languages with a goal of bi-literacy for both groups. Enrollment in both programs requires a parental waiver.

DEVELOPMENT OF BILINGUAL EDUCATION IN CALIFORNIA – SELECTED HIGHLIGHTS			
DATE	NAME	FORM	DESCRIPTION
1967	SB 53, Signed by Governor Ronald Reagan	California Statute	Overturned a statute requiring English-only instruction in California classrooms.
1968	Bilingual Education Act (BEA)	Federal Statute	Provided supplemental grants for school districts to establish programs to meet the needs of children with limited English speaking ability.
1974	Chacón-Moscone Bilingual-Bicultural Education Act	California Statute	Established transitional bilingual education programs.
1974	<i>Lau v. Nichols</i>	United States Supreme Court	Found that the failure to provide English language instruction or other adequate instruction to students who do not speak English is a violation of the Civil Rights Act of 1964.
1975	Lau Remedies	Federal Guidelines	Provided guidelines to determine whether a school district was in compliance with the law and offered guidance on development of plans.
1987	Chacón-Moscone Sunsets	California Statute	Law establishing bilingual education expired, but many school districts continued bilingual education programs.
1998	Proposition 227, English Language in Public Education Statute	California Initiative Statute	Required California schools to place children with limited English proficiency into mainstream classes after one year of English language instruction.

State officials and researchers estimate approximately 400 bilingual education programs exist in California’s 10,933 public schools today. The California Association of Bilingual Education lists 406 dual immersion or bilingual programs in its database, although there may be significant gaps in the number of schools reported. Geoffrey Ndirangu, Educational Programs Consultant at the California Department of Education’s Language Policy and Leadership Office, estimates that between 300 and 400 public schools have bilingual programs. He noted that

these numbers may be artificially low since districts are not required to report their bilingual programs and since the number of bilingual programs is growing quickly. The Rose Institute’s research suggests this hypothesis is correct. The Rose Institute found that there are at least 64 bilingual programs in the Inland Empire region, whereas the California Association of Bilingual Education database lists only 22.

Prop 58 is the latest opportunity for California voters to weigh in on bilingual education. The

initiative asks voters to approve S.B. 1174, formally titled as California Education for a Global Economy Initiative, but known by its subject header as SB 1174, English Language Education. It seeks to overturn most of Prop. 227 by rewriting the educational code to no longer require schools to teach English learners in English-only programs. It allows schools to teach these students in variety of programs, including bilingual education. Under Prop 58, parents of English learners would no longer need to sign waivers before their children could enroll in bilingual programs. . The legislation recognizes the importance of English as well as the opportunities bilingual education offers, especially in a globalizing world. The measure would require “that school districts and county offices of education shall, at a minimum, provide English learners with a structured English immersion program,” but also encourages districts to develop appropriate programs, including bilingual programs, for both native English speakers and English learners. If Prop. 58 passes, districts will be required to work with their communities to create appropriate structured English programs for English learners, but will no longer need to get parental waivers to place students in programs other than sheltered English immersion and mainstream classrooms.

Led by State Senator Ricardo Lara (D-Bell Gardens), the California Senate passed S.B. 1174 on September 14, 2014, in a 25-10 vote split largely along party lines. The Assembly passed the bill 53-26 and Governor Brown signed it on September 28, 2014. SB 1174 will not, however, become law until it is put to the voters and passed by a majority of them. This is because the current law (enacted by Prop 227) requires a two thirds majority vote in each house of the legislature or approval by the electorate in order to amend the statute. SB 1174 failed to get the requisite in both houses.

As the statewide initiative vote approaches, groups on both sides are advocating for their po-

sitions. Proponents of the law hold that the bill would allow students of all backgrounds to excel by teaching them two or more languages. They view the bill as an important step in handing control back to local school districts so communities can tailor English programs to their unique needs. The California Teachers Association, Los Angeles Unified School District, San Francisco Unified School District, and various other educational and governmental entities support the bill. As of September 25, 2016, the support campaign had raised over \$1 million; the CTA is the main donor supporting the measure.

Prop. 58’s opponents argue that the Prop 227 English-only policies increased student performance. They view Prop 58 as a step back that would allow the schools to implement “Spanish-almost-only” education, thereby neglecting students who did not grow up speaking English. Ron Unz, the leader of the Prop 227 campaign, is now leading the opposition to Prop 58. He argues that the title of the proposition drafted by the Attorney General’s office, English Proficiency, Multilingual Education, is misleading. The latest Field-IGS poll suggests that this is true. Unz also objects to a provision in Prop 58 that repeals the two thirds majority requirement for amending the statute. The California Republican Party is opposed to the measure. As of Sept. 25, 2016, the opposition had not registered a PAC to support a “no” vote.

The California legislature has been supportive of bilingual education programs in past years. The Assembly demonstrated their support for

bilingual education in 2011, by approving the State Seal of Biliteracy Award. This award, which was first given out in 2013, recognizes graduating high school students who have a high proficiency in speaking, reading, and writing in a language other than English.

The general public, however, may not share the same views as educators and politicians. A Field Poll released by the Institute for Governmental Studies on September 28, 2016, shows that Unz is correct that Prop 58's title is misleading to voters. When provided with the official ballot label and summary and asked how they would vote if the election were held today, 69% of voters supported Prop 58. However, once pollsters told voters that Prop 58 would repeal most provisions of the English immersion requirement of Prop 227, support plummeted to just 30% and 51% opposed it. When voters were given a third, more detailed explanation of current law, with the arguments for and against Prop 58, 39% supported it and 41% were against it, and 20% were undecided. Thus in both cases when voters were given more information, Prop 58 failed to get a majority in support. The Field Poll notes that its findings "underscore the significance of the Attorney General's ballot labels for initiatives, and the potential impact of giving voters more detailed information about the measures' content."

The debate over Prop 58 is especially relevant in the Inland Empire, since the region has a significantly higher proportion of bilingual programs for elementary school students than the state average. In the Inland Empire, at least 64 of the 602 school serving elementary-aged children offer waiver-based Spanish dual immersion programs. The Rose Institute sent surveys to 53 districts serving elementary children in the Inland Empire and got responses, both partial and complete, from 40 via phone or email. District administrators across the Inland Empire noted that Prop. 58 would either have a positive or negligible impact on their school systems. Adminis-

trators from ten districts out of the 53 surveyed responded to the Institute's question regarding the potential impact of Prop. 58 on their schools. Although the respondents are not a proportional sampling of all districts in the Inland Empire, their answers provide a glimpse of the potential impact of the initiative on schools of various sizes and demographics across the region.

Representatives from Alta Loma, Helendale, and Oro Grande school districts reported that their districts have no plans to implement bilingual programs since they do not have significant numbers of English Learner students or signifi-

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cant interest in bilingual education. San Jacinto Unified School District projected that the district would not be affected immediately, but that Prop 58 could help create the desire to hire more trained bilingual teachers and establish programs in schools with enough interested students. An administrator from Colton Joint Unified noted the importance of overturning Prop 227 to ensure that students value their primary language and are ready to work in a global society.

Administrators from Rialto Unified, Jurupa Unified, and Moreno Valley Unified School Districts noted that Prop 58 would make it easier to implement existing and future bilingual programs in increase demand. None of the respon-

dents foresee negative consequences for their district if Prop 58 passes, since this initiative would only affect districts with the resources and will to develop quality bilingual education programs.

Administrators in the remaining two responding districts, Etiwanda and San Bernardino City Unified, highlighted two key arguments on both sides of the bilingual education debate. Charlayne Sprague, Assistant Superintendent of Educational Services in Etiwanda School District, described the obstacles to implementing a quality dual immersion program.

“The challenges associated with putting a program of that scope and nature in place are incredible. Consider this – we are experiencing a teacher shortage that rivals any shortage in the past. We struggle to find competent English-speaking teaching candidates who can instruct at the level of rigor and depth that the new standards require in several different course areas. How are we going to find fluent bilingual teachers who can instruct, in Spanish, with the depth and rigor we need in core subject areas?”

Ms. Sprague’s point bolsters one argument of bilingual education opponents: that districts with resource deficits may decide to implement bilingual programs in which the Spanish instruction does not fully meet the educational needs of the students by failing to be rigorous in the underlying subjects.

In San Bernardino City Unified School District, on the other hand, the bilingual education

coordinator highlighted the successes of the district’s program and the potential administrative benefits of making it easier to run the bilingual education programs. Daniel Arellano, the dual immersion coordinator for San Bernardino City Unified School District, reported in December 2015 that approximately half of the district’s 51 elementary schools have bilingual programs, with plans to expand the program to more elementary and middle schools. The district believes that the program strongly benefits the children by giving them the opportunity to learn two or more languages. However, a lack of a consistency for English learner classification when students switch between schools makes it difficult to collect data about student success in bilingual programs. Despite problems in consistency, Mr. Arellano believes that his district is set apart by the strong community support for bilingual education and parental encouragement for their children to learn more than one language. “Overturning [Prop] 227 would be a real benefit,” Mr. Arellano concluded, “since it would provide educators with the opportunity to communicate more openly and effectively with families about the benefits of bilingual education.”

Lilia Villa, director of English Language Programs at Moreno Valley, noted that her district will continue to implement bilingual programs even if the initiative is not overturned. “Currently, we are doing what we would be doing if Prop 227, an outdated ban, were overturned,” she asserted. “Bilingual education is the present and future for our students.”