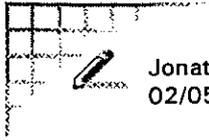


NLWJC - Kagan

DPC - Box 017 - Folder 006

Education - Bilingual [1]



Jonathan H. Schnur
02/05/99 07:38:10 PM

Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP
cc: Tanya E. Martin/OPD/EOP
Subject: Bilingual education and other issues

I got word from the Education Department that they are waiting for White House clearance of the Secretary Riley's policy statement on bilingual education as part of his ESEA testimony next week. I will get a copy shortly and will send it to you, in case you don't already have it. And I'd be happy to send it to Maria, Mickey, and others if you want me to do so. Mike Cohen and I have been trading calls but have not yet spoken.

You may already know all of this, but I wanted to be sure you knew. Apparently, the major issue is whether the Secretary should reaffirm the Administration's commitment to a 3-year goal for LEP children learning English. When Education informed some of the Hispanic groups this week that the Secretary might make this statement, most of the groups were apparently extremely upset. The groups are apparently objecting more to the use of language about the 3-year goal than the policy proposal currently envisioned by Education. Riley is getting briefed over the weekend and will meet with Hinajosa Monday. I am happy to help out in any way needed in my DPC capacity, and I also would be interested in participating in any discussions about this over the next couple of days wearing my VP hat.

More generally, this also raises questions for me about 1) how Tanya and I should be handling issues before Mike's replacement is hired, and 2) how I can best participate in policy discussions representing the VP on specific issues like bilingual or more general issues like the ESEA reauthorization. It'd be great to discuss these issues with you at your convenience. Have a good weekend! -- Jon

Educ - social promotion -
and
Linguist



"Cohen, Mike" <Mike_Cohen@ed.gov>
05/20/99 10:55:06 AM

Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP, Barbara Chow/OMB/EOP
cc: Laura Emmett/WHO/EOP, Cathy R. Mays/OPD/EOP
Subject: GOOD NEWS FROM NANCY ZIRKIN

Nancy just called me to express, on behalf of LCCR, her chagrin over the handling of LEP issues in Title 1. She also informed me that she will take MALDEF to meet with Clay after Mr. Clay introduces our bill. So we just dodged the final bullet and are on our way!



Jonathan H. Schnur
02/08/99 12:55:16 PM

Record Type: Record

To: Elena Kagan/OPD/EOP, Laura Emmett/WHO/EOP
cc: Tanya E. Martin/OPD/EOP
Subject: our suggested language on bilingual education

(from Jon and Tanya)

Our added language is in bold -- in paragraphs 4 and 5. Based on further conversations, we think the language below will help address concerns from the groups and be consistent with Administration policy.

SUPPORTING STUDENTS WITH LIMITED ENGLISH PROFICIENCY

Students with limited English proficiency (LEP) are the fastest growing population served by the Elementary and Secondary Education Act. According to State educational agency data, the number of LEP students grew 24 percent between 1992 and 1995.

Many of the fastest growing LEP student populations are in States and communities that have little prior experience in serving these students. For example, ten States (Alabama, Georgia, Idaho, Indiana, Nebraska, Nevada, North Carolina, Oregon, Tennessee, and Virginia) reported increases in the numbers of LEP students greater than 46 percent between 1992 and 1995.

Our nation derives a great deal of strength from our diverse population, and we have to capitalize on the strengths and potential that every child brings to the classroom.

Our clear goal is that LEP students should be able to speak and read English after three consecutive years in our schools. We are equally committed to ensuring that LEP students reach challenging academic standards in all content areas. **And we are committed to developing legislation that preserves flexibility for states and school districts to provide the most appropriate, research-based instruction for each child.**

Our reauthorization proposal for the Title VII bilingual education provisions seeks to achieve these two very important goals by emphasizing the same two key strategies we are pursuing throughout the ESEA: improving teacher quality and strengthening accountability.

To increase teacher quality, for example, all institutions of higher education applying

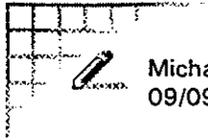
for Title VII grants, would be required to show that their teacher education programs include preparation for all teachers serving LEP students.

To strengthen accountability and ensure that LEP students reach our three-year goal of learning English, both Title VII grantees and Title I schools would be required to annually assess LEP student progress in attaining English proficiency.

LEP students who have been in a U.S. school for less than three years would continue to be included in the Title I assessment system, but after three years reading assessments would be conducted in English. Schools and districts will be held accountable, as part of the larger ESEA accountability provisions, for their progress in ensuring that LEP students reach the three-year English language proficiency goal.

I also believe that America's children need to become much more fluent in other languages. We are very far behind other nations when it comes to giving our students a mastery of other languages. There are teenagers in Europe who can easily speak three languages. I am certain we can do a much better job at giving our students at least a fluency in English and one foreign language. There are currently over 200 two-way bilingual education programs that teach English and a foreign language and allow all students to truly develop proficiency in two languages.

Educ-bilingual



Michael Cohen
09/09/98 06:30:34 PM

Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP
cc: Laura Emmett/WHO/EOP
Subject: Riggs bilingual bill

We expect the bilingual bill to come up tomorrow; the whip count suggests it will pass, roughly 220-209. I've asked OMB to get our SAP up there tomorrow; we had developed it last August in anticipation of a vote before recess. Elena--you signed off on this; I'll make sure that OMB sends the one we have approved.

Educ-bilingual

DRAFT
6/29/98

Honorable Newt Gingrich
Speaker of the House of Representatives
Washington, DC 20515

Dear Mr. Speaker:

Enclosed for consideration of the Congress is the "Bilingual Education Act Amendments of 1998," a proposal to amend the Bilingual Education Act to focus it more effectively on the goals of teaching English to limited English proficient students and assisting those students in meeting high academic standards. The proposal would also increase the accountability of school districts receiving grants under the Act to ensure that projects are effective in enabling limited English proficient students to transfer successfully to regular classrooms within three years. Also enclosed is a section-by-section analysis summarizing the contents of the bill. I am sending an identical letter to the President of the Senate.

In the 1995-1996 school year, State educational agencies reported more than three million limited English proficient students enrolled in school districts in the 50 States and the District of Columbia. The Federal Government has an important role in working with school districts to help them improve the quality of instruction for such students. Likewise, the Federal Government plays an extremely important role in working with institutions of higher education to train the teaching personnel that schools desperately need to serve limited English proficient students. The purpose of the "Bilingual Education Act Amendments of 1998" is to improve the Federal-local partnership that has existed for nearly 30 years to address the national goal of preparing recent immigrant and other limited English proficient students to reach the same high academic standards as all other students.

For the first time, our proposal would establish a goal for every federally funded project of preparing limited English proficient students to enter regular English language classrooms within three years. While many projects currently embrace this goal, our amendments would require all projects to do so. Further, the proposal would require local educational agencies receiving Federal grants to demonstrate that they are making adequate progress in preparing students to transfer to regular English language classrooms. Grantees currently eligible for five years of funding would no longer routinely receive fourth- and fifth-year awards. Instead, decisions on continued funding would be based on the recipient's first two annual evaluations, as well as any available data relating to the third year of operation. Further, the Department would reward projects that demonstrate outstanding progress in preparing students to enter regular English language classrooms with an extension of up to four years, including funds to disseminate

information and provide technical assistance related to the project's effective techniques.

As an additional accountability measure, if the Department determines that a project is not making adequate progress, we would require the recipient to submit a corrective action plan in order to receive a fourth-year continuation grant. One year later, these projects would end if they could not show evidence of significant improvement. The proposal would also require projects to conduct annual assessments of the educational status of individual students. Based on the results of those assessments, the school would determine if programmatic changes or extra support services for individual students are needed.

In order to ensure the quality of projects funded under the Federal bilingual education program, our proposal would require local projects to complete an annual evaluation of their effectiveness, instead of an evaluation every two years. An annual evaluation would allow the Department to detect problems earlier and assist school districts in resolving those problems, thus helping to ensure positive outcomes for participating students.

Our bill would also remove the current provision limiting funding for projects that make no use of the native language. While I believe that programs using the native language of the students are often most effective in teaching these students English and ensuring they do not fall behind in other academic areas, the choice of instructional method is best left to the schools and teachers that have direct knowledge of the students to be served.

The proposal would create a funding priority for local educational agencies that have implemented accountability systems to ensure that children are successfully transferring to regular English classrooms. The proposal also includes a funding priority for professional development projects that link individuals who are preparing to become teachers of limited English proficient students with experienced teachers of these students. This priority would strengthen the Department's efforts to support the preparation of well-qualified bilingual education and English-as-a-second-language teachers. We also propose to strengthen the parental notification and choice provisions of the law. As a final change to the Bilingual Education Act, the bill would create a new demonstration authority to test innovative, research-based approaches for preparing limited English proficient children to enter regular English language classrooms within three years.

I urge the Congress to take prompt and favorable action on this proposal. It would significantly strengthen the partnership we have developed over the years with local schools, State educational agencies, and institutions of higher education to improve the quality of services for this important and growing student population.

The Office of Management and Budget advises that there is no objection to the submission of this proposal to the Congress and that its adoption would be in accord with the program of the President.

Yours sincerely,

Richard W. Riley

Enclosures

DRAFT 6/29/98

A BILL

To enhance the effectiveness and accountability of programs under Title VII of the Elementary and Secondary Education Act of 1965, and for other purposes.

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Bilingual Education Act Amendments of 1998".

TITLE AND SHORT NAME CHANGES

SEC 2. Title VII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7401 et seq.; hereinafter referred to as "the Act") is amended--

(1) in the title heading--

(A) by striking out "BILINGUAL EDUCATION,"; and

(B) by striking out the comma before "AND";

(2) by amending the heading for Part A to read as follows: "PART A - ENGLISH LANGUAGE ACQUISITION AND ACADEMIC LEARNING"; and

(3) in section 7101 of the Act, by striking out "Bilingual Education Act" and inserting in lieu thereof "English Language Acquisition and Academic Learning Act"

AUTHORIZATION OF APPROPRIATIONS

SEC. 3. Section 7103(a) of the Act is amended to read as follows:

"(a) IN GENERAL.--For the purpose of carrying out this part there are authorized to be appropriated such sums as may be necessary for fiscal years 1999 though ---- ." [How many years?]

PROGRAM GOAL AND APPLICATION REQUIREMENTS

SEC. 4. Section 7116 of the Act is amended--

(1) in subsection (g)(1)--

(A) in subparagraph (A)--

(i) by striking out "data on the number" and inserting in lieu thereof "the number and English proficiency levels"; and

(ii) by inserting "(based on student assessment data)" after "proficiency in English";

(B) by redesignating subparagraphs (C) through (F) as subparagraphs (D) through (G), respectively; and

(C) by adding a new subparagraph (C) to read as follows:

"(C) A description of--

"(i) how the applicant will identify and place students with limited English proficiency in a program, including how the applicant will assess annually the English and native language proficiency of the students with limited English proficiency participating in the program;

"(ii) how the applicant will provide parents of students with limited English proficiency with the notifications and options required under section 7502(b);

"(iii) how the applicant will determine, consistent with section 7123, whether such students are making progress towards the goal of transferring into regular English language classrooms within three years;

"(iv) how the applicant will determine when such students are ready to transfer into regular English language classrooms successfully; and

"(v) the assessments the applicant will use in making such identifications and determinations.";

(2) in subsection (h)--

(A) by redesignating paragraphs (1) through (6) as paragraphs (3) through (8), respectively; and

(B) by adding new paragraphs (1) and (2) to read as follows:

"(1) the applicant's program has a goal of preparing participating students with limited English proficiency to transfer into regular English language classrooms successfully within three years;

"(2) the applicant's program will conduct an annual assessment of the

English and native language proficiency of the students with limited English proficiency participating in the program;" and

(3) in subsection (i)--

(A) by striking out paragraphs (1), (2), and (3);

(B) by adding a new paragraph (1) to read as follows:

"(1) The Secretary shall give priority to applications that demonstrate that the applicant has in place an accountability system that is designed to measure if students with limited English proficiency are successfully transferring into regular English language classrooms." and

(C) by redesignating paragraphs (4) and (5) as paragraphs (2) and (3), respectively.

ANNUAL PROGRAM EVALUATIONS

SEC. 5. Section 7123 of the Act is amended--

(1) in subsection (a)--

(A) by inserting "annual" immediately before "evaluation"; and

(B) by striking out "every two years" at the end thereof;

(2) in subsection (b)--

(A) in paragraph (1), by inserting "and accountability" after "improvement"; and

(B) in paragraph (2), by striking out "and" at the end thereof;

(C) in paragraph (3), by striking out the period at the end thereof and inserting a semicolon; and

(D) at the end thereof, by adding new paragraphs (4) and (5) to read as follows:

"(4) to determine how to help participating students with limited English proficiency succeed in reaching the goal of transferring into regular English language classrooms within three years; and

"(5) to determine if participating students with limited English proficiency need programmatic changes or additional services (such as tutoring, summer school, or after-school services) to reach the goal of a successful transition to regular English language classrooms within three years.";

(3) by amending subsection (c) to read as follows:

"(c) EVALUATION COMPONENTS.--Evaluations shall include--

"(1) information on the extent to which students are achieving to State student performance standards, if any;

"(2) data and information on program participants, including--

"(A) an assessment of the English proficiency of the students with limited English proficiency participating in the program;

"(B) the number and percentage of students with limited English proficiency participating in the program who have met State or local requirements for transferring successfully into a regular English language classrooms and have exited, or are ready to exit, the program; and

"(C) comparisons of children and youth, with and without, limited English proficiency with regard to school retention, academic achievement, and gains in English (and, where applicable, native language) proficiency;

"(3) program implementation indicators that provide information for informing and improving program management and effectiveness, including data on appropriateness of curriculum in relationship to grade and course requirements, appropriateness of program management, appropriateness of the program's staff professional development, and appropriateness of the language of instruction;

"(4) program context indicators that describe the relationship of the activities funded under the grant to the overall school program and other Federal, State, or local programs serving children and youth with limited English proficiency;

"(5) data and information that indicate whether students with limited English proficiency participating in the program are making progress towards the goal of transferring successfully into a regular English language classroom within three years; and

"(6) such other information as the Secretary may require."; and

(4) by adding new subsections (d) and (e) to read as follows:

"(d) METHODOLOGY.--In gathering the data and information required under subsection (c), a recipient shall conduct an assessment of the educational status of each student with limited English proficiency who participates in its program. Such assessment shall be based on the student's English proficiency and overall academic development.

"(e) REPORT.--(1) Each recipient shall make its evaluation under this section readily available to the public.

"(2) The Secretary shall send to the President and the appropriate committees of the Congress a biennial report summarizing the data and information in the evaluations required under this section."

CORRECTIVE ACTION PLANS FOR COMPREHENSIVE SCHOOL AND SYSTEMWIDE GRANTS

SEC. 6. Subpart 1 of title VII of the Act is further amended--

(1) by redesignating section 7124 as section 7126; and

(2) by adding new sections 7124 and 7125 to read as follows:

"INCENTIVES FOR OUTSTANDING PROGRESS FOR COMPREHENSIVE SCHOOL AND SYSTEMWIDE GRANTS

"SEC. 7124. INCENTIVES.--Notwithstanding section 7114(b)(1)(B) and section 7115(b)(1)(B), if the Secretary determines that a recipient's program under sections 7114 or 7115 has shown outstanding progress in transferring students with limited English proficiency into regular English language classrooms successfully, the Secretary shall, upon application and continued progress, extend the recipient's funding for such program for up to four years. The recipient shall use a portion of such extended funding to disseminate information and provide technical assistance related to its program.

"CORRECTIVE ACTION PLANS FOR COMPREHENSIVE SCHOOL AND SYSTEMWIDE GRANTS

"SEC. 7125. (a) INDICATORS OF ADEQUATE PROGRESS.--The Secretary shall establish performance indicators to determine if programs under sections 7114 and 7115 are making adequate progress toward meeting the goal of preparing students with limited English proficiency to transfer into regular English language classrooms successfully within three years.

"(b) DETERMINATION OF ADEQUATE PROGRESS.--(1) The Secretary, before making a continuation award for the fourth year of program services, shall determine if a program is making adequate progress.

"(2) The Secretary shall base the determination under paragraph (1) on the indicators described in subsection (a) and--

"(A) the data and information collected under section 7123; and

"(B) such other data and information as the Secretary may require.

"(c) CORRECTIVE ACTION PLANS.--(1)(A) If the Secretary determines that a program requesting a fourth-year continuation award under section 7114 or section 7115 is not making adequate progress toward the goal of successfully transferring participating students with limited English proficiency to a regular English language classroom within three years, the Secretary shall require the recipient to promptly develop and submit to the Secretary a corrective action plan for its program.

"(B) If the Secretary approves the plan, the recipient shall report to the Secretary within one year on the success of its activities under the plan in enabling such students to transfer successfully to regular English language classrooms successfully within three years.

"(2)(A) The Secretary shall approve a corrective action plan only if he or she determines that it holds reasonable promise of enabling students with limited English proficiency participating in the program to transfer to regular English language classrooms successfully within three years.

"(B) If the Secretary determines that a recipient's plan does not hold reasonable promise of success, the Secretary shall take such other action as he or she determines to be appropriate, including a denial of a continuation award.

"(3) If the Secretary, after receiving the recipient's report under paragraph (1)(B), determines that the recipient's program is not making adequate progress, the Secretary shall deny the recipient a continuation award."

DEMONSTRATIONS

SEC. 7. Subpart 2 of Part A of the Act is amended by--

(1) amending the subpart title to read "RESEARCH, EVALUATION, DISSEMINATION, AND DEMONSTRATIONS"; and

(2) adding at the end thereof the following new section 7137 to read as

follows:

DEMONSTRATIONS

"SEC. 7137. (a) IN GENERAL.--The Secretary may make grants to support programs that demonstrate innovative, research-based methods for enabling children and youth (through age 21) with limited English proficiency to reach English proficiency within three years.

"(b) FOLLOW-UP.--Each program carried out under subsection (a) shall track, using effective assessment and data-collection practices, students' English-language acquisition and academic development during the three-year period described in subsection (a).

"(c) GRANT PREFERENCE AND PRIORITIES.--(1) In awarding grants for programs under subsection (a), the Secretary shall seek to fund a range of approaches that cover the educational continuum, beginning with preschool and continuing through programs that serve out-of-school youth through age 21.

"(2) The Secretary may give priority to programs that seek to transfer students' reading skills from the native language to English, that employ educational technologies in innovative ways, that demonstrate innovative methods for inclusion of students with limited English proficiency in assessments given to other children, that serve older children and youth who are not literate in their own language, that provide literacy services for parents of children with limited English proficiency, that expand parental choice, or that serve children from a variety of language backgrounds."

PROFESSIONAL DEVELOPMENT

SEC. 8. Subpart 3 of Part A of the Act is amended by adding at the end thereof the following new section:

"PRIORITY

"SEC. 7151. PRIORITY.--In making awards under this subpart, the Secretary may give priority to applications that propose to link individuals who are pursuing a course of study to prepare them to serve limited English proficient students with teachers who are successful and experienced in serving these students, so that those aspiring to become bilingual or English-as-a-second-language teachers may learn from their more experienced counterparts."

PARENTAL CHOICE

SEC. 9. Section 7502 of the Act is amended--

(1) by amending the section heading to read : "REGULATIONS, PARENTAL NOTIFICATION AND CHOICE"; and

(2) in subsection (b)--

(A) by amending the subsection heading to read : "PARENTAL NOTIFICATION AND CHOICE";

(B) in paragraph (1)(A), by inserting "and native language" after "level of English";

(C) by amending paragraph (2)(A) to read as follows:

"(2) OPTION TO DECLINE OR WITHDRAW.--(A) Such parents shall also be informed that they have the option of declining enrollment of their children and youth in such programs as well as withdrawing their children and youth from such programs.";

(D) by redesignating paragraphs (2), as so amended, (3) and (4) as paragraphs (3), (4), and (5), respectively;

(E) by adding a new paragraph (2) to read as follows:

"(2) CHOICE OF PROGRAMS.--Such parents shall be informed that, if their child or youth attends a school that provides more than one suitable program, they have the option of choosing the program in which to enroll their child or youth.".

EFFECTIVE DATE

SEC. 10. (a) EFFECTIVE DATE.--The provisions of this Act shall take effect on the date of enactment of this Act.

(b) APPLICATION OF CERTAIN REQUIREMENTS.-- Sections 3 through 5 of this Act shall apply only to grants made under Part A of the Act after the effective date of this Act.

#

DRAFT 6/29/98

BILINGUAL EDUCATION ACT AMENDMENTS OF 1998

Section-by-Section

Section 2. Section 2 of the bill would amend Title VII (the Bilingual Education Act, hereinafter referred to as "the Act") of the Elementary and Secondary Education Act of 1965 by amending: (1) the title heading to read "LANGUAGE ENHANCEMENT AND LANGUAGE ACQUISITION PROGRAMS"; (2) the heading for Part A to read "PART A - ENGLISH LANGUAGE ACQUISITION AND ACADEMIC LEARNING"; and (3) section 7101 of the Act to change the short title of title VII from the "Bilingual Education Act" to the "English Language Acquisition and Academic Learning Act".

Section 3. Section 3 of the bill would amend section 7103(a) of the Act to authorize the appropriation of such sums as may be necessary for fiscal years 1999 through ---- in order to carry out Part A.

Section 4. Section 4(1) of the bill would amend section 7116 of the Act: (1) to require, in subsection (g)(1)(A) of the Act, that the description of the need for the program in the application contain, among other things, the number and English proficiency levels of children and youth of limited English proficiency in the school or school district to be served and the characteristics of such children and youth, such as language spoken, dropout rates, proficiency in English (based on student assessment data) and the native language. Section 4(1) would also require applications to contain a description of: (1) how the applicant will identify and place students with limited English proficiency in a program; (2) how the applicant will provide parents of students with limited English proficiency with the notifications and options required under section 7502(b), as amended below; (3) how the applicant will determine, consistent with section 7123, whether students are making progress toward the goal of transferring into regular English classrooms within three years; (4) how the applicant will determine when such students are ready to transfer into regular English language classrooms successfully; and (5) the assessments the applicant will use in making such identifications and determinations.

Section 4(2) of the bill would amend section 7116(h) of the Act to redesignate current paragraphs (1) through (6) as paragraphs (3) through (8), respectively, and add new paragraphs (1) and (2) requiring that an applicant's program have a goal of preparing participating students with limited English proficiency to transfer into regular English language classrooms successfully within three years, and that the applicant's program conduct an annual assessment of the English proficiency of the students with limited English proficiency participating in

the program.

Section 4(3) of the bill would amend section 7116(i) of the Act by eliminating the priority in paragraph (1) and the limitations on funding "special alternative instructional programs" in paragraphs (2) and (3) of the subsection, and by adding a new priority for applications that demonstrate that the applicant has in place an accountability system that is designed to measure if students with limited English proficiency are successfully transferring into regular English language classrooms.

Section 5. Section 5(1) of the bill would amend section 7123(a) of the Act to change the required evaluation from biennial to annual.

Section 5(2) of the bill would amend section 7123(b) of the Act to include program accountability as one of the uses of the evaluation and to add, as other uses: (1) determining how to help participating students with limited English proficiency succeed in reaching the goal of transferring into regular English language classrooms within three years; and (2) determining whether participating students with limited English proficiency need programmatic changes or additional services (such as tutoring, summer school, or after-school services) to make a successful transition to regular English language classrooms within three years.

Section 5(3) of the bill would amend section 7123(c) of the Act to add, as new evaluation components: (1) data and information on program participants, including an assessment of the English proficiency of the students with limited English proficiency participating in the program, and the number and percentage of students with limited English proficiency participating in the program who have met State or local requirements for transferring successfully into a regular English language classroom and have exited, or are ready to exit, the program; and (2) data and information that indicate whether students with limited English proficiency participating in the program are making progress toward the goal of transferring successfully into a regular English language classroom within three years. Section 5(3) would also make editorial changes to the currently required evaluation components.

Section 5(4) of the bill would add new subsections (d) and (e) to the section. New subsection (d) would require a recipient, in gathering the data required for the evaluation under this section, to conduct an assessment of the educational status of each student with limited English proficiency who participates in its program. This assessment would be based on the student's English proficiency and overall academic development. New subsection (e) would require each recipient to make its evaluation under this section readily available to the public and the Secretary to send to the President and the appropriate committees of the Congress a biennial report summarizing the data and information in the evaluations required under this

section.

Section 6. Section 6 of the bill would redesignate section 7124 as section 7126, and add new sections 7124, entitled "INCENTIVES FOR OUTSTANDING PROGRESS FOR COMPREHENSIVE SCHOOL AND SYSTEMWIDE GRANTS", and 7125, entitled "CORRECTIVE ACTION PLANS FOR COMPREHENSIVE SCHOOL AND SYSTEMWIDE GRANTS".

New section 7124(a) provides that, notwithstanding section 7114(b)(1)(B) and section 7115(b)(1)(B), if the Secretary determines that a recipient's program under sections 7114 or 7115 has shown outstanding progress in transferring students with limited English proficiency into regular English language classrooms successfully, the Secretary would be required to extend the recipient's funding for such program for up to four years. The recipient would be required to use a portion of such extended funding to disseminate information and provide technical assistance related to its program.

New section 7125(a) would require the Secretary to establish performance indicators to determine if programs under sections 7114 (comprehensive school grants) and 7115 (systemwide grants) of the Act are making adequate progress toward meeting the goal of preparing students with limited English proficiency to transfer into regular English language classrooms successfully within three years.

New section 7125(b) would require the Secretary, before making a continuation award for the fourth year of program services, to determine if a program under sections 7114 and 7115 was making adequate progress. Such determination would be based on the indicators developed under subsection (a) and the data and information collected under the evaluation under section 7123 and such other data and information as the Secretary may require.

New section 7125(c) would require a recipient, if the Secretary determines that a program requesting a fourth-year continuation award under section 7114 and 7115 is not making adequate progress toward the goal of successfully transferring participating students with limited English proficiency to a regular English language classroom within three years, to promptly develop and submit to the Secretary a corrective action plan for its program. If the Secretary approves the plan, the recipient would be required to report to the Secretary within one year on the success of its activities under the plan in enabling such students to transfer to regular English language classrooms successfully within three years. The Secretary would approve a corrective action plan only if he or she determines that it holds reasonable promise of enabling students with limited English proficiency participating in the program to transfer to regular English language classrooms successfully within three years. However, if the Secretary determined that a recipient's plan does not hold reasonable promise of success, the Secretary would

be required to take such other action as he or she determines to be appropriate, including a denial of a continuation award. In addition, if the Secretary, after receiving the recipient's report on the success of its corrective actions, determines that the recipient's program is not making adequate progress, the Secretary is required to deny the recipient a continuation award.

Section 7. Section 7 of the bill would amend Subpart 2 of Part A of the Act to change the subpart title to "RESEARCH, EVALUATION, DISSEMINATION, AND DEMONSTRATIONS" and to add a new section 7137 demonstration authority.

New section 7137(a) would authorize the Secretary to make grants to support programs that demonstrate innovative, research-based methods for enabling children and youth (through age 21) with limited English proficiency to reach English proficiency within three years.

Subsection (b) would require each program carried out under subsection (a) to track, using effective assessment and data-collection practices, students' English-language acquisition and academic development during the three-year period described in subsection (a).

Subsection (c) would require the Secretary, in awarding grants for programs under subsection (a), to seek to fund a range of approaches that cover the educational continuum, beginning with preschool and continuing through programs that serve out-of-school youth through age 21. The Secretary would also be authorized to give priority to programs that seek to transfer students' reading skills from their native language to English, that employ educational technologies in innovative ways, that demonstrate innovative methods for including students with limited English proficiency in assessments given to other children, that serve older children and youth who are not literate in their own language, that provide literacy services for parents of children with limited English proficiency, that expand parental choice, or that serve children from a variety of language backgrounds.

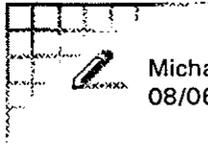
Section 8. Section 8 of the bill would amend Subpart 3 of Part A of the Act, relating to professional development programs, to add at the end thereof a new section 7151 that would give a priority to applications that propose to link individuals who are pursuing a course of study to prepare them to serve limited English proficient students with teachers who are successful and experienced in serving these students, so that those aspiring to become bilingual or English-as-a-second-language teachers may learn from their more experienced counterparts.

Section 9. Section 7502 of the Act would be amended by changing the section heading to "REGULATIONS, PARENTAL NOTIFICATION AND CHOICE". Also, the subsection heading for subsection (b) of the section would be changed to

"PARENTAL NOTIFICATION AND CHOICE". Subsection (b) would be further amended, in paragraph (1)(A), to require that parents be informed of a student's native, as well as English, language proficiency. Paragraph (2)(A) would be amended to require that parents be informed of their option to withdraw their children and youth from Part A programs, as well as to decline enrollment in such programs. Paragraphs (2), (3) and (4) of subsection (b) would be redesignated as paragraphs (3), (4), and (5), respectively, and a new paragraph (2) would be added to the subsection to require that parents be informed that, if their child or youth attends a school that provides more than one suitable program, they have the option of choosing the program in which to enroll their child or youth.

Section 10. Section 10 of the bill would provide that the bill to take effect on the date of enactment of this Act. It would also provide that sections 3 through 5 of the bill apply only to grants made under Part A of the Act after the effective date of this Act.

#



Michael Cohen
08/06/98 10:16:22 AM

Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP

cc:

Subject: Riggs bilingual on floor today

We expect Riggs to come up this afternoon, probably around 3:00. Here's the latest:

1. Democratic whip count looks pretty solid: no one has said they will vote for Riggs, only 4 are leaning toward Riggs, 8 undecided. I'm not sure how many no responses there are now, but Broderick and others think we are in solid shape on our side.

2. Riggs has a manager's amendment he is expected to introduce. It would free district's from complying with Lau guidelines if the state has a law that is inconsistent with it, and would prohibit districts from receiving federal funds if they are not in compliance with state law. Well suited for CA--but an interesting legal theory that allows state ballot initiatives to supercede Supreme Court decisions. Dems are hoping he proceeds with this amendment.

3. We don't have a good handle on Republican defections yet, though we know there are some from New Mexico, and anticipate some from Texas and Florida as well. Expect Riggs to pull the bill if he's in danger of loosing.



Kate P. Donovan
08/05/98 03:57:20 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: Draft SAP: HR 3892 - English Language Fluency Act

Please review the draft SAP for HR 3892 - English Language Fluency Act. House floor action is expected tomorrow, Thursday (5/6), but we want to clear as soon as possible in case the House decides to turn to it earlier. Please provide comments/clearance by cob today. Thank you.

H.R. 3892 - English Language Fluency Act

(Rep. Riggs (R) CA and 3 others)

The Administration strongly opposes H.R. 3892, which would significantly amend the Bilingual Education Act. While there is a need to strengthen programs designed to help students with limited English proficiency (LEP) learn English, meet challenging standards in academic subjects, and successfully move into mainstream classes, H.R. 3892 would not accomplish these purposes. It is a step in the wrong direction.

H.R. 3892 is objectionable because it would:

Force school districts to cut off services arbitrarily to students who need them, and deny funds to school districts if they fail to do so.

Eliminate professional development programs that focus on the preparation of teachers, thereby exacerbating the current shortage of qualified bilingual and English-as-a-second language teachers.

Eliminate targeting of limited Federal funds on school districts with the greatest need and the highest quality programs, by replacing the current competitive grants program with a State block grant.

Fail to include safeguards to prevent States and school districts from reducing their financial support for educating LEP students.

Curtail necessary efforts by the Education Department to protect the civil rights of LEP students by voiding compliance agreements where local educational agencies (LEAs) have chosen bilingual education as the means of complying with Title VI of the Civil Rights Act. This would generate costly and time-consuming law suits for LEAs and deny them the ability to resolve

compliance issues voluntarily..

The President has articulated a clear set of principles to strengthen education programs for LEP students. This bill does not reflect those principles, and will not improve education programs for these students. It will not help them to learn English more rapidly, nor will it help them to meet challenging standards in academic subject areas.

* * * * *

(Do Not Distribute Outside Executive Office of the President)

This draft Statement of Administration Policy was developed by LRD (Connie Bowers) in consultation with the Department of Education (Hansen) and HRD (Mustain). The position was agreed to by DPC (Cohen), WHLA (Johnson), and the Departments of Justice (Jones) and Interior (Cardinale).

OMB/LA Clearance: _____

ADMINISTRATION POSITION TO DATE

On June 4, 1998, Secretary Riley sent a letter to the House Committee on Education and the Workforce stating strong opposition to H.R. 3892 for the same reasons stated in this Statement of Administration Policy. His letter also noted that the bill is inconsistent with the Administration's principles for strengthening bilingual education. These principles are: (1) a goal that students learn English within 3 years; (2) accountability for results, so that students not making adequate progress get the extra help they need and programs that do not measure up are improved; (3) local flexibility for determining how best to achieve results; and (4) assurance that an adequate supply of well-trained teachers is provided, to ensure quality no matter what instructional approach a community selects. The letter also advised the Committee that "the President plans to send legislation to Congress fully consistent with these principles" ED prepared a draft bill, but a decision was made not to transmit it to Congress.

BACKGROUND

The Bilingual Education Act was enacted originally in 1968 as part of the Elementary and Secondary Education Act (ESEA). It established a Federal policy of assisting local school districts to develop and implement new programs to meet the unique educational needs of children with limited English-speaking ability -- i.e., those "who come from environments where the dominant language is other than English." Over the years, the Act has been amended to broaden its coverage to any individual who has difficulty speaking, reading, writing, or understanding the English language, and whose difficulty denies them the opportunity to learn successfully in classrooms where English is the language of instruction. In 1974, the Bilingual Education Act was amended to authorize transitional bilingual education

(programs using children's native language in instruction until they are proficient in English) as the basic instructional approach supported under the Act. Although the Act has been amended several times since 1974, the emphasis on the transitional bilingual education approach remains.

The Emergency Immigrant Education Act was enacted to provide funds to States to assist in the education of immigrant students who have been in the United States for less than three years. According to the committee report on H.R. 3892, more than half of recent program expenditures have been used on English language instruction or other bilingual education services.

SUMMARY OF H.R. 3892

H.R. 3892 would combine the Bilingual Education Act and the Emergency Immigrant Education Act and rename the combined Acts the English Language Fluency Act. The bill would replace the current competitive grant program, which targets funds to districts with the greatest need, with a State block grant program. It would authorize "such sums" appropriations for FYs 1999-2003 and require that appropriated funds be used for programs designed to move students, in two years, to a classroom where instruction is not tailored to those learning English. It would prohibit the use of funds to teach a child who has completed three years in a bilingual education program.

In addition, H.R. 3892 would:

Void all current compliance agreements related to bilingual education between the Department of Education (ED) and local school districts or States receiving assistance for such programs under the ESEA. Such agreements have emphasized the development of bilingual programs. The bill also would prevent the Secretary from entering into any future compliance agreements until the enforcement guidelines and compliance standards have been published in the Federal Register and become final regulations.

Require that parents sign permission forms before their children could be placed in English instruction programs, and require schools to let parents remove their children from bilingual programs. In addition, schools must allow parents to select the method of English language instruction -- transitional bilingual education, English-immersion programs, et al -- their child will receive if more than one method is offered.

Prohibit States receiving funds under the Act from exempting children who are English language learners from State standardized tests, even if the test is given only in English. Eliminate the direct funding of professional development programs, but allow States to use funds to assist personnel in meeting certification requirements for English language instruction and to train personnel in ways to improve such instruction.

Change the name of ED's Office of Bilingual Education and Minority Languages

Affairs to the Office of English Language Acquisition.

PAY-AS-YOU-GO SCORING

According to HRD (Mustain), H.R. 3892 would not affect direct spending or receipts; therefore, it is not subject to the PAYGO provisions of the Omnibus Budget Reconciliation Act.

LEGISLATIVE REFERENCE DIVISION DRAFT

August 5, 1998 - 12 p.m.

Message Sent To:

Broderick Johnson/WHO/EOP
Charles M. Brain/WHO/EOP
Dario J. Gomez/WHO/EOP
Michael Cohen/OPD/EOP
Elena Kagan/OPD/EOP
Laura Emmett/WHO/EOP
Robert M. Shireman/OPD/EOP
Maria Echaveste/WHO/EOP
Elizabeth Gore/OMB/EOP
Janet Murguia/WHO/EOP
Mindy E. Myers/WHO/EOP
Edward W. Correia/WHO/EOP

Please review this *revised* version of the draft SAP and provide any comments by 2:00 p.m. today, Tuesday, August 4th.

H.R. 3892 -- English Language Fluency Act
(Rep. Riggs (R) CA and 3 others)

The Administration strongly opposes H.R. 3892, which would significantly amend the Bilingual Education Act. While there is a serious need to strengthen programs designed to help students with limited English proficiency (LEP) learn English, meet challenging standards in academic subjects, and successfully move into mainstream classes, H.R. 3892 would not accomplish these purposes. It is a step in the wrong direction.

H.R. 3892 is objectionable because it would:

Force school districts to cut off services arbitrarily to students who need them, and deny funds to school districts if they fail to do so.

Eliminate professional development programs that focus on the preparation of teachers, thereby exacerbating the current shortage of qualified bilingual and English-as-a-second language teachers.

Prevent targeting of limited Federal funds to school districts with the greatest need and the highest quality programs, by replacing the current competitive grants program with a State block grant.

Fail to include maintenance-of-effort or supplanting provisions to prevent States and school districts from reducing their financial support for educating LEP students.

Curtail necessary efforts by the Education Department to protect the civil rights of LEP students by "voiding" consent decrees that require bilingual education. This would generate costly and time-consuming law suits for local education agencies and deny them the ability to resolve voluntarily compliance issues under Title VI of the Civil Rights Act.

The President has articulated a clear set of principles to strengthen education programs for LEP students. This bill does not reflect those principles, and will not improve education programs for these students. It will not help them to learn English more rapidly, nor will it help them to meet challenging standards in academic subject areas.

JANET MURGUIA

08/06/98 09:37:54 PM

Record Type: Record

To: See the distribution list at the bottom of this message
cc: Broderick Johnson/WHO/EOP, Mindy E. Myers/WHO/EOP
Subject: Riggs/Bilingual Education bill

The Republican leadership pulled the bill from floor consideration this evening. There was excellent cooperation from our Democratic whip operation and lots of lobbying by the Hispanic Caucus against the bill. In fact, Democratic Committee staff believe the Republicans were worried about the vote. I think there was some truth to that but believe that it was the desire by Members to not stay late and to adjourn for the August recess that really prompted the bill to be pulled. JM

Message Sent To:

Maria Echaveste/WHO/EOP
Mickey Ibarra/WHO/EOP
Bruce N. Reed/OPD/EOP
Elena Kagan/OPD/EOP
Michael Cohen/OPD/EOP
Robert M. Shireman/OPD/EOP
Barbara Chow/OMB/EOP
Karen E. Skelton/WHO/EOP

June 24, 1998

MEMORANDUM FOR THE PRESIDENT

FROM: Bruce Reed

SUBJECT: Bilingual Education

The House Education and the Workforce Committee recently passed the English Fluency Act, introduced by Rep. Frank Riggs, on a straight party-line vote. The purpose of this memo is to update you on both the status of the Riggs proposal and the development of an Administration alternative, and to present you with options for how to proceed.

I. Overview of Riggs Bill and Administration Alternative

The Riggs bill would eliminate the existing Bilingual Education and Emergency Immigrant Education programs and replace it with a block grant program that would require participating school districts to have a strategy for placing Limited English Proficient (LEP) students in regular English-language classes within two years and that would deny funding to districts for any children who remain in bilingual classes after three years. The bill would eliminate professional development programs designed to prepare qualified ESL and bilingual education teachers. It also would curtail the enforcement powers of the Education Department's Office of Civil Rights (OCR) by voiding existing voluntary compliance agreements between OCR and local school districts on educating LEP students and by requiring Congress to ratify any new guidelines and compliance standards on this subject.

We are finalizing an alternative bill based on the principles you and Secretary Riley articulated in opposing the Unz Initiative. (We are also working long-term on possible changes to Title 1 to help LEP students, but these changes will not be ready this year.) Our alternative bill would amend (rather than replace entirely) the existing bilingual education program. Specifically, it would require participating school districts to (1) establish a goal of preparing LEP students to enter regular English classrooms within three years; (2) conduct annual assessments of students' English proficiency; (3) provide additional help for students not on track to English proficiency; and (4) develop a corrective action plan, to be approved by the Secretary, if a significant percentage of students do not meet the three-year goal.

To ensure accountability for results, districts that fail to make adequate progress after implementing a corrective action plan would not receive continued funding. Districts that make outstanding progress toward the three-year goal would receive additional funding. In addition, the bill would guarantee local flexibility by removing the existing cap on funding for programs that do not use students' native languages and by removing the competitive priority currently given to

programs designed to maintain native language while helping students learn English.

We also have been working on other measures to help LEP students. Though we still have work to do on this package, and some parts of it will cost money, we expect it to include: (1) proposals to strengthen the recruitment, preparation, and continued training of bilingual and ESL teachers, including additional incentives to attract teachers to the field and mentoring programs for new teachers; (2) an initiative to promote community-based efforts to provide extra help for LEP students to learn English through, for example, after-school tutoring and Saturday programs; (3) a directive to the Secretary of Education to report on best practices, both in the U.S. and in other countries, to assist students to become proficient in the national language as quickly as possible; (4) a research program in how best to strengthen education for LEP students, including studies on the uses of technology; and (5) a proposal to help English-speaking students learn foreign languages, including new incentives and support for schools to offer foreign language classes in early grades. We can announce such a package this summer regardless of whether we also transmit bilingual reform legislation, though our ability to spend new money on these proposals will be limited outside the budget cycle.

II. Congressional Dynamic

The Riggs bill probably will proceed in the House on two parallel tracks: as a rider to the Labor-HHS-Education Appropriations bill and as a free-standing bill. There is no analogue to the bill in the Senate and no hint of activity on this issue.

The House Labor-HHS-Education Appropriations Subcommittee marked up a bill yesterday that includes Riggs. (This version of Riggs may differ slightly from that previously passed by the Education and the Workforce Committee; we are trying right now to get the appropriations language.) Subcommittee Democrats viewed this appropriations bill as so fundamentally flawed that they did offer any amendments. (The bill provides less than you requested for overall education spending; makes significant cuts in Administration priorities such as Goals 2000; and contains a number of unacceptable riders including a prohibition on national testing and the creation of block grants out of existing programs.) House Democrats have not yet finalized a strategy for dealing with this bill in the full committee and when it comes to the floor. It appears likely that any amendments offered will be designed to promote a unified Democratic message rather than to improve the bill in material ways. We do not expect the Hispanic Caucus to make an effort to strip Riggs from the bill.

In addition, the Riggs bill probably will come to the floor as a free-standing measure shortly after the recess. Few Members have focused on this prospect yet, and we do not know whether they will want the cover of an alternative bill to reform bilingual education. Committee Democrats (including moderate Reps. Roemer and Kind) felt no need for an alternative bill during markup. Rep. Roemer, however, believes that Democrats will need an alternative on the floor. So far, members of the Hispanic Caucus, including Reps. Becerra and Hinojosa, have opposed a floor alternative (as do bilingual advocates), although they acknowledge that the Democratic Caucus as

a whole might eventually want one.

III. Legislative Options

We must determine when and under what conditions to transmit legislation to reform bilingual education. There are two basic options: to defer to Congressional Democrats, or to send a bill to Congress this summer, even if we have not obtained the agreement of House Democrats.

Option 1. Defer to the Congressional Democrats

One approach is essentially to leave this decision to House Democrats. We would consult with members of the Hispanic Caucus and other Democrats on our bill, incorporating their suggestions to the extent we could, but insisting that our three-year goal and strengthened accountability measures remain part of the legislation. If the Democrats decide that they want an alternative bill as Riggs proceeds -- and if they can live with the Administration's version -- we would introduce the bill. Alternatively, if they do not want an alternative -- or do not want our alternative (i.e., a bill with a three-year goal and strong accountability provisions) -- we would continue to articulate our principles on bilingual education, and announce other initiatives to help LEP students, but postpone transmittal of actual legislation until the Bilingual Act comes up for reauthorization next year.

The principal advantage of this approach is that it stands the best chance of keeping Democrats united -- on bilingual education in particular, but also on our overall education strategy. The approach will enable us to take as strong and united a base as possible into our many fights with Republicans on education programs. It also will enable us to draw as clear a line as possible between Republican and Democratic approaches to education issues.

The downside of this approach is that it places control over your bilingual reform proposal in the hands of Members who may not share your views -- and thereby minimizes your ability to take a leadership role on this issue. The chances are good that the Democratic Caucus either will not want an alternative bill, or will not want the kind of bill that we support (although it is possible that enough Members will want a strong alternative to the Riggs bill to place real pressure on the Democratic Leadership and Hispanic Caucus to accept our approach). Accordingly, deferring to the Caucus may well mean deferring transmittal of a bill until next year. In this event, you would have to make the case against Riggs without a specific proposal of your own.

Option 2. Transmit An Administration Bill This Summer

The alternative approach is to send up a bill this summer, even if it cannot get the support of the entire Democratic Caucus. We of course would consult with the Hispanic Caucus and other Democrats in an effort to get their backing, but if these discussions proved fruitless, we would send up a bill regardless. We then would define our opposition to Riggs on this basis.

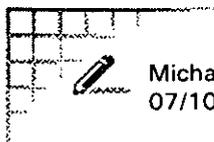
This approach would demonstrate your clear commitment to reforming bilingual education and would position you in the reasonable center of the emerging national debate between those who are defending the status quo and those who are proposing extreme and punitive approaches. The approach would strengthen your ability to oppose Riggs (because you too would have a reform proposal). It also would give you the best chance of framing the bilingual reform issue and ensuring that yours is a preeminent voice in the debate as it goes forward.

The approach, however, has significant legislative downsides. If you send up a bill against the wishes of the Hispanic Caucus, not only they but probably the Black Caucus and liberal Democrats as well would oppose the measure. In the worst case scenario, the proposal would not find a Democratic sponsor, leaving you appearing wholly isolated on this issue. Even if the bill were introduced, it probably would not command much support; the same coalition could form against it as formed against our national testing initiative. Opposition by the Hispanic and Black Caucuses also could spill over into other legislative battles (although the prospects of support from the two caucuses on the testing issue is in any event very slim).

In assessing these pros and cons, you also should note an outside chance that Riggs will respond to your bill by offering a compromise. Riggs has indicated privately that he does not see large differences between his approach and the principles you articulated when opposing Unz. He also has hinted that he is prepared to drop the civil rights enforcement provisions in his bill. If Riggs were to modify his bill in order to look more like ours, we might be able to pass good bilingual reform legislation, but we would infuriate many House Democrats in our effort to do so.

Recommendation: Your advisors are split on this issue. I favor Option 2 as the best way to make progress on this issue, but recognize that your final determination may depend more upon political than upon policy calculations. NPR, which you asked to look into bilingual issues, also supports Option 2. Maria Echaveste also would favor Option 2 if it comes to that, but would work very hard -- and thinks we have a real chance -- to convince the Hispanic Caucus and Democratic leadership to accept our approach. Secretary Riley favors Option 1 because he wants more time to develop a bill and because he does not want to introduce a bill in the face of resistance from the Hispanic Caucus. Larry Stein, Janet Murguia, Mickey Ibarra, and Karen Skelton also recommend Option 1, principally on the latter ground.

_____ Option 1 _____ Option 2 _____ Discuss



Michael Cohen
07/10/98 01:50:47 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: Unz Implementation--SF Chronicle story

Thought you'd find this interesting--it appears that the Cal. State Board of Education is looking to give districts considerable flexibility in implementing Unz, making it as easy as possible under the law to allow parents to put their kids in bilingual programs, and requiring districts to figure out some way to provide kids additional services if they haven't learned English after a year.

25. Sacramento Bee
July 10, 1998 Category: Local

State starts putting Proposition 227 in place
Flexibility built into rules for school districts

By Janine DeFao Bee Staff Writer

The California State Board of Education unanimously adopted emergency regulations Thursday intended to give local schools and parents as "I think we're trying to be flexible for programs that are successful and that have parent buy-in," said board president Yvonne Larsen.

"This should be considered a parent- and local school board-driven system," added the board's executive director, Bill Lucia.

The emergency regulations, which first need to be approved by the Office of Administrative Law before taking effect, say that schools must But advocates of bilingual education, which uses a child's native language in teaching English and other academic subjects, are hoping that A coalition of civil rights group is seeking a preliminary injunction on the grounds that the initiative is discriminatory and violates federal law Nearly 1.4 million students, a quarter of the state's public school enrollment, are not fluent in English. About a third have been taught in bilingual While the state board already had decided it does not have the authority to grant waivers to school districts that want to maintain bilingual The regulations say such parent waivers "shall be granted unless the school principal and education staff have substantial evidence that the "Our target is to be protective of parents," said board vice president Robert Trigg.

But Ron Unz, author of Proposition 227, said Thursday that the initiative is clear "that parents who want their children in a bilingual program "So long as the initiative is interpreted in any reasonable manner, it would certainly end the overwhelming majority of bilingual programs in the state. The initiative states that limited-English students must be placed in an English immersion program and taught "overwhelmingly" in English. The head of one of the groups seeking to block the initiative said the parent waiver provision "is not a savior by a long shot."

"There is a very serious question about the ability of non-English-speaking parents to leverage a school system in this way," said Peter Roos. Also problematic to Roos and to several speakers at Thursday's board hearing is the requirement that all children be placed in an English immersion program. The regulations also state that school districts have to provide services to English learners, beyond one year of English immersion, until students are fluent. But the regulations do not specify what will be taught in those English immersion programs and whether, or how much, of a child's native language will be used. "We will have multiple ways of what (districts) think structured English immersion looks like," Lucia said.

State schools chief Delaine Eastin, who was not at Thursday's meeting, said in a statement that the regulations give schools "the flexibility to implement the initiative in a way that works for their students." But Eastin added, "This is by no means the final act in this drama. Implementing this initiative will be a challenging task."

Message Sent To: _____

The damage of bilingual education

By Bill Goodling and Frank Riggs

Over the past 30 years, the federal government has spent \$4.4 billion on federal bilingual education programs, and we still don't know what works. The National Academy of Sciences recently published an analysis of all the research conducted on bilingual education. The results come as no surprise: More research is needed to determine what types of programs are most effective.

But the 3 million limited and non-English speaking students enrolled in these federal programs know that federal bilingual education doesn't work. Why? Federal bilingual education programs emphasize native language instruction, not English. They also keep children and teenagers trapped in programs for years. Goals and results are rarely emphasized. Most studies show that native language based programs are no better, or even worse, than doing nothing.

Rather than mandating that funds be spent on bilingual education programs of unproven effectiveness, it is time that Congress pass legislation like The English Language Fluency Act, H.R. 3892, that fundamentally reforms Federal bilingual education programs.

The English Language Fluency Act, which the House of Representatives is expected to take up this month, gives power back to parents and back to states where it belongs. Congress would provide parents in every state the right to choose

Rep. Bill Goodling, Pennsylvania Republican, is chairman of the House Committee on Education and the Workforce and Rep. Frank Riggs, California Republican, is chairman of the Subcommittee on Early Childhood, Youth and Families.

whether or not their children participate in bilingual education programs; allow state and local governments to choose the types of English language instruction provided to limited English speaking students; and help those students to learn English in a maximum of three years, thereby enabling them to achieve the same high level of academic success as their English-speaking peers.

If enacted, the bill would take power away from Washington bureaucrats meddling with students' educations because they



think they know what's best. They don't. Just ask the thousands of parents, teachers and academics who agree that current bilingual education programs do their children greater harm than good.

"My children learn Spanish in school so they can grow up to be busboys and waiters. I teach them English at home so they can grow up to be doctors and lawyers," said Ernesto Ortiz, a rancher in South Texas. Another Hispanic parent, Jura Sherwood of Medford, Oregon said, "It is nothing less than subtle racism to suggest that Hispanic children are incapable of being educated in English."

These parents know a bad program when they see it. And, Miss Sherwood's statement rings frighteningly true, especially considering the following statistics:

- One-third of all Hispanic students fail to finish high school;
- The drop out rate in California for Hispanics is 50 percent; and,
- Last year, only one out of every 15 students in bilingual classes learned enough English to transfer into classes taught in English.

Given these statistics, we should not keep funding the status quo in federal bilingual education programs. Without vast improvements in our bilingual education programs, these students will continue to fall through the education cracks and into lives of great frustration while their peers, due mainly to the advantage of being raised in homes where English is spoken, will more easily and readily achieve the American dream. Why punish children with do nothing bilingual education programs when there are alternatives?

When parents try to find these alternatives themselves by asking that their children be removed from bilingual education classrooms, their requests are denied. Their children never obtain the practical education they need to compete in the U.S. job market while their parental powers are stripped from them.

This is alarming considering, for example, nearly 25 percent of California's students are segregated into bilingual programs where they are trapped. Last year 70 immigrant families were forced to boycott a Los Angeles school for two weeks before their children were allowed to take classes in English. California recently passed Proposition 227, reforming bilingual education,

for reasons like these.

Unfortunately, President Clinton has decided to work against our legislation. But, the people of California have spoken and they overwhelmingly believe that reform is needed. Parents in Texas, Florida, New York and Illinois also have expressed many concerns about bilingual education programs.

By passing legislation that would end the disgrace of the current bilingual education system Congress will be giving millions of students the chance to succeed. Now that's the way to do something that is good for students, parents and local schools.

The Washington Times

MONDAY, JULY 20, 1998

Latin American solutions for Asia

By Riordan Roett
and Russell Crandall

Asia's economic turmoil continues to be a major topic of conversation. Markets across Asia have continued to free-fall and many Asia watchers are predicting a fresh round of currency devaluations, a development that would likely provoke chaos in the streets of Jakarta, Seoul and Bangkok.

Not too long ago it was Latin America, and not Asia, that was reeling from painful sudden currency devaluations and related economic turmoil. Yet, in what must be considered an amazing turnaround, many of the large Latin American economies have emerged from the aftermath of the 1994-1995 peso crisis with stronger, more credible eco-



economic policies and institutions, thus giving the Southeast Asian countries a roadmap for how to grow from financial chaos.

Leading up to 1994, Mexico's year of living dangerously, many were deluded into thinking it had finally become a member of the elite club of developed economies. This confidence that the "good times" were there to stay was due, among other things, to an overvalued exchange rate that made citizens feel wealthier, a seemingly endless stream of foreign capital to finance a growing current account deficit, and the entry into the NAFTA trade agreement. The fiesta abruptly ended with the devaluation of the peso in December 1994 and the subsequent

Riordan Roett is professor of Latin American Studies at the Paul H. Nitze School of Advanced International Studies (SAIS). Russell Crandall is a Ph.D. candidate at Johns Hopkins School of Advanced International Studies.

economic contraction that ravaged Mexico and most of Latin America.

Less reported, however, is the manner in which President Ernesto Zedillo has subsequently responded to the crisis, implementing proactive economic reforms — amidst a process of political reform turmoil which makes the feat all the more impressive — which have quickly put Mexico back on its feet, as exemplified by a growth rate of well over six percent. Policies have included taking an essentially laissez-faire approach to the peso, giving more independence to the Central Bank, ensuring timely reporting of foreign reserve levels (most of this information can now be obtained on the internet!), better banking regulation, etc. Asian rulers could learn much from Mr. Zedillo's leadership and effective policies, as most of the present problems in that region are amazingly similar to what plagued Mexico in 1994.

Argentina's fierce adherence to a stable currency shows that this country is set on maintaining a stable macroeconomic environment. In 1995, Argentina bore the brunt of the *tequila effect*, which put a tremendous amount of pressure on its currency board, a theretofore untested exchange rate system. Surprising to many, Argentina held firm and stuck to its currency board regime and foreign capital quickly returned, pumping much needed liquidity back into the economy. This resolve subsequently immunized Argentina from most of the effects of the 1997 Asian crisis, as most international investors calculated that the Argentine peso would hold firm. Indeed, Argentina had won the one thing that all emerging countries covet — credibility.

Argentina's success with the currency board makes one wonder why the International Monetary Fund and others have been so vehemently opposed to such a system for Indonesia. With the benefit of hindsight, it is easy to conclude that if Indonesia already had a currency board in place when Thailand devalued in 1997, then they would have weathered the Asian contagion about as well as Argentina weathered the fall-out from Mexico in 1995 — pretty well.

Brazil is another Latin country

that has used the *post-tequila effect* period to implement substantive economic reforms. Last October, many were predicting that Brazil would be the first Latin country to devalue its currency, as the symptoms of the Asian flu were beginning to be felt throughout Latin America. And any sudden devaluation of Brazil's currency, the real, would have critically disrupted President Fernando Henrique Cardoso's remarkable economic program that in only four years has brought Brazil back from the precipice of economic Armageddon. Yet, in a flash of economic self-restraint never seen before in Brazil, Mr. Cardoso used an interest rate hike and spending cuts in order to keep the real stable. This resolve quickly stopped the run on the real and chaos was averted. Also, the relative ease with which Brazilian banks dealt with the interest rate hike — earned ironically enough coping with the instability of the hyperinflation days of the late 1980s and early 1990s — shows that there might be even more stability in Brazil than meets the untrained eye.

All in all, the message currently emanating from Brasilia is clear: Brazil is committed to maintaining economic stability for the long-term, even if it means slowing the pace of growth in the short-term. Yet, this is not to say that Brazil is out of the woods. One worrying development is that, in order to entice much needed foreign capital, the Brazilian Central Bank has begun to issue short-term, dollar-linked debt similar to the infamous *tesobonos* which caused so much havoc in Mexico in 1994.

Latin America still has a long way to go before it can claim that it has consolidated its economic reform process. Nevertheless, a few years ago Latin America, like Asia today, suffered an economic meltdown that made many question the value of free-market economic policies. Yet, the leaders of the large Latin American countries refused to be put-off by the economic downturn and instead took advantage of the post-crisis era to implement much needed structural reform. This resolve provides a strong example for Southeast Asia. In short, developing countries can indeed learn and grow from an economic chaos. Now we just have to hope that Asian leaders are listening.

The Washington Times

MONDAY, JULY 20, 1998

THE PRESIDENT'S OFFICE
6-24-98

Educ-bilingual

THE WHITE HOUSE
WASHINGTON
June 24, 1998

ask JB, POC
to talk to
this guy about
RK

copied
Reed
Cohen
Podesta
Bowles

MEMORANDUM FOR THE PRESIDENT

FROM: PHIL CAPLAN
SEAN MALONEY

SUBJECT: English Fluency Act (Riggs Bill) Strategy

The attached Bruce Reed memo updates you on Representative Riggs' bilingual education bill and asks whether you prefer to put forth an alternative bill this summer or defer to House Dems on whether to do so. *Your advisers are split over how best to proceed.*

Background. Riggs' proposal, which recently cleared the House Education and Workforce Committee, would replace existing bilingual education programs with block grants requiring schools to place Limited English Proficient (LEP) students in English-only classes within 2 years; schools would lose funds if LEP students remain in bilingual classes after 3 years; Riggs would also weaken DOEd's enforcement authority. The Administration's alternative now being finalized would: establish a goal of moving LEP students into English classes within 3 years; deny funding to districts that fail to make adequate progress; conduct annual assessments of students' English skills; provide help to struggling students; and develop a corrective action plan to be used if the 3-year goal proves unrealistic. Your advisers are also working on a package of other measures to help LEP students (*e.g.*, better recruitment and training of teachers; new, community-based tutoring and Saturday programs; a DOEd report on best practices).

Options. DPC seeks your guidance on how to engage House Dems on the question of an alternative bill. The Hispanic Caucus (Hinojoso, Becerra), liberals, and bilingual advocates oppose putting forth an alternative; but Dems on the whole may want one. Before engaging on this question, DPC asks whether we should simply defer to House Dems (Option 1) or whether you will want to put forth an alternative bill this summer (Option 2) despite some predictable Democratic opposition. Option 1 (deferring) offers the best chance for keeping Dems united on this, and other, education issues, but cedes control to Dems who may not want what we want; and it may leave you empty handed in opposing Riggs. Option 2 (an alternative bill) would show you're committed to reform and position you in the debate's "reasonable center;" but the bill would not command much support; the Hispanic Caucus and possibly the Black Caucus will oppose it (*i.e.*, the anti-national-testing coalition); finding a sponsor is not a given.

Views. DPC and NPR support Option 2 (an alternative bill) as the best way to make progress on this issue. *Sylvia* and *Maria* favor Option 2, but advocate first trying hard to see what it would take to get wayward Dems to buy in. *Secretary Riley*, *Mickey*, *Janet Murgia*, and *Karen Skelton* favor Option 1 (deferring). *Riley* wants more time to develop a bill and does not want to introduce a bill with the Hispanic Caucus opposing it.

Option 1 (defer to Dems) ___ Option 2 (alternative bill) ___ Discuss ___

THE WHITE HOUSE
WASHINGTON

June 24, 1998

MEMORANDUM FOR THE PRESIDENT

FROM: Bruce Reed

SUBJECT: Bilingual Education

The House Education and the Workforce Committee recently passed the English Fluency Act, introduced by Rep. Frank Riggs, on a straight party-line vote. The purpose of this memo is to update you on both the status of the Riggs proposal and the development of an Administration alternative, and to present you with options for how to proceed.

I. Overview of Riggs Bill and Administration Alternative

The Riggs bill would eliminate the existing Bilingual Education and Emergency Immigrant Education programs and replace it with a block grant program that would require participating school districts to have a strategy for placing Limited English Proficient (LEP) students in regular English-language classes within two years and that would deny funding to districts for any children who remain in bilingual classes after three years. The bill would eliminate professional development programs designed to prepare qualified ESL and bilingual education teachers. It also would curtail the enforcement powers of the Education Department's Office of Civil Rights (OCR) by voiding existing voluntary compliance agreements between OCR and local school districts on educating LEP students and by requiring Congress to ratify any new guidelines and compliance standards on this subject.

We are finalizing an alternative bill based on the principles you and Secretary Riley articulated in opposing the Unz Initiative. (We are also working long-term on possible changes to Title I to help LEP students, but these changes will not be ready this year.) Our alternative bill would amend (rather than replace entirely) the existing bilingual education program. Specifically, it would require participating school districts to (1) establish a goal of preparing LEP students to enter regular English classrooms within three years; (2) conduct annual assessments of students' English proficiency; (3) provide additional help for students not on track to English proficiency; and (4) develop a corrective action plan, to be approved by the Secretary, if a significant percentage of students do not meet the three-year goal.

To ensure accountability for results, districts that fail to make adequate progress after implementing a corrective action plan would not receive continued funding. Districts that make outstanding progress toward the three-year goal would receive additional funding. In addition, the bill would guarantee local flexibility by removing the existing cap on funding for programs that do not use students' native languages and by removing the competitive priority currently given to

programs designed to maintain native language while helping students learn English.

We also have been working on other measures to help LEP students. Though we still have work to do on this package, and some parts of it will cost money, we expect it to include: (1) proposals to strengthen the recruitment, preparation, and continued training of bilingual and ESL teachers, including additional incentives to attract teachers to the field and mentoring programs for new teachers; (2) an initiative to promote community-based efforts to provide extra help for LEP students to learn English through, for example, after-school tutoring and Saturday programs; (3) a directive to the Secretary of Education to report on best practices, both in the U.S. and in other countries, to assist students to become proficient in the national language as quickly as possible; (4) a research program in how best to strengthen education for LEP students, including studies on the uses of technology; and (5) a proposal to help English-speaking students learn foreign languages, including new incentives and support for schools to offer foreign language classes in early grades. We can announce such a package this summer regardless of whether we also transmit bilingual reform legislation, though our ability to spend new money on these proposals will be limited outside the budget cycle.

II. Congressional Dynamic

The Riggs bill probably will proceed in the House on two parallel tracks: as a rider to the Labor-HHS-Education Appropriations bill and as a free-standing bill. There is no analogue to the bill in the Senate and no hint of activity on this issue.

The House Labor-HHS-Education Appropriations Subcommittee marked up a bill yesterday that includes Riggs. (This version of Riggs may differ slightly from that previously passed by the Education and the Workforce Committee; we are trying right now to get the appropriations language.) Subcommittee Democrats viewed this appropriations bill as so fundamentally flawed that they did offer any amendments. (The bill provides less than you requested for overall education spending; makes significant cuts in Administration priorities such as Goals 2000; and contains a number of unacceptable riders including a prohibition on national testing and the creation of block grants out of existing programs.) House Democrats have not yet finalized a strategy for dealing with this bill in the full committee and when it comes to the floor. It appears likely that any amendments offered will be designed to promote a unified Democratic message rather than to improve the bill in material ways. We do not expect the Hispanic Caucus to make an effort to strip Riggs from the bill.

In addition, the Riggs bill probably will come to the floor as a free-standing measure shortly after the recess. Few Members have focused on this prospect yet, and we do not know whether they will want the cover of an alternative bill to reform bilingual education. Committee Democrats (including moderate Reps. Roemer and Kind) felt no need for an alternative bill during markup. Rep. Roemer, however, believes that Democrats will need an alternative on the floor. So far, members of the Hispanic Caucus, including Reps. Becerra and Hinojosa, have opposed a floor alternative (as do bilingual advocates), although they acknowledge that the Democratic Caucus as

a whole might eventually want one.

III. Legislative Options

We must determine when and under what conditions to transmit legislation to reform bilingual education. There are two basic options: to defer to Congressional Democrats, or to send a bill to Congress this summer, even if we have not obtained the agreement of House Democrats.

Option 1. Defer to the Congressional Democrats

One approach is essentially to leave this decision to House Democrats. We would consult with members of the Hispanic Caucus and other Democrats on our bill, incorporating their suggestions to the extent we could, but insisting that our three-year goal and strengthened accountability measures remain part of the legislation. If the Democrats decide that they want an alternative bill as Riggs proceeds -- and if they can live with the Administration's version -- we would introduce the bill. Alternatively, if they do not want an alternative -- or do not want our alternative (i.e., a bill with a three-year goal and strong accountability provisions) -- we would continue to articulate our principles on bilingual education, and announce other initiatives to help LEP students, but postpone transmittal of actual legislation until the Bilingual Act comes up for reauthorization next year.

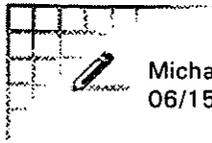
The principal advantage of this approach is that it stands the best chance of keeping Democrats united -- on bilingual education in particular, but also on our overall education strategy. The approach will enable us to take as strong and united a base as possible into our many fights with Republicans on education programs. It also will enable us to draw as clear a line as possible between Republican and Democratic approaches to education issues.

The downside of this approach is that it places control over your bilingual reform proposal in the hands of Members who may not share your views -- and thereby minimizes your ability to take a leadership role on this issue. The chances are good that the Democratic Caucus either will not want an alternative bill, or will not want the kind of bill that we support (although it is possible that enough Members will want a strong alternative to the Riggs bill to place real pressure on the Democratic Leadership and Hispanic Caucus to accept our approach). Accordingly, deferring to the Caucus may well mean deferring transmittal of a bill until next year. In this event, you would have to make the case against Riggs without a specific proposal of your own.

Option 2. Transmit An Administration Bill This Summer

The alternative approach is to send up a bill this summer, even if it cannot get the support of the entire Democratic Caucus. We of course would consult with the Hispanic Caucus and other Democrats in an effort to get their backing, but if these discussions proved fruitless, we would send up a bill regardless. We then would define our opposition to Riggs on this basis.

Educ - Bilingual



Michael Cohen
06/15/98 02:48:22 PM

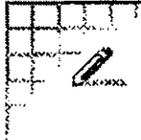
Record Type: Record

To: Elena Kagan/OPD/EOP, Bruce N. Reed/OPD/EOP
cc: Laura Emmett/WHO/EOP
Subject: Bilingual memo

There is some chance that the Riggs bill will come up on the House floor before recess, though it is not on the tentative schedule for next week right now, we believe that Riggs is trying to push for a vote.

We need a decision as to whether we are trying to collaborate with the CHC and House Dems on the need for/timing of an alternative bill, or sending one up regardless of their views. Without this basic sense of direction it is difficult to reach out to the Dems and try to build support for our approach.

So, while I did not have a sense of urgency about this earlier today, it now seems more urgent to get the decision memo to POTUS.

 Mickey Ibarra
06/04/98 01:00:03 PM

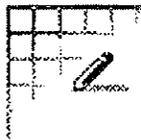
Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: Latino turnout in California/Prop. 227

----- Forwarded by Mickey Ibarra/WHO/EOP on 06/04/98 12:58 PM -----

 Jaime E. Uzeta
06/04/98 12:40:10 PM

Record Type: Record

To: Mickey Ibarra/WHO/EOP

cc: Franklin F. Urteaga/OSTP/EOP

Subject: Latino turnout in California/Prop. 227

I talked to Frankilin, who clarified the figures in his email.

Latino Turn Out: made up 12% of all California voters, double the number of Latinos who voted in the 1994 primary.

Latino Voters on Proposition 227:

yes: 37%

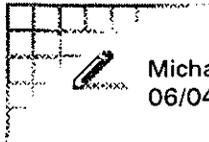
no: 63%

All Voters on Proposition 227:

yes: 61%

no: 39%

This is consistent with the other LA times article that reported, "Latino voters opposed Prop. 227 by a margin of 2 to 1, but in passed in an almost mirror image of that vote."



Michael Cohen
06/04/98 08:20:21 PM

Record Type: Record

To: Elena Kagan/OPD/EOP

cc:

Subject: Bilingual education/Riggs update

Riggs passed at full committee level today, with no amendments, on a straight party line vote

The Education Department, as directed, is completing drafting on legislation that fully incorporates our principles. This will be a set of amendments to the existing bilingual education legislation. I expect to see a draft of this late Friday or early Monday. We will meet the President's requirement of having a bill completed next week.

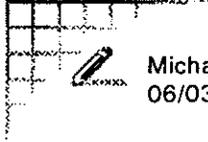
Congressman Becerra has indicated that the Caucus is open to an alternative to Riggs "if it is needed", and that they want to be part of the process of crafting an alternative. There was a meeting of members of the Hispanic Caucus and New Dems today, in which they agreed that (1) they wanted to make sure Dems stayed united on bilingual ed; (2) they would work together to craft an alternative if they determined one was needed; (3) they didn't know yet if they needed one, didn't think Riggs would come to the floor in the near future, and so felt no sense of urgency to figure out whether an alternative is needed.

As I see it, our key challenge is to make sure that the announcement of our proposal is timed so that it meets a receptive rather than hostile Democratic response. I think that the Dems will ultimately want an alternative before Riggs goes to the floor. However, at present, I think POTUS is probably on a faster track than either the CHC or the rest of the Dems. It remains to be seen how far and fast we can move the CHC and others next week. It is very clear that the advocacy groups are still firmly opposed to any alternative legislation, and will push the CHC very hard to remain opposed as well--regardless of what either POTUS or the Dem. Caucus need.

One big danger here is that the CHC thinks we are charging out with an alternative despite their wishes and without a clear legislative need, digs in their heels in opposition to our bill and brings the Black Caucus and others with them--and we have created a bad vote on our bill that parallels the testing vote.

The other big danger is that we leave the President looking like (and believing) he is sitting on the sidelines while the nation and the Congress debates the future of bilingual education, because he caved to pressure from the advocacy community.

I'll be working tomorrow to figure out a consultation/outreach strategy that can help advance our case, and preferably not blow up on us. If your schedule permits, I'd love your advice and counsel.



Michael Cohen
06/03/98 05:56:34 PM

Record Type: Record

To: Constance J. Bowers/OMB/EOP
cc: See the distribution list at the bottom of this message
Subject: Re: LRM CJB226 == ED Letter on HR 3892 Bilingual Education == Quick Reply Needed

I have a few concerns:

1. Because of the short time for preparing this letter, it needs a good edit. Its difficult to work through, and a number of paragraphs and sentences are too long or at least too dense.
2. I think we ought to lay out the case against Riggs at the beginning of the letter--the civil rights and educational concerns, in that order. Then we ought to lay out our principles as the right way to go, and indicate that we will be sending up legislation that is fully consistent with them, for consideration as part of ESEA reauthorization.
3. We should leave the timetable for sending up this legislation a bit vague--we should talk in terms of when Congress takes up reauthorization, rather than specifying next year. If we in fact have to send something up sooner, we would be better served by a more vague time committment.
4. I thought our principles could, in some cases, be clarified. To help do this, I slightly rewrote the opening paragraph--though I think this needs to be added at the end, rather than the beginning of the letter.

It is essential that we help limited English proficient students become proficient in English as rapidly as possible, and prepare them to meet high standards in academic subjects. While there are many outstanding programs to accomplish this aim in communities throughout the country, I believe that overall we must work harder to strengthen programs designed to help students become proficient in English. As I have said before, I believe that efforts to accomplish this should be based on the following principles: (1) a goal that students learn English within 3 years; (2) accountability for results, so that students not making adequate progress get the extra help they need, and so that programs that don't measure up are improved; (3) local flexibility for determining how best to achieve results; and (4) ensuring that students are provided well trained and qualified teachers, so that whatever instructional approach a community selects, quality is assured.

The President plans to send legislation to Congress fully consistent with these principles for Congress to consider as part of the reauthorization of the Elementary and Secondary Education Act. Becuase H.R. 3892 is not consistent with these principles, I am strongly opposed to this bill.

Message Copied To: _____



Michael Cohen
06/03/98 03:52:25 PM

Record Type: Record

To: Elena Kagan/OPD/EOP, Bruce N. Reed/OPD/EOP

cc:

Subject: Riggs bilingual bill

Our diehard bilingual team met today to figure out how we want to approach tomorrow's full committee mark-up of Riggs, in the wake of the roughly 60-40 vote in favor of Unz. Here's where we came out:

1. We should strongly oppose Riggs at mark-up, and Riley's letter should (1) highlight what's wrong with Riggs; (2) reiterate our view of the right way to reform bilingual, including our 3-year goal; (3) state our intention to send up a bill consistent with these principles as part of reauthorization of elementary and secondary programs (leaving the unstated impression this would be in the next Congress, but neither committing to a specific timetable or precluding sending up a bill this session if we decided we need to.

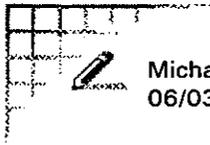
- The committee Dems are still solidly opposed to Riggs. They are neither looking for a veto threat nor alternative legislation from us at this point, though some have indicated that they will probably want an alternative on the floor. We think more Dems will come to that conclusion as this moves forward, and as the full impact of the Unz vote sinks in. Indicating in our statement that we will have an alternative may lead Dems forward on this--without blowing up a united Dem. front at mark-up--and will provide us time to consult with Boxer and other Cal. Dems, the leadership, and the Hispanic Caucus.

2. The leg affairs folks here and at ED are notifying Becerra, Hispanic members on the committee, and other key committee members of our plan so they are not surprised,

3. The Education Department will continue to work on legislation reflecting our principles; they've been told to move quickly on this, and be ready to send up an alternative on short notice.

4. We should reassess our stance as the bill moves to the floor, and every other step of the way. We continue to think that we should entertain a veto threat only if it is tied to support from the Hispanic Caucus to a bill reflecting our principles.

We do not think the Senate is likely to take up this bill, though we do think that Riggs could try to force this onto the appropriations bill. perhaps with the expectation that we will negotiate changes and incorporate some bilingual reform bill into the final package. We'll deal with this if and when we get there.



Michael Cohen
06/03/98 05:03:28 PM

Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP
cc: Cathy R. Mays/OPD/EOP, Laura Emmett/WHO/EOP
Subject: Reinventing bilingual ed

As you know, POTUS requested to VPOTUS to look into reinventing bilingual ed: Morely held a meeting on this a week ago (Karen, Maria and I met with Morley and Jennifer Muller on his staff). My approach at that meeting was to make sure Morley understood the context in which we are already operating and that anything he did fit within our larger effort.

I also understood that the POTUS request to VPOTUS indicated that he may not be entirely satisfied that the principles he signed off on--and legislation translating them into action--constitutes the complete set of actions needed to strengthen bilingual ed.

None of us has a clear sense of what a "reinvention effort" for bilingual ed would look like, particularly since the principles we have developed--focus on result (3-year goal), increased accountability, greater local flexibility, and an emphasis on quality (including better trained teachers) are already a big step toward reinventing the program. Nonetheless, we thought we owed it to both POTUS and VPOTUS to think about it some more before throwing in the towel. We are meeting again tomorrow afternoon to see if we can figure anything out.

While I don't believe there is anything uniquely "reinvention" about this, NPR (with proper guidance and continued close connection to DPC) could potentially develop several issues that would further our efforts:

1. Further specification of goals and indicators. We have not been very clear about what we mean by "learning English within 3 years." The experts basically say that you can get most kids to be fluent in speaking English in less than 3 years, that it will take longer than that to get many kids to grade level in reading comprehension in English, and that reading in English really well enough to learn science and other academic subjects is a task that takes forever, even with kids whose native language is English. Further, the bilingual experts in particular would claim that the only goal worth pursuing is the most demanding one; anything less sells the kids short. By taking this position they also reinforce the notion that they are in no rush for kids to learn English in any form--thereby digging the hole they are in even deeper.

I think it could be helpful having someplace that is less tied to the experts than the Education Department make some effort to sort this out, and propose a set of goals and indicators that are sound politically and programatically.

2. Highlighting what works. NPR could look for examples of places that are meeting the goals, as further specified, which we could highlight to help build support for our legislation.

3. Broadening the view of bilingual education. While we have viewed bilingual ed as a program to help LEP learn English, we periodically encounter an argument that we ought to be encouraging more kids in this country to become proficient in two languages, or order to help them and us be

competitive in a global economy. This is an argument that all of the Dem. gubernatorial candidates in CA made during the debate over Unz; it also generally fits the President's theme of One America--at least insofar as it recognizes that immigrants and others whose first language is not English bring some assets. While I've always been concerned that coming out in favor of having many kids speak two languages is a bit too transparent as a last ditch defense of bilingual ed, I also think there is real merit in encouraging and helping more kids in this country to learn another language. It would be good to have somebody thinking this through as part of our overall approach.

NPR is not uniquely situated to address these, but might be able to help. Any guidance on these issues, or on whether to carve out a role for NPR?

Educ-bilingual

The Committee on Education and the Workforce
House of Representatives
Washington, DC 20515-0501

DRAFT

June 3, 1998

Dear Mr. Chairman,

I am writing to express my strong opposition to H.R. 3892. It is essential that we help limited English proficient students become proficient as rapidly as possible so that they are provided a realistic opportunity to succeed academically. As I have said before, I believe that efforts to do this by strengthening the federal bilingual education program should be based on the following principles: (1) a goal for students to learn English within 3 years; (2) accountability for results; (3) local flexibility for determining how best to achieve results; and (4) investments in providing qualified teachers. The President plans to send legislation to Congress fully consistent with these principles next year, when Congress takes up all federal elementary and secondary education programs as a part of the reauthorization of the Elementary and Secondary Education Act of 1965. Because H.R. 3892 is not consistent with these principles, I am strongly opposed to the bill.

In addition, while I have a variety of concerns with the specific provisions of H.R. 3892, the most serious of which include the following:

Educational Issues

The bill is not administratively or programmatically sound. The bill would require States to withdraw funding from local programs and activities under the Act if students in those programs or activities are not mastering English within two years and would also limit any student's participation in programs or activities under the Act to three years. These provisions are vague and seemingly inconsistent, would set artificial and arbitrary deadlines that would prevent classroom teachers and local administrators from doing what is best for each child, are contrary to research on the time needed for children with limited English proficiency to achieve the mastery of English needed to be academically successful, and could require the termination of funding under the Act for many school districts.

Also, the bill would replace the current competitive bilingual education program with a formula-based, State block grant. This block grant approach is problematic because funds would not be targeted, as is now the case, on the school districts with the greatest need for funds and the highest quality programs, reliable data for an equitable allocation formula do not currently exist, and there are no provisions (such as maintenance of effort or supplanting provisions) to prevent States and school districts from simply reducing their financial support for these students because of the availability of Federal funds.

The bill would also eliminate professional development programs from the Act. By eliminating programs that focus on the preparation of teachers, the bill could exacerbate the current shortage

of qualified bilingual and English-as-a-second language teachers nationwide.

Civil Rights Issues

H.R. 3892 appears to be based on the misconception that the Department's Office for Civil Rights (OCR) requires that school districts must use the bilingual education technique as the only means to comply with title VI of the Civil Rights Act of 1964's requirement that alternative language services to teach English be provided to limited English proficient students. Furthermore, while the bill suffers from inexact terminology, and refers to "consent decrees", it apparently seeks to void all existing compliance agreements between OCR, on the one hand, and States and school districts, on the other, if those agreements require those States and school districts "to develop, implement, provide, or maintain any form of bilingual education." Similarly, the bill appears to require OCR to publish in the Federal Register all "enforcement guidelines and compliance standards" that relate to the provision of English language instruction to students with limited English proficiency and to prohibit OCR from entering into any new compliance agreements based on those guidelines or standards until those guidelines and standards, themselves, are approved by a subsequent statute.

Plainly, the purpose of these provisions is to stop OCR's enforcement of Title VI of the Civil Rights Act of 1964, as it applies to the education of language minority children, through the use of voluntary compliance agreements. This is very troubling because the use of compliance agreements is one of OCR's most important (and, by far, the most commonly used) enforcement tools regarding the provision of appropriate educational programs for such children. Title VI, itself, requires OCR to attempt to resolve all compliance problems under it, including those relating to the education of language minority children, through voluntary means before employing other, more adversarial, means, such as funding terminations--preceded by administrative litigation--and referral to the Department of Justice for court litigation. Thus, these provisions of the bill are fundamentally inconsistent with the statutory enforcement philosophy of Title VI. The bill would also significantly diminish OCR's flexibility in resolving certain Title VI violations, and States and school districts that voluntarily choose to meet their civil rights obligations to students with limited English proficiency would also be denied the ability to demonstrate their compliance through an agreement with OCR. As a consequence, if H.R. 3892 were enacted, OCR enforcement of Title VI as it applies to the education of language minority children would necessarily have to rely far more on litigation than it currently does, and States and school districts would necessarily endure far more costly and time-consuming litigation, not only with the Department of Education and the Department of Justice, but with private parties, because States and school districts would no longer be able to rely on voluntary agreements with OCR as evidence of their compliance with Title VI.

For these reasons, I urge you to postpone making changes in the Bilingual Education Act until the reauthorization of the Elementary and Secondary Education Act next year, when the Congress and the Administration can work together on constructive improvements to this legislation based on

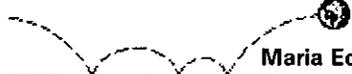
evaluations of the current program.

The Office of Management and Budget advises that there is no objection to the submission of this report from the standpoint of the Administration's program.

Yours sincerely,

Richard W. Riley

Educ - bilingual

 Maria Echaveste

06/04/98 03:48:53 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: Bilingual Ed

Just had another one of those great calls with NCLR on bilingual ed--Charles said he hoped the administration wasn't thinking of coming up with an alternative for Riggs because it would be come the ceiling for any subsequent negotiation which would probably occur next year during reauthorization because they don't believe the senate will do anything on it- I told him that we really believe that reform is needed and you can't beat something with nothing--they are not listening.He also said some of the folks in Calif believe that our set of principles allowed UNZ to say see even the President agrees that reform is needed rather than focus on our opposition to UNZ. So Michael--when are you gthering us together?

Message Sent To:

Sylvia M. Mathews/WHO/EOP
Elena Kagan/OPD/EOP
Janet Murguia/WHO/EOP
Mickey Ibarra/WHO/EOP
Michael Cohen/OPD/EOP

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Educ-Bilingual

Helping America's Many New Immigrant Children THE PRESIDENT HAS SEEN
Get the Best Education Possible 5-25-98

As we look to the future of American education one of the most important new developments is the growing number of immigrant children that we must educate. According to the latest census data nearly 20% of all children in our nation's schools -- one out of five -- are immigrants or Americans born children of immigrants.

Copied
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According to a new study by the Russell Sage Foundation there are 13.7 million children under 18 who are either immigrants or the American born offspring of immigrants, and they are the fastest growing part of our student population. These children come from over 150 nations with the largest number coming from Mexico, the Phillipines, Cuba, and Vietnam.

Some say that these children are a liability but I welcome these children, just as the Statue of Liberty or the Golden Gate Bridge has welcomed them for years. They are a great source of strength and hope for the future of America and we want them to be full participants in the American experience as children and as they grow up.

These young people, just like generations of immigrants who have come before them, can grow up to be patriotic Americans who will add their voices to our democracy and help us expand our economy in this new global environment if we educate them to the best of our ability and treat them as we would like to be treated.

Indeed, the Russell Sage Foundation report, the largest survey ever conducted of immigrant children, found that these young people had higher grades and a lower school drop-out rate than other American children and overwhelmingly preferred to speak English by the time they were teenagers.

And I can see why when I visit schools throughout this great nation. Their parents have come to America because they believe in the American Dream. They have stood in long visa lines, uprooted their families, left relatives behind, changed careers, often accepted menial jobs and --in many cases now work two jobs for one great purpose --to give their children a better life here in America. Surely we can meet these people half-way by giving their children the best education possible so that they can make their contribution to the American mainstream.

Teaching these young people English is one of the great tasks of nation-building that falls to our public schools and where we need to begin. There are school districts in almost every part of our country -- from Boston to Seattle to Miami -- where children speak more than 40 languages. Arlington, Virginia -- just across the river -- is a school district that is a shining example of this increasing diversity.

Today there are growing questions about the best way to teach these young people English. I want to focus my attention on this timely issue. Here, it is so important to recognize that these immigrant children and their parents have a passion to learn English. They know that overcoming the language barrier is the first great step they need to take to become full participants in the American experience. So our task is not to persuade them to learn English but to give them the tools they need to learn to speak English.

In California, concerns about how to teach these young people English center around Proposition 227, the Unz Amendment, which would effectively eliminate bilingual education and require that all children to learn English in one year.

I recognize that the decision to vote for or against the Unz Amendment this coming June is ultimately a decision that is up to the voters of California. I know that there are many well-intentioned and concerned citizens on both sides of this issue and that the people of California are taking this issue seriously. I also understand the frustration many parents in California have about the progress their children are making in learning English.

But I must tell you that Proposition 227 is not the way to go. In my opinion, adoption of the Unz Amendment will lead to fewer children learning English and many children falling further behind in their studies. There are five major reasons why I believe that the Unz Amendment is counter productive to a quality education for all of our children.

First, the "one year" time limit to learn English flies in the face of years of research that tells us that children learn in different ways and at different speeds. A recent National Academy of Sciences study released last month tells us that, "hurrying young non-English speaking children into reading in English without ensuring adequate preparation is counterproductive." The report recommends that children with no English proficiency are best taught to read English by first being taught reading in their native language, if teachers and instructional materials in their native language are available.

Thus, while an "English only" approach may be effective for some limited English proficient children, it is likely to be ineffective for others. I do not oppose "English only" classes. In fact, about 25% of our current federal bilingual funds support this type of instructional approach. What I question is the arbitrary one year time limit and the demand that only this approach is the right approach to help young people learn English.

The approach taken by Prop 227 simply ignores the individual needs of each child and certainly is an educational straightjacket for teachers and parents. Good teaching starts with the child's needs and moves the child along in a timely and responsible manner.

If we adopted the approach suggested by the Unz Initiative to help children learn to read, it would be a disaster. Some children are already good readers when they come to kindergarten and others learn by the end of the first or second grades. Other children need extra help even in third grade and beyond.

Second, the Unz Amendment limits the discretion of teachers to choose the approach that is best suited for the children they teach. Some children may learn best in an English only class, others may learn faster in a bilingual class or some other proven approach but teachers are given no option to use their professional judgement.

Third, Proposition 227 would subject teachers, school board members, and educational administrators to personal liability in litigation by parents if they fail to comply with its requirements in educating children. I find this aspect of Proposition 227 both punitive and threatening. This is not the way to build parent-teacher cooperation -- a key to student success.

Fourth, the Unz Initiative would strip from local school boards the ability to make educationally sound decisions about how to meet the needs of the children they teach. This is a direct attack on local control of education. The Unz Initiative would not be a helping hand for language instruction, but rather the heavy hand of overregulation. I am surprised that so many outspoken advocates of local control have chosen not to take issue with this fundamental flaw in the Unz Initiative.

Fifth, the Unz initiative will in all likelihood result in problems under federal civil rights laws. In the seminal case of *Lau v. Nichols*, the Supreme Court interpreted Title VI of the Civil Rights Act to require school districts to take steps to ensure that national origin minority students with limited English proficiency can effectively participate in the regular educational program.

Similarly, the Equal Educational Opportunity Act requires public educational agencies to overcome language barriers that impede student participation in their instructional programs. Limiting special language development instruction to one year and preventing a school from providing bilingual instruction to students, despite the judgment of teachers and the school principal that children in that school need bilingual instruction to progress, are likely to result in violations under these laws.

I join all Americans who believe that children who come to school ought to become proficient in English as quickly as possible. This is the primary purpose of bilingual education -- to teach children English even as we maintain high academic standards. I also understand the frustration of some parents who worry that their children are not learning English as fast as they should.

Nevertheless, the one-size-for-all approach that defines the Unz Initiative fits better on a bumper sticker than it does in a classroom. The Unz initiative is simple, it is easy to understand, and it is wrong. Prop 227 may satisfy some people's sense of frustration but ultimately it is counter-productive to our common goal of making sure children learn English.

So what is the proper alternative to the status-quo and the narrow and restrictive Unz Amendment?

I believe that we should consider setting a three year goal as we strive to teach children to learn English. Individual differences and circumstances will cause some children to take longer but a goal of learning English within three years is similar to our goal of making sure that every child learns to read by the end of third grade if not earlier.

Now, a goal is not a mandate, a command or a legal requirement. And a goal is certainly not a one year educational straight-jacket that limits the ability of teachers to do what is best for each child. Some children may learn English in one year or two and others may need three years or even more. The focus should be on the individual needs of each child and not on some artificial and arbitrary time frame.

Setting a three year goal is also consistent with language in our 1998 Appropriations Act, which provides, "...That the Department of Education should only support instructional programs which ensure that students completely master English in a timely fashion (a period of three to five years) while meeting rigorous achievement standards in the academic content areas."

I also believe strongly in local flexibility; no one approach is by definition better than others. Local flexibility to choose the approaches that work best for their students should not be constrained by a mandate for one approach over the other. The purpose is to help children master the English language while they are learning to high academic standards, and any school district should be choose the approach that works best for them based on sound research.

I also recognize that bi-lingual education must be improved and we must do a much better job of meeting the demand for more well-trained teachers. Some bilingual programs are excellent, some need to improve and are improving, and some really are not doing the job they should be doing and need to get fixed quickly. The demand for bilingual education currently exceeds the supply and that is particularly true in California where the number of LEP children has nearly doubled in less than a decade to reach 1.3 million.

One of the biggest problems we confront is the shortage of qualified bilingual teachers. The California State Board of Education estimates that there is a shortage of 21,000 bilingual teachers in that state. This, I suspect, is one of the root causes and real reasons why some parents have become frustrated. This is why I have asked for a doubling of federal funds, from \$25 million to \$50 million, to meet the increasing demand for fully certified bi-lingual teachers and English-as-second-language teachers.

Finally, I believe every child in America should learn two languages. It is the way of the world. There are young people all over Europe who are easily fluent in three languages and I see no reason why American children should not be their equals. Our children are just as smart and some come to school already able to speak two languages. We should build on this talent and recognize that our nation will be all the better for it in the new global environment.

I just returned from Chile where I joined President Clinton at the second summit of the America's. Improving education in the America's was a central part of the dialogue at this summit and I was struck by the fact that several nations begin teaching their children two languages beginning in the first grade. Surely we have the same capacity and the same ability to educate our children. This is why I strongly encourage and support any school district that seeks to make sure that every one of its high school graduates speaks two languages fluently.

In conclusion, I urge the voters of California to consider all these educational ramifications of the Unz Initiative. They should not be satisfied with the status quo by any means and I support their sense of urgency and desire to make sure their children are full participants in the American experience. At the same time, I urge them not to let their sense of frustration get the best of them and do something that is counter-productive to our common goal of helping all of our children learn English.

Thank you.

Bilingual Education

The Controversy

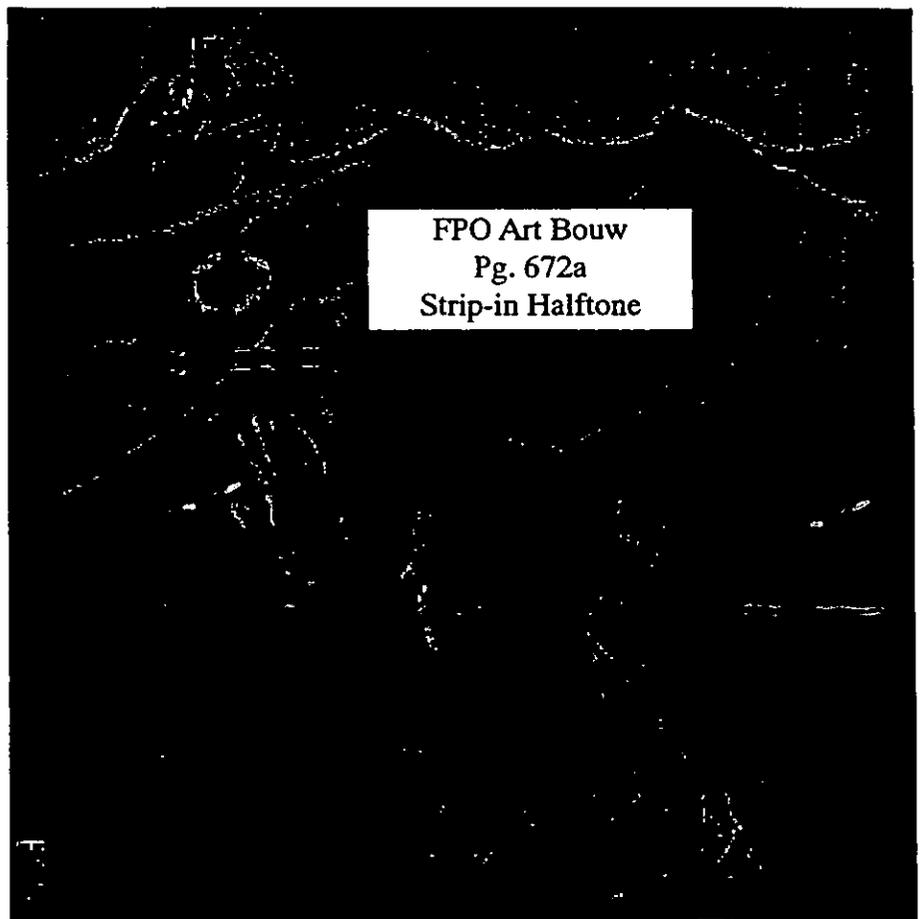
BY RICHARD ROTHSTEIN

Our commonly held notion of how earlier generations of immigrants were educated — often used as the chief argument in support of English immersion — is a myth, Mr. Rothstein reveals.

BILINGUAL education, a preferred strategy for the last 20 years, aims to teach academic subjects to immigrant children in their native languages (most often Spanish), while slowly and simultaneously adding English instruction.¹ In theory, the children don't fall behind in other subjects while they are learning English. When they are fluent in English, they can then "transition" to English instruction in academic subjects at the grade level of their peers. Further, the theory goes, teaching immigrants in their native language values their family and community culture and reinforces their sense of self-worth, thus making their academic success more likely.

In contrast, bilingual education's crit-

*RICHARD ROTHSTEIN is a research associate of the Economic Policy Institute, Washington, D.C. This article is adapted from a chapter in his book, *The Way We Were?* (Century Foundation Press, 1998), and is reprinted with permission from the Twentieth Century Fund/Century Foundation, New York, N.Y. The book is available from the Brookings Institution, 1775 Massachusetts Ave. N.W., Washington, DC 20036; ph. 800/275-1447. ©1998, Twentieth Century Fund/Century Foundation.*



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ics tell the following, quite different, story. In the early 20th century, public schools assimilated immigrants to American culture and imparted workplace skills essential for upward mobility. Children were immersed in English instruction and, when forced to "sink or swim," they swam. Today, however, separatist (usually Hispanic) community leaders and their liberal supporters, opposed to assimilation, want Spanish instruction to preserve native culture and traditions. This is especially dan-

gerous because the proximity of Mexico and the possibility of returning home give today's immigrants the option of "keeping a foot in both camps" — an option not available to previous immigrants who were forced to assimilate. Today's attempts to preserve immigrants' native languages and cultures will not only balkanize the American melting pot but hurt the children upon whom bilingual education is imposed because their failure to learn English well will leave them unprepared for the work-

place. Bilingual education supporters may claim that it aims to teach English, but high dropout rates for immigrant children and low rates of transition to full English instruction prove that, even if educators' intentions are genuine, the program is a failure.

The English First Foundation, a lobbying group bent on abolishing bilingual education, states that most Americans "have ancestors who learned English the same way: in classrooms where English was the only language used for all learning activities."² According to 1996 Republican Presidential nominee Bob Dole, the teaching of English to immigrants is what "we have done . . . since our founding to speed the melting of our melting pot. . . . We must stop the practice of multilingual education as a means of instilling ethnic pride, or as a therapy for low self-esteem, or out of elitist guilt over a culture built on the traditions of the West."³

Speaker of the House Newt Gingrich chimed in as well:

If people had wanted to remain immersed in their old culture, they could have done so without coming to America. . . . Bilingualism keeps people actively tied to their old language and habits and maximizes the cost of the transition to becoming American. . . . The only viable alternative for the American underclass is American civilization. Without English as a common language, there is no such civilization.⁴

This viewpoint has commonsense appeal, but it has little foundation in reality.

Bilingual Education: The History

Despite proximity to their homeland, Mexican Americans are no more likely to reverse migrate than were Europeans in the early 20th century. One-third of the immigrants who came here between 1908 and 1924 eventually abandoned America and returned home.⁵

What's more, the immigrants who remained did not succeed in school by learning English. During the last great wave of immigration, from 1880 to 1915, very few Americans succeeded in school, immigrants least of all. By 1930, it was still the case that half of all American 14- to 17-year-olds either didn't make it to high school or dropped out before graduating. The median number of school years completed was 10.

Far from succeeding by immersing themselves in English, immigrant groups did much worse than the native-born, and some immigrant groups did much worse than others. The poorest performers were Italians. According to a 1911 federal immigration commission report, in Boston, Chicago, and New York 80% of native white children in the seventh grade stayed in school another year, but only 58% of Southern Italian children, 62% of Polish children, and 74% of Russian Jewish children did so. Of those who made it to eighth grade, 58% of the native whites went on to high school, but only 23% of the Southern Italians did so. In New York, 54% of native-born eighth-graders made it to ninth grade, but only 34% of foreign-born eighth-graders did so.⁶

A later study showed that the lack of success of immigrants relative to the native-born continued into high school. In 1931, only 11% of the Italian students who entered high school graduated (compared to an estimated graduation rate of over 40% for all students). This was a much bigger native/immigrant gap than we have today.

While we have no achievement tests from that earlier period by which to evaluate relative student performance, I.Q. tests were administered frequently. Test after test in the 1920s found that Italian immigrant students had an average I.Q. of about 85, compared to an average for native-born students of about 102. The poor academic achievement of these Italian Americans led to high rates of "retardation" — that is, being held back and not promoted (this was the origin of the pejorative use of the term "retarded").

A survey of New York City's retarded students (liberally defined so that a child had to be 9 years old to be considered retarded in the first grade, 10 years old in the second grade, and so on), found that 19% of native-born students were retarded in 1908, compared to 36% of Italian students. The federal immigration commission found that the retardation rate of children of non-English-speaking immigrants was about 60% higher than that of children of immigrants from English-speaking countries.⁷ The challenge of educating Italian immigrant children was so severe that New York established its first special education classes to confront it. A 1921 survey disclosed that half of all (what we now call) "learning disabled" special education children in New York schools had Italian-born fathers.⁸

As these data show — and as is the case today — some groups did better than others, both for cultural reasons and because of the influence of other socioeconomic factors on student achievement. If Italian children did worse, Eastern European Jewish children did better. This is not surprising in light of what we now know about the powerful influence of background characteristics on academic success. In 1910, 32% of Southern Italian adult males in American cities were unskilled manual laborers, but only one-half of 1% of Russian Jewish males were unskilled. Thirty-four percent of the Jews were merchants, while only 13% of the Italians were. In New York City, the average annual income of a Russian Jewish head-of-household in 1910 was \$813; a Southern Italian head-of-household averaged \$688.⁹

But even with these relative economic advantages, the notion that Jewish immigrant children assimilated through sink-or-swim English-only education is a nostalgic and dangerous myth. In 1910, there were 191,000 Jewish children in the New York City schools; only 6,000 were in high school, and the overwhelming majority of these students dropped out before graduating. As the Jewish writer Irving Howe put it, after reviewing New York school documents describing the difficulties of "Americanizing" immigrant children from 1910 to 1914, "To read the reports of the school superintendents is to grow impatient with later sentimentalists who would have us suppose that all or most Jewish children burned with zeal for the life of the mind."¹⁰ There may have been relatively more such students among the Jewish immigrants than in other immigrant communities, Howe noted, but they were still a minority.

Immersing immigrants in an English-language school program has been effective — usually by the third generation. On the whole, immigrant children spoke their native language; members of the second generation (immigrants' native-born children) were bilingual, but not sufficiently fluent in English to excel in school; members of the third generation were fluent in English and began to acquire college educations. For some groups (e.g., Greek Americans), the pattern more often took four generations; for others (e.g., Eastern European Jews), many in the second generation have entered college.

This history is not a mere curiosity, because those who advocate against bilin-

*Today's
Hispanics are
not the first
to seek
bicultural
assimilation.*

gual education today often claim that we know how to educate immigrant children because we've done it before. However, if we've never successfully educated the first or even second generation of children from peasant or unskilled immigrant families, we are dealing with an unprecedented task, and history can't guide us.

To understand the uniqueness of our current challenge, compare the enormous — by contemporary standards — dropout rate of New York City Jewish students in 1910 with that of Mexican students in the Los Angeles school district today. Like New York in 1910, Los Angeles now is burdened with a rising tide of immigrants. In 1996, there were 103,000 Hispanic students in grades 9-12 in Los Angeles (out of the city's total K-12 Hispanic population of 390,000). Hispanic high school students were about 26% of the total Hispanic student population in Los Angeles in 1996,¹¹ compared to 3% for Jews in New York in 1910 (only 6,000 high school students out of 191,000 total Jewish enrollment). In Los Angeles today, 74% of Mexican-born youths between the ages of 15 and 17 are still in high school; 88% of Hispanic youths from other countries are still in attendance.¹² More than 70% of Hispanic immigrants who came to the United States prior to their sophomore year actually complete high school (compared to a 94% high school completion rate for whites and a 92% rate for blacks).¹³ English immersion programs for Jews early in this century (and certainly similar programs for Italians) cannot teach us anything that would help improve on today's immigrant achievement or school comple-

tion, much of which may be attributable to bilingual education programs, even if imperfectly administered.

If the notion is misleading that English immersion led previous generations of immigrants to academic success, so too is the claim that bilingual education repudiates the assimilationist approach of previous immigrants. In reality, today's Hispanics are not the first to seek bicultural assimilation. Some 19th- and early 20th-century European immigrants also fought for and won the right to bilingual education in the public schools.¹⁴ Native-language instruction was absent from 1920 until the mid-1960s only because a fierce anti-German (and then anti-immigrant) reaction after World War I succeeded in banishing it from American classrooms. Even foreign-language instruction for native-born students was banned in most places. If Chicago's Bismarck Hotel found it necessary to rename itself the "Mark Twain," it should not be surprising that bilingual education programs were also abolished.

Before World War I, immigrant groups often pressed public schools to teach children in their native language. The success of these groups depended more on whether adult immigrant activists had political power than on a pedagogical consensus. The immigrants' objective, as it is today, was to preserve a fragment of ethnic identity in children for whom the pull of American culture seemed dangerously irresistible. In this, they were supported by many influential educators. William Harris, the school superintendent in St. Louis and later U.S. commissioner of education, argued for bilingual education in the 1870s, stating that "national memories and aspirations, family traditions, customs and habits, moral and religious observances cannot be suddenly removed or changed without disastrously weakening the personality." Harris established the first "kindergarten" in America, taught solely in German, to give immigrant students a head start in the St. Louis schools.¹⁵

Nineteenth-century immigrant parents were often split over the desirability of bilingual education, as immigrant parents are split today. Many recognized that children were more likely to succeed if schools' use of the native language validated the culture of the home. But others felt that their children's education would be furthered if they learned in English only.

The first bilingual public school in New York City was established in 1837 to pre-

pare German-speaking children for eventual participation in regular English schools. The initial rule was that children could remain in German-language instruction only for 12 months, after which they would transfer to a regular school. But the German teacher resisted this rule, believing that, before transferring, the children needed more than the limited English fluency they had acquired after a year of German instruction. The record is unclear about how often the rule was stretched.

Many immigrant children, not just Germans, did not attend school at all if they could not have classes in their native language. In his 1840 address to the New York legislature, Gov. William Seward (later Lincoln's secretary of state) explained that the importance of attracting immigrants to school — and of keeping them there — motivated his advocacy of expanded native-language instruction: "I do not hesitate to recommend the establishment of schools in which [immigrant children] may be instructed by teachers speaking the same language with themselves." Only by so doing, Gov. Seward insisted, could we "qualify . . . [them] for the high responsibilities of citizenship."

Buoyed by Seward's endorsement, Italian parents in New York City demanded a native-language school as well, and in 1843 the Public School Society established a committee to determine whether one should be established. The committee recommended against an Italian-language school, claiming the Italian community was itself divided. "Information has been obtained," the committee stated, "that the more intelligent class of Italians do not desire such a school, and that, like most [but not, apparently, all] of the better class of Germans, they would prefer that those of their countrymen who come here with good intentions should be Americanized as speedily as possible."¹⁶

Bilingual education, though sometimes controversial, was found nationwide. In Pennsylvania, German Lutheran churches established parochial schools when public schools would not teach in German; in 1838, Pennsylvania law converted these German schools to public schools. Then, in 1852, a state public school regulation specified that "if any considerable number of Germans desire to have their children instructed in their own language, their wishes should be gratified."¹⁷

In 1866, succumbing to pressure from politically powerful German immigrants,

the Chicago Board of Education decided to establish a German-language school in each area of the city where 150 parents asked for it. By 1892 the board had hired 242 German-language teachers to teach 35,000 German-speaking children, one-fourth of Chicago's total public school enrollment. In 1870, a public school established in Denver, Colorado, was taught entirely in German. An 1872 Oregon law permitted German-language public schools to be established in Portland whenever 100 voters petitioned for such a school. Maryland, Iowa, Indiana, Kentucky, Ohio, and Minnesota also had bilingual education laws, either statewide or applying only to cities with large immigrant populations. In Nebraska, enabling legislation for bilingual education was enacted for the benefit of German immigrant children as late as 1913.¹⁸

There was considerable variation in how these programs arranged what we now call the "transition" to English. In St. Louis, Harris' system introduced English gradually, beginning in the first grade. The 1888 report of the Missouri supervisor of public instruction stated that "in some districts the schools are taught in German for a certain number of months and then in English, while in others German is used part of the day and English the rest. Some of the teachers are barely able to speak the English language." Ohio's 1870 rules provided that the lower grades in German-language public schools should be bilingual (half the instructional time in grades 1 through 4 could be in German), but in grades 5 through 8 native-language instruction had to be reduced to one hour a day. Baltimore permitted public schools in the upper grades to teach art and music in German only, but geography, history, and science had to be taught in both English and German. In some midwestern communities, there was resistance to any English instruction: an 1846 Wisconsin law insisted that public schools in Milwaukee must at least teach English (as a foreign language) as one academic subject.¹⁹

While Germans were most effective in demanding public support for native-language instruction, others were also successful. In Texas in the late 19th century, there were seven Czech-language schools supported by the state school fund. In California, a desire by the majority to segregate Chinese children seemed to play more of a role than demands by the Chinese community for separate education. San Francis-

co, established a Chinese-language school in 1885; the city later established segregated Indian, Mongolian, and Japanese schools.²⁰

San Francisco's German, Italian, and French immigrants, on the other hand, were taught in their native languages in regular public schools. Here, bilingual educa-

*Support for
bilingual
education
was rarely
unanimous or
consistent.*

tion was a strategy designed to lure immigrant children into public schools from parochial schools where they learned no English at all. According to San Francisco's school superintendent in 1871, only if offered native-language instruction could immigrant children be brought into public schools, where, "under the care of American teachers," they could be "molded in the true form of American citizenship."²¹

Support for bilingual education was rarely unanimous or consistent. In San Francisco, the election of an "anti-immigrant" Republican school board majority in 1873 led to the abolition of schools in which French and German had been the primary languages of instruction and to the firing of all French- and German-speaking teachers. After protests by the immigrant community, bilingual schools were reestablished in 1874. In 1877, the California legislature enacted a prohibition of bilingual education, but the governor declined to sign it. William Harris' bilingual system in St. Louis was dismantled in 1888, after redistricting split the German vote and the Irish won a school board majority.²²

In 1889, Republican Gov. William Hoard of Wisconsin sponsored legislation to ban primary-language instruction in public and

private schools, claiming the support of German immigrant parents. The *Milwaukee Sentinel* published a front-page story about "a German in Sheboygan County . . . who sent his children away to school in order that they might learn English." The father, reported the *Sentinel*, complained that "in the public schools of the town, German teachers, who . . . did not know English . . . had been employed . . . , [and] he felt it essential to the welfare of his children, who expected to remain citizens of this country, to know English."²³

But both the newspaper and Wisconsin's Republican politicians had misjudged the immigrants' sentiments. In response to the anti-bilingual law, enraged German Americans (who had previously supported Republican candidates) mobilized to turn the statehouse over to Democrats and to convert the state's 7-to-2 Republican majority in Congress to a Democratic majority of 8-to-1. The Democrats promptly repealed the anti-bilingual education law.

An almost identical series of events took place in Illinois, where formerly Republican German American voters mobilized in both East St. Louis and Chicago to elect a liberal Democrat, Peter Altgeld, governor in 1890, largely because of his bilingual school language policy. These upheavals in two previously safe Republican states played an important role in the election of Democrat Grover Cleveland as President in 1892. Nonetheless, the controversy continued, and in 1893 the *Chicago Tribune* began a new campaign against German-language instruction. In a compromise later that year, German instruction was abolished in the primary grades but retained in the upper grades, while Chicago's mayor promised German Americans a veto over future school board appointments to ensure that erosion of primary-language instruction would not continue.²⁴

But these controversies ended with World War I. Six months after the armistice, the Ohio legislature, spurred by Gov. James Cox, who was to be the Democratic Presidential candidate in 1920, banned all German from the state's elementary schools. The language posed "a distinct menace to Americanism," Cox insisted. The *New York Times* editorialized in 1919 that, although some parents "want German to be taught [because it] pleases their pride . . . , it does not do their children any good." Within the following year, 15 states in which native-language instruction had flourished

adopted laws requiring that all teaching be in English. By 1923, 35 states had done so.²⁵ Only when Nebraska went so far as to ban native-language instruction in parochial as well as public schools did the Supreme Court, in 1923, strike down an English-only law.²⁶

During the next 30 years, bilingual instruction had its ups and downs, even where English was not the native language. In 1950, Louisiana first required English, not French, to be the language of public school instruction. In the Southwest, where teaching in Spanish had long been common, the practice continued in some places and was abolished in others. Tucson established a bilingual teaching program in 1923, and Burbank established one in 1931. New Mexico operated bilingual schools throughout most of the 20th century, up until the 1950s. The state even required the teaching of Spanish to English-speaking children in elementary school. But in 1918, Texas made teaching in Spanish a crime, and, while the law was not consistently enforced (especially along the Mexican border), as recently as 1973 a Texas teacher was indicted for not teaching history in English.²⁷ In the same year, Texas reversed itself and adopted bilingual education as its strategy.

When bilingual education began to re-emerge in the 1970s — spurred by a Supreme Court finding that schools without special provisions for educating language-minority children were not providing equal education — the nation's memory of these precedents had been erased. Today many Americans blithely repeat the myth that, until the recent emergence of separatist minority activists and their liberal supporters, the nation had always immersed its immigrant children in nothing but English and this method had proved its effectiveness.

Bilingual Education: Mixed Evidence

This mixed history, however, does not prove that bilingual education is effective, any more so than English immersion or intense English-language instruction. To an unbiased layperson, the arguments of both advocates and opponents of bilingual education seem to make sense. On the one hand, it's reasonable to insist that children who don't speak English continue their education in a language they understand in history, literature, math, and

science, while they learn English. It's also reasonable to expect, however, that this might make it too tempting to defer English-language instruction. Moreover, the best way to do something difficult — e.g., making the transition to English — is simply to do it without delay. It makes sense to acknowledge that children may adapt better to school if the school's culture is not in conflict with that of the home. But some immigrant parents may be more intent on preserving native culture for their children than are the children themselves.

Modern research findings on bilingual education are mixed. As with all educational research, it is so difficult to control for complex background factors that affect academic outcomes that no single study is ultimately satisfying. Bilingual education advocates point to case studies of primary-language programs in Calexico, California; Rock Point, Arizona; Santa Fe, New Mexico; New Haven, Connecticut; and elsewhere that show that children advance further in both English and other academic subjects when native-language instruction is used and the transition to English is very gradual. Opponents point to case studies in Redwood City and Berkeley, California; in Fairfax, Virginia; and elsewhere that prove that immersion in English or rapid and intensive English instruction is most effective.²⁸ Overall, the conflicting evidence from these case studies does not suggest that abolition of bilingual education or even the substitution of parental choice for pedagogical expertise in determining whether bilingual approaches should be used would improve things much.

The problem is especially complex because not only economic factors but also generational variation apparently affects the achievement of immigrant youths. In 1936, the principal of a high school in New York City that enrolled large numbers of Italian immigrants wrote:

The problem of juvenile delinquency . . . baffles all the forces of organized society. . . . The highest rate of delinquency is characteristic of immigrant communities. . . . The delinquent is usually the American-born child of foreign-born parents, not the immigrant himself. Delinquency, then, is fundamentally a second-generation problem. This intensifies the responsibility of the school.²⁹

The same is true today. The challenge

now facing immigrant educators is that academic achievement for second-generation Hispanic and Asian children is often below that of children who arrive in the U.S. as immigrants themselves.³⁰ Many of these children of the second generation seem to speak English, but they are fully fluent in neither English nor their home language. Many of their parents, frustrated that their own ambition has not been transmitted to their children, may become convinced that only English immersion will set their children straight, while others seek bilingual solutions to prevent the corruption of American culture from dampening their children's ambition.

In the absence of persuasive evidence, the issue has become politicized. In a country as large as ours, with as varied experience, there is virtually no limit to the anecdotes and symbols that can be invoked as substitutes for evidence.

Opponents of bilingual education promote Hispanic parents to the media when they claim they want their children to learn English without bilingual support; the clear implication is that only liberal ideologues and separatists support native-language instruction. These claims, like those circulated by the *Milwaukee Sentinel* a century ago, may not reflect the feelings of most parents. And the technology of teaching a new language to immigrant children is complex; both bilingual education advocates and opponents claim their goal is full English literacy as rapidly as possible. But there's no reason to expect that politicized parent groups are the best judges of language acquisition research.

There are also successful adult immigrants who brag of their English fluency, acquired either with or without bilingual education. As always, such anecdotal evidence should be treated with caution. Richard Rodriguez' autobiography, *Hunger for Memory*, describes his successful education in an English-only environment. But Rodriguez, unlike most immigrants, was raised in a predominantly English-speaking neighborhood and was the only Spanish speaker in his class.³¹ His experience may be relevant for some immigrants, but not relevant for many others.

Whichever method is, in fact, more effective for most immigrant children, there will be many for whom the other method worked well. It may be the case that immigrant children's social and economic background characteristics should affect the pedagogy chosen. Even if some Rus-

sian Jewish immigrants did not require bilingual education to graduate from high school, perhaps Italians would have progressed more rapidly if they'd had access to bilingual instruction. Today, the fact that some (though not all) Asian immigrants seem to progress rapidly in school without native-language support provides no relevant evidence about whether this model can work well for Mexican or Caribbean children, especially those low on the ladder of socioeconomic status and those whose parents have little education. Nor does it tell us much about what the best pedagogy would be for Asians who generally do less well in school, such as Hmong, Laotian, and Cambodian children.³²

It is certain, however, that the American "melting pot" has never been endangered by pluralist efforts to preserve native languages and cultures. Bilingual instruction has *never* interfered with the powerful assimilationist influences that overwhelm all children whose parents migrate here. And this is equally true of Spanish-speaking children today.

After the last 20 years of bilingual education throughout America, Spanish-speaking children continue to assimilate. From 1972 to 1995, despite rapidly accelerating immigration (more Hispanic youths are first-generation immigrants today than 20 years ago), the Hispanic high school completion rate has crept upward (from 66% to 70%). Hispanic high school graduates who enroll in college jumped from 45% to 54% (for non-Hispanic whites, it's now 64%). And the number of Hispanic high school graduates who subsequently complete four years of college jumped from 11% to 16% (for non-Hispanic whites, it's now 34%).³³ A study of the five-county area surrounding Los Angeles, the most immigrant-affected community in the nation, found that from 1980 to 1990, the share of U.S.-born Hispanics in professional occupations grew from 7% to 9%, the share in executive positions grew from 7% to 10%, and the share in other administrative and technical jobs grew from 24% to 26%.³⁴ Overall, 55% of U.S.-born Hispanics are in occupations for which a good education is a necessity, in an area where bilingual education has been practiced for the last generation.

Perhaps we can do better. Perhaps we would do better with less bilingual education. But perhaps not. All we can say for sure is that the data reveal no apparent crisis, and the system for immigrant

education with which we've been muddling through, with all its problems, does not seem to be in a state of collapse.

The best thing that could happen to the bilingual education debate would be to remove it from the political realm. Soundbite pedagogy is no cure for the complex interaction of social, economic, and instructional factors that determine the outcomes of contemporary American schools.

1. Technically, "bilingual education" refers to all programs designed to give any support to non-English-speaking children, including programs whose main focus is immersion in English-speaking classrooms. In public debate, however, the term generally refers to only one such program, "transitional bilingual education (TBE)," in which native-language instruction in academic subjects is given to non-English speakers. In this article, I use the term in its nontechnical sense to refer only to "TBE" programs.
2. Web site, English First Foundation: <http://englishfirst.org>.
3. Mark Pitsch, "Dole Takes Aim at 'Elitist' History Standards," *Education Week*, 13 September 1995, p. 18.
4. Newt Gingrich, *To Renew America* (New York: HarperCollins, 1995), pp. 161-62.
5. Irving Howe, *World of Our Fathers* (New York: Simon and Schuster, 1983), p. 58.
6. Michael R. Olneck and Marvin Lazerson, "The School Achievement of Immigrant Children: 1900-1930," *History of Education Quarterly*, Winter 1974, pp. 453-82, Tables 3, 5, 6.
7. David K. Cohen, "Immigrants and the Schools," *Review of Educational Research*, vol. 40, 1970, pp. 13-27.
8. Seymour B. Sarason and John Doris, *Educational Handicap, Public Policy, and Social History* (New York: Free Press, 1979), pp. 155-56, 340-51.
9. Olneck and Lazerson, Tables 11 and 12.
10. Howe, pp. 277-78.
11. *Fall 1995 Preliminary Ethnic Survey* (Los Angeles: Information Technology Division, Los Angeles Unified School District, Publication No. 124, 1996).
12. Georges Vernez and Allan Abrahamse, *How Immigrants Fare in U.S. Education* (Santa Monica, Calif.: RAND Corporation, 1996), Table 3.2.
13. These figures are not strictly comparable; estimates are based on data in Vernez and Abrahamse, Table 4.2, and in National Center for Education Statistics, *Dropout Rates in the United States: 1995* (Washington, D.C.: Office of Educational Research and Improvement, U.S. Department of Education, NCES 97-473, 1997), Table 9.
14. Native-language instruction in public schools was also common in the Southwest, particularly in Texas, New Mexico, and Arizona, which were formerly part of Mexico and whose native populations, not their immigrants, were originally Spanish-speaking Mexicans. It was also common in Louisiana, where French-language public schools were established well after the Louisiana Purchase to preserve native French culture.
15. Diego Castellanos, *The Best of Two Worlds: Bilingual-Bicultural Education in the United States* (Trenton: New Jersey State Department of Educa-

tion, CN 500, 1983), pp. 23-25.

16. Sarason and Doris, pp. 180-81, 194.

17. Heinz Kloss, *The American Bilingual Tradition* (Rowley, Mass.: Newbury House, 1977), pp. 149-50.

18. *Ibid.*, pp. 61, 86, 180; Castellanos, p. 19; and Mary J. Herrick, *The Chicago Schools: A Social and Political History* (Beverly Hills, Calif.: Sage, 1971), p. 61.

19. Kloss, pp. 69, 86, 158-59, 190; and Castellanos, pp. 24-25.

20. Kloss, pp. 177-78, 184.

21. Castellanos, p. 23; and Paul E. Peterson, *The Politics of School Reform, 1870-1940* (Chicago: University of Chicago Press, 1985), p. 55.

22. Peterson, pp. 55-56; Castellanos, p. 25; and James Crawford, *Bilingual Education: History, Politics, Theory, and Practice* (Trenton, N.J.: Crane Publishing Company, 1989), p. 22.

23. "The School Question," *Milwaukee Sentinel*, 27 November 1889.

24. Herrick, p. 61; Kloss, p. 89; Peterson, pp. 10, 58; William F. Whyte, "The Bennett Law Campaign in Wisconsin," *Wisconsin Magazine of History*, vol. 10, 1927, pp. 363-90; and Bernard Mehl, "Educational Criticism: Past and Present," *Progressive Education*, March 1953, p. 154.

25. Crawford, pp. 23-24; and David Tyack, "Constructing Difference: Historical Reflections on Schooling and Social Diversity," *Teachers College Record*, Fall 1993, p. 15.

26. *Meyer v. Nebraska*, 262 US 390 (1923).

27. Castellanos, pp. 43, 49; Crawford, p. 26; and *idem*, *Hold Your Tongue* (Reading, Mass.: Addison-Wesley, 1992), p. 72.

28. See, for example, Rudolph Troike, "Research Evidence for the Effectiveness of Bilingual Education," *NABE Journal*, vol. 3, 1978, pp. 13-24; *The Bilingual Education Handbook: Designing Instruction for LEP Students* (Sacramento: California Department of Education, 1990), p. 13; Iris Kötberg, "Some Legal and Research Considerations in Establishing Federal Bilingual Policy in Bilingual Education," *Harvard Educational Review*, May 1982, pp. 158-59; and Rosalie Pedalino Porter, *Forked Tongue: The Politics of Bilingual Education* (New York: Basic Books, 1990) p. 141.

29. Leonard Covello, "A High School and Its Immigrant Community — A Challenge and an Opportunity," *Journal of Educational Sociology*, February 1936, p. 334.

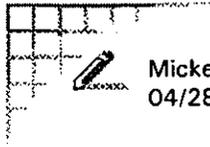
30. Ruben G. Rumbaut, "The New Californians: Research Findings on the Educational Progress of Immigrant Children," in *idem* and Wayne Cornelius, eds., *California's Immigrant Children: Theory, Research, and Implications for Educational Policy* (San Diego: Center for U.S.-Mexican Studies, University of California, 1995).

31. For a discussion of Rodriguez as prototype, see Stephen D. Krashen, *Under Attack: The Case Against Bilingual Education* (Culver City, Calif.: Language Education Associates, 1996), p. 19.

32. Rumbaut, Table 2.6.

33. *Dropout Rates in the United States: 1995*, Table A-37; and National Center for Education Statistics, *The Condition of Education 1997* (Washington, D.C.: U.S. Department of Education, NCES 97-388, 1997), Indicators 8, 22.

34. Gregory Rodriguez, *The Emerging Latino Middle Class* (Malibu, Calif.: Pepperdine University Institute for Public Policy, 1996), Figure 22. **■**



Mickey Ibarra
04/28/98 08:43:49 AM

Record Type: Record

To: See the distribution list at the bottom of this message
cc: Silvia J. Esparza/WHO/EOP
Subject: Bilingual

I completed conversations with Speaker Villaraigosa, Mayor Serna, Supervisor Molina, Arturo Vargas (NALEO) and Richie Ross. In addition, we completed heads-up calls and faxed Riley's statement to the IGA list of local and state electeds I shared with you. The reaction of the leaders I spoke to yesterday was universally positive both to the message and the timing. I think the news reports are what we wanted today as well.

Message Sent To:

Sylvia M. Mathews/WHO/EOP
Karen E. Skelton/WHO/EOP
Maria Echaveste/WHO/EOP
Michael Cohen/OPD/EOP
Janet Murguia/WHO/EOP
Elena Kagan/OPD/EOP



Michael Cohen
04/24/98 08:13:15 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: Unz Rollout

Well, I think we finally have figured out how we will deal with John Peterson's/L.A. Times story and the Unz rollout:

1. Saturday morning, I'll be talking to John on background, laying out our position on Unz, and clarifying that we are not proposing changes to the fed. bilingual ed program now. (I'll be working from talking points below). His story will appear on Monday. I will also tell him that Riley will be making a statement Monday afternoon, after he returns from Michigan.
2. The Education Department is still finalizing the logistics of Riley's statement. They will either find a site for a speech Monday late afternoon, or put out a speech-like written statement mid-afternoon, and then have a press conference late in the day. Riley will be in Michigan from Sat. pm to Monday afternoon, so he can't do anything earlier in the day on Monday, and doesn't want to wait until Tuesday since the story will be out.
3. In order to minimize the time between notifications and publication, we think the notifications should occur on Sunday.
4. Maria--Delia is going to call you about coordinating some of your notifications with her need to invite people to Riley's speech.

Here are the talking points I'm going to use with Peterson:

Draft Unz Talking Points

- 1. It is essential to educate all of our students, including particularly the growing proportion of our school children who are immigrants or American born children of immigrants.** A well educated population is key to a growing economy and a health society. We must help all of our students reach the high standards and acquire the knowledge and skills needed for the 21st Century.
- 2. We must help every child, especially children whose native language is not English, become proficient in English.**
- 3. The Unz Initiative is the wrong way to do this.** It will result in fewer LEP students learning English, lower academic achievement in other subjects, and greater frustration for students and parents.

Kids learn at different rates; The one year time limit in Unz is an extreme, one-size-fits-all approach that will harm kids rather than help them.

Unz limits the discretion of teachers to choose the approach that is best suited for the children they teach. Unz would subject teachers, school board members and administrators to personal liability if they fail to comply with its requirements. This is not the way to build cooperation between parents and teachers.

Unz would fly in the face of local control and strip from local school boards the ability to make educationally sound decisions about how to meet the needs of the children.

Unz will in all likelihood result in problems under federal civil rights laws.

4. The right way is to strengthen our public schools overall and improve how our schools help LEP students learn English.

We can help LEP kids learn English and do well in academic subjects if we give them the same tools that other students need in order to succeed: higher standards, safe schools, smaller classes, well prepared teachers, and a challenging curriculum, and schools that are accountable for success. This is what the Administration is already trying to help schools in every state and community accomplish.

No one approach to educating LEP students works best all the time; *we must give local schools the flexibility* to fashion an approach that will work the best for their students.

We must provide LEP students with fully qualified bilingual and English-as-second-language teachers. LEP students will succeed if they are given well-prepared teachers who know how to teach reading and who are knowledgeable about second-language acquisition.

Local school districts must be accountable for performance and results. School districts should be accountable for helping students become proficient in English as rapidly as possible. They should measure progress regularly, report publicly on how well they are doing, and take corrective action if students are not making adequate progress.

If we do these things, we can expect students to meet a goal of becoming proficient in English within 3 years. This is a reasonable goal--many students can learn English faster than they do at present if we set clear expectations and give them the qualified teachers and the help they need. A goal is not a mandate or a one-year straight-jacket; if a student needs additional time, he or she should get it, along with the help and support to learn. But, setting a clear goal will help students and teachers alike. Like setting high standards, students can achieve more when they know we expect more of them.

5. These principles are consistent with the Alpert bill that has passed the CA Assembly.

Q. Is the Administration planning on proposing changes to the federal bilingual education program now?

- A. No, we are opposed to Unz, and we have discussed the principles we think should be used to strengthen efforts to help LEP students learn English. Congress is scheduled to reauthorize the bilingual education program along with other elementary and secondary education program next year. We think that is the most appropriate time to consider the federal bilingual education program, and make sure that it fully reflects our principles and objectives.

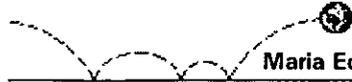
Message Sent To:

Maria Echaveste/WHO/EOP
Janet Murguia/WHO/EOP
Karen E. Skelton/WHO/EOP
Mickey Ibarra/WHO/EOP
Elena Kagan/OPD/EOP
Bruce N. Reed/OPD/EOP

Educ-Bilingual

1. Riggs - bilingual bill - 2 year fixed time limit
marked up next week
bring it to floor before Aug
have ready to go: draft by putting into
place The President's/Riley's proposal
(Mike Smith - to do)
2. Aff action / higher ed

Educ-bilingual



Maria Echaveste

04/24/98 10:30:26 AM

Record Type: Record

To: Karen E. Skelton/WHO/EOP, Elena Kagan/OPD/EOP

cc: Mickey Ibarra/WHO/EOP, Janet Murguia/WHO/EOP, Michael Cohen/OPD/EOP, Maritza Rivera/WHO/EOP

Subject: outreach calls--UNZ

This is a more formal list of people our office would call (than what I scribbled yesterday):

NCLR--Charles Kamasaki, Raul Yzaguirre

MALDEF--Antonia Hernandez

LULAC--Brent Wilkes, Belen Robles

Hispanic Education Coalition--(Maritza could schedule a quick conference call

Karen Narasaki/Daphne Kwok--Asian advocates

Jim Lyons--NABE

Deborah Escobedo--education advocate--calif

HACU--Antonio Flores/Jacobo Fraire

Ana Guzman--Commission on Hispanic Education/Sarita Brown

Monica Lozano--La Opinion

Latino Civil Rights Task Force--California

Folks--we still don't have closure on how and when the President will articulate his views?

Elena--will you be staying on top of this??

THE WHITE HOUSE
WASHINGTON

4-21-98

April 8, 1998

MEMORANDUM FOR THE PRESIDENT

FROM: SECRETARY RILEY
BRUCE REED

SUBJECT: California Proposition 227 (Unz Initiative) to End Bilingual Education

On June 2, California voters will consider Proposition 227, otherwise known as the Unz Initiative, which proposes to eliminate virtually all bilingual education. This is California's third potentially divisive race-related initiative in four years, following on the heels of Proposition 187, which barred public benefits for illegal immigrants, and Proposition 209, which ended affirmative action.

Polls show that the initiative is popular and is likely to pass, although a strong opposition campaign could make the election close. Many Latino voters currently favor the initiative, but the polls show that Latino support has declined considerably as voters become more familiar with the details of the proposal. Latino activists are strongly opposed to Unz, and are looking to the White House to support their efforts to defeat it.

Over the past several months DPC and Education Department staff worked with Maria Echaveste, Mickey Ibarra, Karen Skelton, and Janet Murguia to study the Unz Initiative, consulting widely with both opponents and supporters in California, in Congress, and in the advocacy community. Although concerned about the effectiveness of some bilingual education programs, your advisors strongly believe that the Unz initiative is bad education policy and will harm students who need help the most.

We therefore recommend a strategy that Rahm has termed "reform, not revoke." Under this strategy, you would oppose the Unz Initiative because it deprives local educators of the ability to make educationally sound choices about how to meet the needs of Limited English Proficient (LEP) children. At the same time, you would articulate the principles you support for reforming and strengthening programs to help LEP students become proficient in English.

I. The Unz Initiative and Bilingual Education in California

A. Overview of the Unz Initiative

This initiative, authored and backed by Silicon Valley millionaire Ron Unz, is designed to end all bilingual education programs in California. More specifically, it would:

- Require that all public school instruction be conducted in English.
- Permit this requirement to be waived only if parents or guardians can show that the child already knows English, has special needs, or would learn English faster through an alternative instructional technique.
- Provide initial placement for LEP students in "sheltered English immersion" programs for a period normally not to exceed one year. Instruction in these programs would be conducted in English, with some accommodations in the curriculum to take into account the limited English language skills of the students.
- Appropriate \$50 million per year over 10 years to fund adult education programs designed to teach English to LEP adults who in turn pledge to provide English language tutoring to LEP students.
- Make teachers, administrators, and school board members subject to suits and personally liable for failure to implement the provisions of the initiative.

Unz and other backers of this initiative regard the existing system of bilingual education as a complete failure. They argue that because bilingual education relies so heavily on use of the students' native language and only slowly introduces English, the approach delays or prevents, rather than promotes, the acquisition of English. Further, they point out that although California's bilingual education law expired a decade ago, the legislature has been unable to enact legislation to reform a broken program. This initiative, they argue, will break the legislative impasse and dramatically improve educational opportunities for LEP students..

B. Bilingual Education in California

good argument for necessity. Min English capacity

Demographics. There are approximately 1.3 million LEP students in California, approximately one quarter of California's K-12 students. This number has nearly doubled in less than a decade, and represents some 43% of the national total. Seventy nine percent of California's LEP students are native Spanish speakers. As you know, Hispanics have a 50% dropout rate, and by most indicators their academic performance lags behind most other population groups in the state.

Educational Services. LEP students receive a wide variety of services intended to help them learn English and academic subjects. In 1997, only about 30% received what is conventionally considered bilingual education -- programs that make significant use of the student's primary language to teach academics while phasing in ever greater amounts of English language instruction. More than half participate in specially designed instructional programs that

help students learn English, while teaching other subjects in a way designed to be accessible to LEP students. (The Unz Initiative would eliminate these programs as well as conventional bilingual programs.) Approximately 16% of all LEP students are not receiving any language instruction services at all.

California Legal Framework. The legal framework for providing services to LEP students in California is murky. California's Bilingual Education Act expired in 1987, but the State Board of Education regulations implementing the act have remained in effect. Under this framework, school districts are required to help students become fluent in English and competent in other academic subjects, and are given a significant amount of flexibility in determining how to achieve these goals. Neither bilingual education nor any other specific approach to teaching LEP students is required.

There have been a number of unsuccessful attempts in the past decade to enact new legislation, but bilingual education reformers and advocates have been unable to agree on an approach. A fresh attempt to craft legislation has arisen in the past month, partly to take the steam out of Unz and to give Unz opponents something to support. This effort, however, is likely to end in failure.

Early in March the State Board of Education decided to eliminate the state bilingual education regulations. This process should be completed shortly before the vote on Unz. The effect of this action will be to eliminate any state requirement for the provision of specific services to LEP students, and to give local school districts even greater flexibility.

II. Political Context

The Unz initiative is currently the most serious threat to bilingual education, but it is not likely to be the last. Earlier this year Speaker Gingrich proposed eliminating bilingual education, and some conservative education experts (e.g., Diane Ravitch) have also called for its end. Last week, Rep. DeLay introduced a bill that would eliminate the federal bilingual education program, and House Republicans have included a \$75 million rescission of FY98 funding for bilingual education in the emergency supplemental bill. Especially if Unz passes, we are likely to see energized opposition to the federal program, and increased opposition to bilingual education in other states and localities.

The Unz initiative presents a political dilemma in California. If we oppose it, we risk alienating a majority of California Anglo voters. If we fail to oppose it, we risk alienating a vocal and increasingly influential group of Latino leaders, and possibly Latino voters.

Current polls show that a large majority of California Anglo voters support Unz. For Anglos, bilingual education may become a hot button issue similar to immigrant services and affirmative action. In contrast, Latino voters are split on the issue. While many continue to support Unz largely out of frustration at the public schools' failure to help their children, polls

show that Latino support is eroding as voters become more aware of the particulars of the initiative. It is likely that current polls overestimate Latino support for Unz, just as polls overestimated Latino support for Propositions 187 and 209.

Latino activists and elected officials oppose Unz. To some of the Latino leaders, Unz is a litmus issue, like Propositions 187 and 209. Latino leaders are looking to the White House to become actively involved in the opposition to Unz, and are fearful that we will choose to sit on the sidelines.

More organizations and elected officials are taking positions on Unz. The California education community -- including the California Teachers Association and the California School Boards Association -- is strongly opposed to Unz. Key Democratic officeholders (including Sen. Boxer, Rep. Becerra and most Democrats in the California delegation, State Superintendent Delaine Eastin, and Speaker Villaraigosa) have also announced their opposition to the Unz initiative. All three Democratic gubernatorial candidates have come out against Unz. Sen. Feinstein has not taken a public stance yet, though she appears likely to support Unz. A list of organizations, elected officials, and other leaders that have taken positions on Unz is attached.

The Republican state party has supported Unz, though many Republican officials, including Gov. Wilson, have not yet taken a position. Dan Lungren has not taken a position yet, but has recently said that the recent action by the State Board of Education has eliminated the need for Unz. There is always a chance that White House opposition to Unz could polarize the situation and push Gov. Wilson and other Republicans to support Unz, but at least some Republican leaders are afraid to support another initiative viewed as anti-Hispanic.

The political dilemma can be resolved with a "Reform, not Revoke" response. We believe the best approach to this issue is to strike a middle ground by admitting that bilingual education needs reforming, but asserting that Unz is not the way to do it. More specifically, we can:

- Start by reiterating the overriding importance of helping every child become proficient in English;
- Oppose Unz on the merits because it is too extreme;
- Remind voters what we are for, including both our overall approach to strengthening public education and our Hispanic initiative;
- Articulate the fundamental principles that you believe should be used by local communities to reform and strengthen their efforts to educate LEP students. These principles include setting a goal for school districts to help LEP students learn English within three years, holding schools accountable for results, providing local flexibility, and emphasizing quality in any approach used.

III. Specific Recommendations

I. Oppose Unz Initiative on educational and legal grounds.

Educational. There is little doubt that current programs for LEP students leave much room for improvement. While some promising efforts have emerged, the services now provided are not effective on a large-scale basis. Even when programs themselves are good, shortages of qualified teachers and poor implementation often limit the ineffectiveness

We believe, however, that the Unz Initiative would only make matters worse. A one-size-fits-all State prescription for how to educate LEP children -- and a demand that all special services cease in one year will retard progress toward the goal of helping LEP students learn English, reach high standards, and participate effectively in classrooms. Experience and research indicate that no one approach is the answer for all limited English proficient children. By limiting the discretion of schools and teachers to determine what works best for their LEP students, the Unz Initiative prevents teachers and parents from exercising common sense and professional judgment regarding how to serve individual children.

And even assuming we should pick a single method of educating LEP students, there is little to recommend the Unz "sink or swim" model. While a structured English immersion approach may be effective for some limited English proficient children, it is likely to be ineffective for many others. One year of special instruction -- whether in Bilingual Education or an English immersion approach -- rarely is sufficient to enable a child who starts the program with almost no proficiency in English to become proficient enough to participate in regular English-language classes.

Legal. Based on the educational problems described above, the Unz Initiative will raise serious issues under federal civil rights laws. In the seminal 1974 case of Lau v. Nichols, the Supreme Court interpreted Title VI of the Civil Rights Act to require school districts to take steps to ensure that national origin minority students with limited English proficiency can effectively participate in the regular educational program. Similarly, the Equal Educational Opportunity Act, enacted in 1974, requires public educational agencies to take appropriate action to overcome language barriers that impede student participation in instructional programs. Neither Lau nor subsequent cases addressing Title VI or the Equal Educational Opportunity Act mandate a particular approach to meeting these needs, but they require that sound educational approaches be implemented and evaluated.

Assuming (as we probably should) that some educational experts will vouch for the soundness of the sheltered English immersion approach mandated by the Unz Initiative, Department of Education lawyers believe that a legal challenge asserting that the Unz Initiative on its face violates Title VI or the Equal Educational Opportunity Act probably would not succeed. But they believe that the Unz Initiative will cause widespread violations of Title VI and the Equal Educational Opportunity Act once it is applied to cut off services to students

who need them. The only way that such violations will be avoided is if the State or local educational agencies use loopholes in the Proposition to extend services to LEP students beyond the year specified in the initiative. The Unz Initiative thus will create legal confrontations between California agencies and the Departments of Education and Justice over violations of civil rights laws, and will divert resources and attention that should be focused on educating children to conducting investigations and litigation.

Recommendation: For these reasons, we recommend that the Administration publicly oppose the Unz Initiative. Taking a position soon will allow us to help frame the debate and set a constructive tone, rather than get drawn into an already inflammatory debate. A prompt announcement will also allay concerns in the advocacy community that we may sit this battle out until it is too late to have an impact on the outcome. We think that Secretary Riley should make the initial announcement of the Administration's position within the next week to ten days.

We also believe that you should express opposition to the Unz Initiative during your visit to California in early May. We will also work with the Vice President's office to create an appropriate opportunity for him to state his opposition to Unz.

Agree Disagree Discuss Further

2. Couple opposition to Unz with a clear statement of how local school districts can strengthen education for LEP students.

We believe that you should couple your opposition to Unz with a strong statement about the importance of helping LEP students learn English and the need for reforming and strengthening bilingual education. This statement would articulate principles to guide local educators in providing services to LEP students.

We seriously considered but rejected the idea of underscoring your commitment to improve bilingual education by also proposing statutory changes to the federal Bilingual Education Program. After consultation with members of the California Congressional delegation, the Hispanic Caucus and others, we concluded that this step would be premature since Congress is unlikely to pass or even consider your proposals until next year, when the bilingual education is scheduled for reauthorization. An Administration proposal now also would fuel other, potentially dangerous Congressional proposals to alter or eliminate bilingual education. Further, proposing changes to the federal program now would place members of the California Congressional delegation in a difficult position, because they would be forced to take a position on both the Unz Initiative and your legislative proposal.

We recommend a statement articulating the following principles:

Set a goal for school districts to help LEP students learn English within 3 years. All participants in this debate -- and especially parents of Hispanic and other LEP students -- want children to learn English as rapidly as possible. Bilingual education programs that prolong rather than speed the process of learning English, and are open-ended rather than transitional, do harm to students. But currently, few school districts establish clear time lines or goals for LEP students to learn English.

Challenging school districts to set and meet a clear goal of helping LEP students become proficient in English within 3 years will ensure that your opposition to Unz is not -- and is not taken as -- as an endorsement of the status quo. Setting a clear goal is the first step toward reducing the length of time it takes for students to master English. It will send a clear message to teachers and administrators to adopt educational strategies that will help students acquire English proficiency as rapidly as possible. In this context, you should also urge school districts to set the same academic standards and expectations for LEP students as for all others; notify parents of every LEP student of these goals when the student is first enrolled; assess student progress in English and other academic subjects annually and; identify early, and provide extra help, to students who are not making progress.

This proposal will be very unpopular with the Hispanic Caucus and the bilingual advocacy community. They will argue that there is no clear research base to establish a 3-year time frame, that individuals vary in how long they need to master English, and that pushing students to learn English early will slow down their ability to master other academic subjects. They will also argue that advocating a 3-year time frame -- or any other time limit -- plays into the hands of Unz and his supporters by weakening the ability of Unz opponents to make the case against the 1-year cut-off of services in his proposal. Further, they and many educators will argue that if it is necessary to set time lines for learning English, local educators and communities ought to take responsibility for determining the appropriate length of time.

We believe that you can mitigate these concerns by making clear that you are calling for a goal rather than a strict time limit, by emphasizing that accountability for meeting the goal rests primarily on local schools, and by not proposing to end language services to students who have not yet mastered English within 3 years. These responses may not fully satisfy the bilingual community, but the three-year goal is important enough, from both an educational and a political perspective, to take this risk of disagreement.

Local school districts must be accountable for performance and results. School districts must be held accountable for helping students become proficient in English as rapidly as possible. They should report publicly how well they are doing to meet the timelines they have established. They should test students periodically for English proficiency (as well as achievement in other subjects) to determine if they are making adequate progress, and they

should provide additional services or take other corrective actions as appropriate when students are not making adequate progress. School districts should evaluate their bilingual education programs regularly as well. If a program is not helping its students progress rapidly enough, the school district should strengthen it, or use another approach that research shows will work.

There must be local flexibility. As discussed above, no one-size-fits-all prescription for how to educate limited English proficient children will work. Local schools must have the flexibility to design programs that meet their particular needs, mix of students, and resources. So long as the goal is clear -- that students learn English as rapidly as possible -- and there is accountability for results, parents and educators should be free to work together to fashion programs that work for them.

The focus must be on strengthening quality, regardless of approach. The research on instruction for LEP students does not identify any particular approach (e.g. bilingual education, English immersion, English as a Second Language, or dual-language immersion) as more effective than others. Rather, it suggests that effective programs have well-prepared teachers who know how to teach reading and who are knowledgeable about second-language acquisition; provide students with a challenging curriculum and high academic standards; and regularly assess student progress and make adjustments in the instructional program accordingly. In short, if LEP students are to learn English and succeed in school, they must be in schools that work for all students--schools with high standards, good teachers, smaller classes, challenging curriculum and accountability for results. Because of this, any discussion of the steps required to strengthen local quality provides an opportunity to discuss your overall agenda for strengthening public schools

Agree

Disagree

Discuss Further

Elected Officials, Associations, Activists are Taking positions on Unz:

Oppose Unz:

Senator Barbara Boxer
 Lt. Gov. Grey Davis
 Congressman Xavier Becerra
 Congressman Cal Dooley
 Congressman Bob Filner
 Congressman Lucile Roybal-Allard
 Congresswoman Zoe Lofgren
 Congresswoman Ellen Tauscher
 Congressman Vic Fazio
 Congressman Marty Martinez
 Delaine Eastin, Superintendent of Public Instruction
 Assemblyman Cruz Bustamante (former Speaker)
 Speaker Antonio Villaraigosa
 Senator President John Burton
 Supervisor Gloria Molina
 CTA
 MALDEF
 Republican Assemblyman Bill Leonard
 Republican Assemblyman Rod Pacheco (only R Latino Assemblyman)
 CABE

Support Unz:

Ron Unz
 Gloria Matta Tuchman
 Jaime Escalante
 Fernando Vega
 Mayor Richard Riordan
 Darrell Issa, Republican Senate Candidate opposing Barbara Boxer

THE WHITE HOUSE
WASHINGTON

April 8, 1998

MEMORANDUM FOR THE PRESIDENT

FROM: SECRETARY RILEY
BRUCE REED

SUBJECT: California Proposition 227 (Unz Initiative) to End Bilingual Education

On June 2, California voters will consider Proposition 227, otherwise known as the Unz Initiative, which proposes to eliminate virtually all bilingual education. This is California's third potentially divisive race-related initiative in four years, following on the heels of Proposition 187, which barred public benefits for illegal immigrants, and Proposition 209, which ended affirmative action.

Polls show that the initiative is popular and is likely to pass, although a strong opposition campaign could make the election close. Many Latino voters currently favor the initiative, but the polls show that Latino support has declined considerably as voters become more familiar with the details of the proposal. Latino activists are strongly opposed to Unz, and are looking to the White House to support their efforts to defeat it.

Over the past several months DPC and Education Department staff worked with Maria Echaveste, Mickey Ibarra, Karen Skelton, and Janet Murguia to study the Unz Initiative, consulting widely with both opponents and supporters in California, in Congress, and in the advocacy community. Although concerned about the effectiveness of some bilingual education programs, your advisors strongly believe that the Unz initiative is bad education policy and will harm students who need help the most.

We therefore recommend a strategy that Rahm has termed "reform, not revoke." Under this strategy, you would oppose the Unz Initiative because it deprives local educators of the ability to make educationally sound choices about how to meet the needs of Limited English Proficient (LEP) children. At the same time, you would articulate the principles you support for reforming and strengthening programs to help LEP students become proficient in English.

I. The Unz Initiative and Bilingual Education in California

A. Overview of the Unz Initiative

This initiative, authored and backed by Silicon Valley millionaire Ron Unz, is designed to end all bilingual education programs in California. More specifically, it would:

- Require that all public school instruction be conducted in English.
- Permit this requirement to be waived only if parents or guardians can show that the child already knows English, has special needs, or would learn English faster through an alternative instructional technique.
- Provide initial placement for LEP students in "sheltered English immersion" programs for a period normally not to exceed one year. Instruction in these programs would be conducted in English, with some accommodations in the curriculum to take into account the limited English language skills of the students.
- Appropriate \$50 million per year over 10 years to fund adult education programs designed to teach English to LEP adults who in turn pledge to provide English language tutoring to LEP students.
- Make teachers, administrators, and school board members subject to suits and personally liable for failure to implement the provisions of the initiative.

Unz and other backers of this initiative regard the existing system of bilingual education as a complete failure. They argue that because bilingual education relies so heavily on use of the students' native language and only slowly introduces English, the approach delays or prevents, rather than promotes, the acquisition of English. Further, they point out that although California's bilingual education law expired a decade ago, the legislature has been unable to enact legislation to reform a broken program. This initiative, they argue, will break the legislative impasse and dramatically improve educational opportunities for LEP students..

B. Bilingual Education in California

Demographics. There are approximately 1.3 million LEP students in California, approximately one quarter of California's K-12 students. This number has nearly doubled in less than a decade, and represents some 43% of the national total. Seventy nine percent of California's LEP students are native Spanish speakers. As you know, Hispanics have a 50% dropout rate, and by most indicators their academic performance lags behind most other population groups in the state.

Educational Services. LEP students receive a wide variety of services intended to help them learn English and academic subjects. In 1997, only about 30% received what is conventionally considered bilingual education -- programs that make significant use of the student's primary language to teach academics while phasing in ever greater amounts of English language instruction. More than half participate in specially designed instructional programs that

help students learn English, while teaching other subjects in a way designed to be accessible to LEP students. (The Unz Initiative would eliminate these programs as well as conventional bilingual programs.) Approximately 16% of all LEP students are not receiving any language instruction services at all.

California Legal Framework. The legal framework for providing services to LEP students in California is murky. California's Bilingual Education Act expired in 1987, but the State Board of Education regulations implementing the act have remained in effect. Under this framework, school districts are required to help students become fluent in English and competent in other academic subjects, and are given a significant amount of flexibility in determining how to achieve these goals. Neither bilingual education nor any other specific approach to teaching LEP students is required.

There have been a number of unsuccessful attempts in the past decade to enact new legislation, but bilingual education reformers and advocates have been unable to agree on an approach. A fresh attempt to craft legislation has arisen in the past month, partly to take the steam out of Unz and to give Unz opponents something to support. This effort, however, is likely to end in failure.

Early in March the State Board of Education decided to eliminate the state bilingual education regulations. This process should be completed shortly before the vote on Unz. The effect of this action will be to eliminate any state requirement for the provision of specific services to LEP students, and to give local school districts even greater flexibility.

II. Political Context

The Unz initiative is currently the most serious threat to bilingual education, but it is not likely to be the last. Earlier this year Speaker Gingrich proposed eliminating bilingual education, and some conservative education experts (e.g., Diane Ravitch) have also called for its end. Last week, Rep. DeLay introduced a bill that would eliminate the federal bilingual education program, and House Republicans have included a \$75 million recision of FY98 funding for bilingual education in the emergency supplemental bill. Especially if Unz passes, we are likely to see energized opposition to the federal program, and increased opposition to bilingual education in other states and localities.

The Unz initiative presents a political dilemma in California. If we oppose it, we risk alienating a majority of California Anglo voters. If we fail to oppose it, we risk alienating a vocal and increasingly influential group of Latino leaders, and possibly Latino voters.

Current polls show that a large majority of California Anglo voters support Unz. For Anglos, bilingual education may become a hot button issue similar to immigrant services and affirmative action. In contrast, Latino voters are split on the issue. While many continue to support Unz largely out of frustration at the public schools' failure to help their children, polls

show that Latino support is eroding as voters become more aware of the particulars of the initiative. It is likely that current polls overestimate Latino support for Unz, just as polls overestimated Latino support for Propositions 187 and 209.

Latino activists and elected officials oppose Unz. To some of the Latino leaders, Unz is a litmus issue, like Propositions 187 and 209. Latino leaders are looking to the White House to become actively involved in the opposition to Unz, and are fearful that we will choose to sit on the sidelines.

More organizations and elected officials are taking positions on Unz. The California education community -- including the California Teachers Association and the California School Boards Association -- is strongly opposed to Unz. Key Democratic officeholders (including Sen. Boxer, Rep. Becerra and most Democrats in the California delegation, State Superintendent Delaine Eastin, and Speaker Villaraigosa) have also announced their opposition to the Unz initiative. All three Democratic gubernatorial candidates have come out against Unz. Sen. Feinstein has not taken a public stance yet, though she appears likely to support Unz. A list of organizations, elected officials, and other leaders that have taken positions on Unz is attached.

The Republican state party has supported Unz, though many Republican officials, including Gov. Wilson, have not yet taken a position. Dan Lungren has not taken a position yet, but has recently said that the recent action by the State Board of Education has eliminated the need for Unz. There is always a chance that White House opposition to Unz could polarize the situation and push Gov. Wilson and other Republicans to support Unz, but at least some Republican leaders are afraid to support another initiative viewed as anti-Hispanic.

The political dilemma can be resolved with a "Reform, not Revoke" response. We believe the best approach to this issue is to strike a middle ground by admitting that bilingual education needs reforming, but asserting that Unz is not the way to do it. More specifically, we can:

- Start by reiterating the overriding importance of helping every child become proficient in English;
- Oppose Unz on the merits because it is too extreme;
- Remind voters what we are for, including both our overall approach to strengthening public education and our Hispanic initiative;
- Articulate the fundamental principles that you believe should be used by local communities to reform and strengthen their efforts to educate LEP students. These principles include setting a goal for school districts to help LEP students learn English within three years, holding schools accountable for results, providing local flexibility, and emphasizing quality in any approach used.

III. Specific Recommendations

I. Oppose Unz Initiative on educational and legal grounds.

Educational. There is little doubt that current programs for LEP students leave much room for improvement. While some promising efforts have emerged, the services now provided are not effective on a large-scale basis. Even when programs themselves are good, shortages of qualified teachers and poor implementation often limit the ineffectiveness

We believe, however, that the Unz Initiative would only make matters worse. A one-size-fits-all State prescription for how to educate LEP children -- and a demand that all special services cease in one year will retard progress toward the goal of helping LEP students learn English, reach high standards, and participate effectively in classrooms. Experience and research indicate that no one approach is the answer for all limited English proficient children. By limiting the discretion of schools and teachers to determine what works best for their LEP students, the Unz Initiative prevents teachers and parents from exercising common sense and professional judgment regarding how to serve individual children.

And even assuming we should pick a single method of educating LEP students, there is little to recommend the Unz "sink or swim" model. While a structured English immersion approach may be effective for some limited English proficient children, it is likely to be ineffective for many others. One year of special instruction -- whether in Bilingual Education or an English immersion approach -- rarely is sufficient to enable a child who starts the program with almost no proficiency in English to become proficient enough to participate in regular English-language classes.

Legal. Based on the educational problems described above, the Unz Initiative will raise serious issues under federal civil rights laws. In the seminal 1974 case of Lau v. Nichols, the Supreme Court interpreted Title VI of the Civil Rights Act to require school districts to take steps to ensure that national origin minority students with limited English proficiency can effectively participate in the regular educational program. Similarly, the Equal Educational Opportunity Act, enacted in 1974, requires public educational agencies to take appropriate action to overcome language barriers that impede student participation in instructional programs. Neither Lau nor subsequent cases addressing Title VI or the Equal Educational Opportunity Act mandate a particular approach to meeting these needs, but they require that sound educational approaches be implemented and evaluated.

Assuming (as we probably should) that some educational experts will vouch for the soundness of the sheltered English immersion approach mandated by the Unz Initiative, Department of Education lawyers believe that a legal challenge asserting that the Unz Initiative on its face violates Title VI or the Equal Educational Opportunity Act probably would not succeed. But they believe that the Unz Initiative will cause widespread violations of Title VI and the Equal Educational Opportunity Act once it is applied to cut off services to students

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Recommendation: For these reasons, we recommend that the Administration publicly oppose the Unz Initiative. Taking a position soon will allow us to help frame the debate and set a constructive tone, rather than get drawn into an already inflammatory debate. A prompt announcement will also allay concerns in the advocacy community that we may sit this battle out until it is too late to have an impact on the outcome. We think that Secretary Riley should make the initial announcement of the Administration's position within the next week to ten days.

We also believe that you should express opposition to the Unz Initiative during your visit to California in early May. We will also work with the Vice President's office to create an appropriate opportunity for him to state his opposition to Unz.

_____ Agree _____ Disagree _____ Discuss Further

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We believe that you should couple your opposition to Unz with a strong statement about the importance of helping LEP students learn English and the need for reforming and strengthening bilingual education. This statement would articulate principles to guide local educators in providing services to LEP students.

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_____ Agree _____ Disagree _____ Discuss Further

Elected Officials, Associations, Activists are Taking positions on Unz:**Oppose Unz:**

Senator Barbara Boxer
Lt. Gov. Grey Davis
Congressman Xavier Becerra
Congressman Cal Dooley
Congressman Bob Filner
Congressman Lucile Roybal-Allard
Congresswoman Zoe Lofgren
Congresswoman Ellen Tauscher
Congressman Vic Fazio
Congressman Marty Martinez
Delaine Eastin, Superintendent of Public Instruction
Assemblyman Cruz Bustamante (former Speaker)
Speaker Antonio Villaraigosa
Senator President John Burton
Supervisor Gloria Molina
CTA
MALDEF
Republican Assemblyman Bill Leonard
Republican Assemblyman Rod Pacheco (only R Latino Assemblyman)
CABE

Support Unz:

Ron Unz
Gloria Matta Tuchman
Jaime Escalante
Fernando Vega
Mayor Richard Riordan
Darrell Issa, Republican Senate Candidate opposing Barbara Boxer



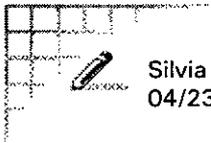
Mickey Ibarra
04/24/98 08:51:11 AM

Record Type: Record

To: Elena Kagan/OPD/EOP, Michael Cohen/OPD/EOP, Janet Murguia/WHO/EOP, Maria Echaveste/WHO/EOP

cc:
Subject: Notification calls prior to California Proposition 227 announcement

----- Forwarded by Mickey Ibarra/WHO/EOP on 04/24/98 08:52 AM -----



Silvia J. Esparza
04/23/98 10:53:16 PM

Record Type: Record

To: Karen E. Skelton/WHO/EOP
cc: Mickey Ibarra/WHO/EOP
Subject: Notification calls prior to California Proposition 227 announcement

April 22, 1998

MEMORANDUM FOR KAREN SKELTON

FROM: Mickey Ibarra

SUBJECT: Notification calls prior to California Proposition 227 announcement

Below is a list of state and local officials that I recommend be contacted prior to our Proposition 227 announcement. IGA will notify each of these officials at the agreed upon time. Please let me know if you would like to make any of these calls or if you have additional suggestions.

- The Honorable Cruz Bustamante, Former Assembly Speaker, CA (916/455-8514)
- The Honorable Antonio Villaraigosa, Assembly Speaker, CA (916/445-0703)
- The Honorable Gloria Molina, Los Angeles County Supervisor, CA (213/974-4111)
- The Honorable Joe Serna, Mayor of Sacramento, CA (916/264-5300)
- The Honorable Rod Pacheco, Republican Assemblyman, Sacramento, CA (916/445-0854)

The Honorable Miguel Pulido, Mayor of Santa Ana, CA (714/647-6900)
The Honorable John Burton, President Pro Tempore of State Senate, CA (415/477-1240)
The Honorable Gray Davis, Lt. Governor, CA (916/445-2841)
The Honorable John Medina, San Fransisco County Supervisor, CA (415/554-5405)
The Honorable Blanca Alvarado, County Supervisor, Santa Clara County, CA
(408/299-2323)
The Honorable Pedro Rossello, Governor of Puerto Rico, CA (787/721-7000)
The Honorable Richard Riordan, Republican Mayor of Los Angeles, CA (213/847-2489)***
Arturo Vargas, Executive Director, National Association of Latino Elected Officials (213/720-1932)
Ingrid Duran, Washington Director, National Association of Latino Elected Officials (202/546-2536)

***Favors Prop. 227

Educ-bilingual



Karen E. Skelton

04/24/98 12:07:34 PM

Record Type: Record

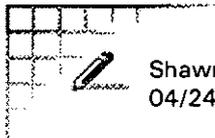
To: See the distribution list at the bottom of this message
cc: Sylvia M. Mathews/WHO/EOP
Subject: Bilingual

Attached is an outreach list for calls prior to a bilingual announcement. I recommend we meet today to divide the calls. Please let me know if you have additions or deletions.

Please advise.

Thanks.,

----- Forwarded by Karen E. Skelton/WHO/EOP on 04/24/98 12:07 PM -----



Shawn Heller
04/24/98 12:01:25 PM

Record Type: Record

To: Karen E. Skelton/WHO/EOP
cc:
Subject: Bilingual

Hi Karen,

Here is the document you requested.

Thanx,

Shawn



bilingua.wp

| Name | Organization | Phone |
|-------------------------------|---|--------------|
| Dee Dee Alper | State Senator | |
| The Honorable Blanca Alvarado | County Supervisor, Santa Clara County, CA | 408-299-2 |
| President Richard Atkonson | University of California | |
| Rep. Xavier Becerra | CA Democratic Congressional Delegation | 202-225-6 |
| Senator Barbara Boxer | Congress | 202-224-3 |
| Sarita Brown | Commission on Hispanic Education | |
| Rep. George E. Brown, Jr. | CA Democratic Congressional Delegation | 202-225-6 |
| The Honorable John Burton | President Pro Tempore of State Senate, CA | 415-477-1 |
| The Honorable Cruz Bustamante | Former Assembly Speaker, CA | 916-455-8 |
| Rep. Walter H. Capps | CA Democratic Congressional Delegation | 202-225-3 |
| Al Checchi | Democratic Gubernatorial Candidate | |
| Rep. Gary Condit | CA Democratic Congressional Delegation | 202-225-6 |
| The Honorable Gray Davis | Lt. Governor, CA | 916-445-2 |
| Rep. Ronald V. Dellums | CA Democratic Congressional Delegation | 202-225-2 |
| Rep. Julian c. Dixon | CA Democratic Congressional Delegation | 202-225-7 |
| Rep. Calvin Dooley | CA Democratic Congressional Delegation | 202-225-3 |
| Ingrid Duran | Washington Director, National Association of Latino Elected Officials | 202-546-2 |
| Rep. Esteban Edward | CA Democratic Congressional Delegation | 202-225-5 |
| Deborah Escobedo | Education Advocate | |
| Rep. Anna Eshoo | CA Democratic Congressional Delegation | 202-225-8 |
| Delanine Eastin | Superintendent of Republic Construction | |
| Rep. Sam Farr | CA Democratic Congressional Delegation | 202-225-2 |

| | | |
|---------------------------------|--|-----------|
| Rep. Vic Fazio | CA Democratic Congressional Delegation | 202-225-5 |
| Senator Dianne Feinstein | Congress | 202-224-3 |
| Rep. Bob Filner | CA Democratic Congressional Delegation | 202-225-8 |
| Antonio Flores | HACU | |
| Jacobo Fraire | HACU | |
| Ana Guzman | Commission on Hispanic Education | |
| Rep. Jane Harman | CA Democratic Congressional Delegation | 202-225-8 |
| John Hein | Labor-CTA | |
| Antonia Hernandez | MALDEF | |
| Charles Kamasaki | NCLR | |
| Daphne Kwok | Asian Advocate | |
| Rep. Tom Lantos | CA Democratic Congressional Delegation | 202-225-3 |
| Rep. Zoe Lofgren | CA Democratic Congressional Delegation | 202-225-3 |
| Monica Lozano | LA Opinion | |
| Jim Lyons | NABE | |
| Rep. Matthew G. Martinez | CA Democratic Congressional Delegation | 202-225-5 |
| Rep. Robert T. Matsui | CA Democratic Congressional Delegation | 202-225-7 |
| The Honorable John Medina | San Francisco County Supervisor, CA | 415-554-5 |
| Rep. Juanita Millender-McDonald | CA Democratic Congressional Delegation | 202-225-7 |
| Rep. George Miller | CA Democratic Congressional Delegation | 202-225-2 |
| The Honorable Gloria Molina | Los Angeles County Supervisor, CA | 213-974-4 |
| Karen Narasaki | Asian Advocate | |
| The Honorable Rod Pacheco | Republican Assemblyman, Sacramento, CA | 916-445-0 |
| Rep. Nancy Pelosi | CA Democratic Congressional Delegation | 202-225-4 |
| The Honorable Miguel Pulido | Mayor of Santa Ana, CA | 714-647-6 |
| The Honorable Richard Riordan | Republican Mayor of Los Angeles, CA | 213-847-2 |
| Belen Robles | LULAC | |
| The Honorable Pedro Rossello | Governor of Puerto Rico, CA | 787-721-7 |
| Rep. Lucille Roybal-Allard | CA Democratic Congressional Delegation | 202-225-1 |

| | | |
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| Rep. Loretta L. Sanchez | CA Democratic Congressional Delegation | 202-225-2 |
| The Honorable Joe Serna | Mayor of Sacramento, CA | 916-264-5 |
| Rep. Brad Sherman | CA Democratic Congressional Delegation | 202-225-5 |
| Rep. Fortney Stark | CA Democratic Congressional Delegation | 202-225-5 |
| Rep. Ellen Tauscher | CA Democratic Congressional Delegation | 202-225-1 |
| Arturo Vargas | Executive Director, National Association of Latino Elected Officials | 213-720-1 |
| The Honorable Antonio Villaraigosa | Assembly Speaker, CA | 916-445-0 |
| Rep. Maxine Waters | CA Democratic Congressional Delegation | 202-225-2 |
| Rep. Henry A. Waxman | CA Democratic Congressional Delegation | 202-225-3 |
| Brent Wilkes | LULAC | |
| Rep. Lynn Woolsey | CA Democratic Congressional Delegation | 202-225-5 |
| Raul Yzaguirre | NCLR | |
| | Hispanic Education Coalition | |
| | Latino Civil Rights Task Force--CA | |
| | | |

 Maria Echaveste

04/26/98 03:13:54 PM

Record Type: Record

To: Delia_Pompa @ ed.gov @ INET @ LNGTWY
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re: draft #3 of UNZ statement 

Delia--I think this statement is too long need to shorten the discussion of the immigrants (what do we do about native born non english speaking--native americans??) also we need to stress that it's not just about kids learning english--they need to have equal access to the curriculum so they won't fall further behind--so they aren't just have conversational; English--I will try to come upn with other language--call me tonight.

Delia_Pompa @ ed.gov



Delia_Pompa @ ed.gov
04/26/98 02:20:00 PM

Record Type: Record

To: Maria Echaveste
cc:
Subject: draft #3 of UNZ statement

Attached is the latest draft. We'll be working on it some tomorrow morning before the Secretary returns. Hope to release it around noon. Thanks.

Delia

Forward Header

Subject: draft #3 of UNZ statement
Author: Kevin Sullivan at WDCB01
Date: 4/22/98 6:12 PM

The current status of rolling this out is still in flux.

But here is the current draft of the speech that the Secretary would make. If this is to be a statement we would redraft.

Draft #3

**Statement of
Richard W. Riley
U.S. Secretary of Education**

**Helping America's Many New Immigrant Children
Get the Best Education Possible**

As we look to the future of American education one of the most important new developments is the growing number of immigrant children that we must educate. According to the latest census data nearly 20% of all children in our nation's schools -- one out of five -- are immigrants or Americans born children of immigrants.

According to a new study by the Russell Sage Foundation there are 13.7 million children under 18 who are either immigrants or the American born offspring of immigrants, and they are the fastest growing part of our student population. These children come from over 150 nations with the largest number coming from Mexico, the Phillipines, Cuba, and Vietnam.

Some say that these children are a liability but I welcome these children, just as the Statue of Liberty or the Golden Gate Bridge has welcomed them for years. They are a great source of strength and hope for the future of America and we want them to be full participants in the American experience as children and as they grow up.

These young people, just like generations of immigrants who have come before them, can grow up to be patriotic Americans who will add their voices to our democracy and help us expand our economy in this new global environment if we educate them to the best of our ability and treat them as we would like to be treated.

Indeed, the Russell Sage Foundation report, the largest survey ever conducted of immigrant children, found that these young people had higher grades and a lower school drop-out rate than other American children and overwhelmingly preferred to speak English by the time they were teenagers.

And I can see why when I visit schools throughout this great nation. Their parents have come to America because they believe in the American Dream. They have stood in long visa lines, uprooted their families, left relatives behind, changed careers, often accepted menial jobs and --in many cases now work two jobs for one great purpose --to give their children a better life here in America. Surely we can meet these people half-way by giving their children the best education possible so that they can make their contribution to the American mainstream.

Teaching these young people English is one of the great tasks of nation-building that falls to our public schools and where we need to begin. There are school districts in almost every part of our country -- from Boston to Seattle to Miami -- where children speak more than 40 languages. Arlington, Virginia -- just across the river -- is a school district that is a shining example of this increasing diversity.

Today there are growing questions about the best way to teach these young people English. I want to focus my attention on this timely issue. Here, it is so important to recognize that these immigrant children and their parents have a passion to learn English. They know that overcoming the language barrier is the first great step they need to take to become full participants in the American experience. So our task is not to persuade them to learn English but to give them the tools they need to learn to speak English.

In California, concerns about how to teach these young people English center around Proposition 227, the Unz Amendment, which would effectively eliminate bilingual education and require that all children to learn English in one year.

I recognize that the decision to vote for or against the Unz Amendment this coming June is ultimately a decision that is up to the voters of California. I know that there are many well-intentioned and concerned citizens on both sides of this issue and that the people of California are taking this issue seriously. I also understand the frustration many parents in California have about the progress their children are making in learning English.

But I must tell you that Proposition 227 is not the way to go. In my opinion, adoption of the Unz Amendment will lead to fewer children learning English and many children falling further behind in their studies. There are five major reasons why I believe that the Unz Amendment is counter productive to a quality education for all of our children.

First, the "one year" time limit to learn English flies in the face of years of research that tells us that children learn in different ways and at different speeds. A recent National Academy of Sciences study released last month tells us that, "hurrying young non-English speaking children into reading in English without ensuring adequate preparation is counterproductive." The report recommends that children with no English proficiency are best taught to read English by first being taught reading in their native language, if teachers and instructional materials in their native language are available.

Thus, while an "English only" approach may be effective for some limited English proficient children, it is likely to be ineffective for others. I do not oppose "English only" classes. In fact, about 25% of our current federal bilingual funds support this type of instructional approach. What I question is the arbitrary one year time limit and the demand that only this approach is the right approach to help young people learn English.

The approach taken by Prop 227 simply ignores the individual needs of each child and certainly is an educational straightjacket for teachers and parents. Good teaching starts with the child's needs and moves the child along in a timely and responsible manner.

If we adopted the approach suggested by the Unz Initiative to help children learn to read, it would be a disaster. Some children are already good readers when they come to kindergarten and others learn by the end of the first or second grades. Other children need extra help even in third grade and beyond.

Second, the Unz Amendment limits the discretion of teachers to choose the approach that is best suited for the children they teach. Some children may learn best in an English only class, others may learn faster in a bilingual class or some other proven approach but teachers are given no option to use their professional judgement.

Third, Proposition 227 would subject teachers, school board members, and educational administrators to personal liability in litigation by parents if they fail to comply with its requirements. I find this aspect of Proposition 227 both punitive and threatening. This is not the way to build parent-teacher cooperation -- a key to student success. .

Fourth, the Unz Initiative would strip from local school boards the ability to make educationally sound decisions about how to meet the needs of the children they teach. This is a direct attack on local control of education. The Unz Initiative would not be a helping hand for language instruction, but rather the heavy hand of overregulation. I am surprised that so many outspoken advocates of local control have chosen not to take issue with this fundamental flaw in the Unz Initiative.

Fifth, the Unz initiative will in all likelihood result in problems under federal civil rights laws. In the seminal case of *Lau v. Nichols*, the Supreme Court interpreted Title VI of the Civil Rights Act to require school districts to take steps to ensure that national origin minority students with limited English proficiency can effectively participate in the regular educational program.

Similarly, the Equal Educational Opportunity Act requires public educational agencies to overcome language barriers that impede student participation in their instructional programs. Limiting special language development instruction to one year and preventing a school from providing bilingual instruction to students, despite the judgment of teachers and the school principal that children in that school need bilingual instruction to progress, are likely to result in violations under these laws.

I join all Americans who believe that children who come to school ought to become proficient in English as quickly as possible. This is the primary purpose of bilingual education -- to teach

children English even as we maintain high academic standards. I also understand the frustration of some parents who worry that their children are not learning English as fast as they should.

Nevertheless, the one-size-for-all approach that defines the Unz Initiative fits better on a bumper sticker than it does in a classroom. The Unz initiative is simple, it is easy to understand, and it is wrong. Prop 227 may satisfy some people's sense of frustration but ultimately it is counter-productive to our common goal of making sure children learn English.

So what is the proper alternative to the current status-quo and the narrow and restrictive Unz Amendment? I believe that we should consider setting a three year goal as we strive to teach children to learn English. Individual differences and circumstances will cause some children to take longer but a goal of learning English within three years is similar to our goal of making sure that every child learns to read by the end of third grade if not earlier.

Now, a goal is not a mandate, a command or a legal requirement. And a goal is certainly not a one year educational straight-jacket that limits the ability of teachers to do what is best for each child. Some children may learn English in one year or two and others may need three years or even more. The focus should be on the individual needs of each child and not on some artificial and arbitrary time frame.

Setting a three year goal is also consistent with language in our 1998 Appropriations Act, which provides, "...That the Department of Education should only support instructional programs which ensure that students completely master English in a timely fashion (a period of three to five years) while meeting rigorous achievement standards in the academic content areas."

I also believe strongly in local flexibility; no one approach is by definition better than others. Local flexibility to choose the approaches that work best for their students should not be constrained by a mandate for one approach over the other. The purpose is to help children master the English language while they are learning to high academic standards, and any school district should be able to choose the approach that works best for them based on sound research.

I also recognize that bi-lingual education must be improved and we must do a much better job of meeting the demand for more well-trained teachers. Some bilingual programs are excellent, some need to improve and are improving, and some really are not doing the job they should be doing and need to get fixed quickly. The demand for bilingual education currently exceeds the supply and that is particularly true in California where the number of LEP children has nearly doubled in less than a decade to reach 1.3 million.

One of the biggest problems we confront is the shortage of qualified bilingual teachers. The California State Board of Education estimates that there is a shortage of 21,000 bilingual teachers in that state. This, I suspect, is one of the root causes and real reasons why some parents have become frustrated. This is why I have asked for a doubling of federal funds,

from \$25 million to \$50 million, to meet the increasing demand for fully certified bi-lingual teachers and English-as-second-language teachers.

Finally, I think we need to recognize that we are in a new time where it is almost imperative that every child in America learn two languages. It is the way of the world right now and surely in the new global environment a fluency in two languages is a skill that every American should acquire. I just returned from Chile where I joined President Clinton at the second summit of the America's. Improving education in the America's was a central part of the dialogue at this summit. I was struck by the fact that several nations begin teaching their children two languages starting in the first grade.

And anyone who has traveled to Europe knows that there are young people all over Europe who are easily fluent in two and sometimes three languages. I see no reason why American children should not be their equals. Our children are just as smart and some already come to school able to speak two languages. We should build on this talent and recognize that our nation will be all the better for it in the new global environment.

Think of the many advantages -- economic, cultural and political -- that a fluency in two languages can give to the American people and this nation as we move into the next millennium. America's message of democracy, human rights and economic freedom would surely reach a wider audience. This is why I encourage and support those school districts that set the goal of making sure that every one of their high school graduates speaks two languages fluently when they graduate.

In conclusion, I urge the voters of California to consider all of the educational ramifications of the Unz Initiative. They should not be satisfied with the status quo by any means. I support their sense of urgency and desire to make sure their children are full participants in the American experience. At the same time, I urge them not to let their sense of frustration get the best of them and do something that is counter-productive to our common goal of helping all of our children learn English.

As we look to the future let us reaffirm our commitment to giving all of America's children -- including these many immigrant children -- the best education possible which will allow them to grow up and become active citizens in our great democracy. Thank you.

**Q & A's Unz Initiative/Bilingual Education
April 27, 1998**

Q. What is the Education Department announcing today?

A. The Education Department will announce opposition to California's Proposition 227, the Unz Initiative; at the same time, the Department will set out principles for reforming bilingual education, including by establishing a three-year goal to get all students into regular English-language classrooms. The Unz Initiative would virtually end any special assistance to Limited English Proficient (LEP) students, instead limiting the students to just one year of "English immersion" instruction before they are placed in regular classrooms. This is an extreme, one-size-fits-all approach that will hamper our efforts to make children proficient in English. What we need is sensible reforms of the way in which students are helped to become proficient in English.

Q. What is wrong with the Unz initiative, and why has the President decided to weigh in on a state ballot initiative?

A. The Unz Initiative will virtually end any special assistance to LEP students, instead limiting these students to a one year "English immersion" program, after which they must be placed in a regular class.

This is an extreme, one-size-fits-all approach that won't work with all kids. It limits the ability of local schools and teachers to use approaches that will work. If it is implemented, we believe that fewer students will become proficient in English, fewer students will do well in other academic subjects, and more students and parents will be frustrated with the education they are receiving.

This is an important issue, which will have a big impact on the education of children in California. And while this is currently a ballot initiative in California, it is of national significance. The same issue may be faced in other states and communities, and may come up in the Congress. Therefore, the President believes it is important for him to address the issue.

Q. Will the President be addressing this when he is in California?

A. Secretary Riley will be putting out a detailed statement on the Administration's position early this afternoon. At the same time, Acting Deputy Secretary of Education Mike Smith will conduct a background briefing on this issue for those of you with more specific questions.

In addition, because this is such an important issue, I expect the President will want to comment on it at some point. No decision has yet been made about the particular time

or place for the President to address the issue.

Q. Today's L.A. Times reports that the Administration will propose to limit participation in bilingual education programs to three years. Is this right?

A. The President believes that we must have a clear goal that students should learn English within three years, and that this goal can be met if we give students the opportunities and help they need -- smaller classes, well trained teachers who know how to teach students a second language, a good curriculum, etc. Having a clear goal will help students, teachers, and principals, by focusing their attention on what they must accomplish.

But we are not proposing to throw students out of a program designed to teach them English, if they haven't mastered English within that time period. The right thing to do would be to hold the school accountable, insist that the school use a more effective approach, and give students who need it extra help so they do learn English.

Q. Will the President send legislation to Congress to change the federal bilingual education program based on the three year goal?

A. Congress is scheduled to consider the reauthorization of the bilingual education program next year, along with other elementary and secondary education programs. At that time, the President will transmit legislation that will fully accord with his principles for improving how we help students learn English.

The President has already sent the Congress an ambitious package of education initiatives this year -- which Congress has not acted on. The President would like to see the Congress enact his legislation to reduce class size, modernize school buildings, end social promotions, and help low income students make their way to college.

Q. Polls in California show that the Unz Initiative is extremely popular. Does the President expect that his opposition will have an impact on the vote?

A. The President hopes that voters in California will pay attention to his views and consider them when they go to the ballot box.

Q. Many of the Latino groups and others who support bilingual education oppose any sort of time limit for bilingual education. Does the Administration expect these groups to support your position?

A. The President believes that a 3 year goal is the right policy; it is good for students and good for education. Everyone who cares about helping students with limited English proficiency should support this goal.

Q. What is the President's view of bilingual education?

- A. The President believes it is critical for all students to learn English. At present, there are approximately 3.2 million students who are not yet proficient in English, and they need extra help. The President supports programs that help immigrant students and other students whose native language is not English, become proficient in English.

The President strongly supports the federal Bilingual Education program, because it provides local communities with the funds they need to provide extra help to students with limited English proficiency, while leaving the decision about how best to provide that help to each local school system. In his FY99 budget, the President called for a 17 percent increase -- \$33 million -- in the Federal bilingual education program. These funds would help train 20,000 teachers over five years to more effectively teach English in the context of high academic standards.

The President has strongly opposed the provision in the House supplemental appropriations bill that would cut funding for the bilingual education program.

Q. What is the President's view of the DeLay bill, which would eliminate the Federal Bilingual education program.

- A. The President is opposed to this bill or any other bill that would wipe out the funds needed to give students they help they need to learn English. With nearly 20% of the children in our schools immigrants or the children of immigrants, we should be strengthening our efforts to help students learn English, not ending them.

Q. What is the President's view of the Riggs bill, which would end funding for bilingual education programs that don't teach kids English within 2 years?

- A. This bill was recently introduced and is being reviewed by the Education Department and the Domestic Policy Council. The review has not been completed, and the matter has not been brought to the President's attention yet.