

ISSUE: Prop. 58. California Multilingual Education Act (SB 1174).

Measure Summary

Amends and repeals various sections of Prop. 227 adopted by the voters in 1998, primarily repealing the requirement that all children be taught English by being taught in English and instead allows districts and county offices of education to determine which language instruction and acquisition programs to use.

Current Law

Proposition 227 was approved 61% - 39% in 1998 as an initiative sponsored by Ron Unz. The measure's requirements include:

1. All children in California public schools be taught English by being taught in English and that they be placed in English language classrooms.
2. English Learners (ELs) be educated through sheltered English immersion during a temporary transition period not to exceed one year.
3. Once ELs have a good working knowledge of English, they be transferred to English language mainstream classrooms.
4. Permits schools to provide classes in a language other than English under a parent initiated waiver process:
 - a. The child is at least ten years old and the school principal and teachers agree that learning in another language would be better for the child.
 - b. The child has been in a class using English for at least 30 days and the principal, teachers, and head of the school district agree that learning in another language would be better for the student.
 - c. The child already is fluent in English and the parents want the child to take classes in another language.
5. Parents/guardians to annually give written informed consent and to personally visit the school to apply for the waiver. The initiative requires individual schools to offer a bilingual education class if 20 or more students in a given grade level are granted a waiver, otherwise a student must be allowed to transfer to a public school which does offer such a class.
6. Requires the state to provide \$50 million every year for ten years for English classes for adults who promised to tutor EL students.

7. Allows parents to sue for enforcement of the measure, including holding liable school officials who willfully and repeatedly refuse to implement the provisions of the measure.
8. Provisions can be amended by a statute that becomes effective upon approval by voters or by a statute that furthers the proposition's purpose if passed by a two-thirds vote of each house and signed by the Governor.

Analysis

SB 1174 (Lara, 2014) was approved 25-10 in the Senate (Calderon, Fuller, Hancock, Wright, Yee not voting) and 53-26 in the Assembly on party-line votes. As stated in the final floor analysis, the bill makes the following changes:

1. Amends the findings and declarations of Proposition 227:
 - A. Removes the declarations that public schools of California currently do a poor job of educating immigrant children, that these children can easily acquire full fluency in a new language, such as English, if they are heavily exposed to that language in the classroom at an early age, and the declaration that suggests students be taught English as rapidly and effectively as possible.
 - B. Makes findings and declarations relating to the importance and prevalence of multilingual and multi-literate persons as employees and citizens and recognizes the cognitive, economic, and long-term academic benefits of multilingualism and multi-literacy.
 - C. Makes findings and declarations that address the desire of all parents to have their children master English and obtain a high quality education so that all children will be able to fully participate in the American dream of economic and social advancement.
 - D. Recognizes California's opportunity to provide all parents with the choice to have their children educated to high standards in English and one or more additional languages and that parents now have the opportunity to participate in building innovative new language acquisition programs.
2. Repeals the provisions of Proposition 227 that require all children in California public schools to be taught English by being taught in English, that children be placed in English language classrooms, and that children who are ELs be educated through sheltered English immersion during a temporary transition period until they are transitioned into English language mainstream classrooms.
3. Requires school districts and county offices of education, as a part of developing its local control and accountability plan under the LCFF, to solicit input on and provide to pupils, effective and appropriate instructional methods for language acquisition programs. Requires a school district or county office of education, when establishing a language acquisition program, to consult with the proper school personnel, as specified. Specifies that these requirements will ensure all pupils have access to the core academic content standards, including the English Language Development (ELD) standards, as applicable, and become proficient in English.
4. Requires, at a minimum, school districts and county offices of education to provide ELs with a structured English immersion program, as specified, for the purpose of ensuring EL students

have access to the core academic content standards, including the ELD standards, as applicable, and become proficient in English.

5. Repeals the provision of Proposition 227 that permits schools to place ELs of different ages but whose degree of English proficiency is similar, in the same classroom.
6. Encourages local schools to provide opportunities for native English speaking pupils, as defined, to be instructed in another language and specifies that the non-English language should be at the discretion of the parents, community, and school, depending upon the linguistic and financial resources of the school community.
7. Specifies that language acquisition programs may include dual language immersion programs, transitional or developmental programs for ELs, and structured English immersion programs for ELs, as defined.
8. Permits parents to choose the language acquisition model that best suits their child by requesting a specific language acquisition program, as specified, and then requires a school that receives requests on behalf of 20 pupils within any given grade or 30 or more pupils per school, offer that program, to the extent possible.
9. Repeals the language that gives the parents or guardians of a California school child who has been denied the option of an English language instructional curriculum in a public school legal standing to sue for enforcement of that right and makes a school board member or other elected official or public school teacher or administrator who willfully and repeatedly refuses to implement the terms of the statute personally liable for fees and actual damages.
10. Changes the requirements for statutorily amending the provisions of Proposition 227 by removing the requirement that any amendment be to further Proposition 227's purpose and also changes the requirement that any such amendment be passed by a two-thirds vote of each house of the Legislature to a majority of each house of the Legislature.

In 2015-16, there were 1.373 million English Learners, down from peaks of over 1.5 million. ELs make up about 22% of total K-12 enrollment. 83.5% of ELs spoke Spanish.

Data available from the Center shows that in 2015, only 11% of ELs tested at English Language grade level proficiency compared to 44% for all students, 60% for white students, 71% for Asian students, and 32% for Latino students. Similarly, only 11% of ELs tested at Math grade level proficiency compared to 33% for all students, 49% for white students, 69% for Asian students, and 21% for Latino students.

Fiscal Impact

From the Assembly Appropriations analysis:

Initial costs of approximately \$115,000, ongoing costs of approximately \$48,000, for the CDE to revise guidance and oversight to ensure the state continues to meet federal requirements to provide certain services to ELs, as a protected class. These costs include staff training, technical support to the field and updating materials.

General Fund/Proposition 98 cost pressures to local school districts and COEs to provide access to any language acquisition program that the parents of 20 or more students in the same grade level request.

Consistency with CBRT Draft Strategic Policies

No applicable strategies.

CBRT did support the Governor's creation of the LCFF. Senator Lara has argued that this measure is consistent with the LCFF approach by giving more flexibility to local school officials in designing English language acquisition programs that best meet the needs of their particular students.

Arguments Pro

Senator Lara's arguments from the Senate Floor Analysis:

According to the author, the top education systems in the world all require students to learn multiple languages. Yet California, with its natural reserve of diverse linguistic resources has failed to develop a multilingual workforce. In this new globalized world, the state's economic success depends upon our ability to prepare a workforce educated to compete in a global economy, and able to communicate with the world.

In addition, the Legislature has recently taken effort to provide greater local control over funding and programs in our K-12 schools.

According to the author, existing statute hinders the ability of districts and schools to innovate, cultivate, and promote the multilingual skills necessary to keep our state competitive globally. Proposition 227 created major barriers to providing multilingual classrooms. These barriers have resulted in a low number of schools offering multilingual instruction and very long enrollment waiting lists at those that do. Removing and amending these provisions will make it easier for districts and parents that desire to offer multilingual programs, and return local control to districts and parents to drive the educational model that works best for their children.

Arguments Con

One of the primary arguments against SB 1174 was given by Mauro Mujica of US English in a February 24, 2014 release:

Being surrounded by English speakers has been shown to lead to faster proficiency among non-English speakers. Furthermore, being surrounded by other foreign language speakers has been shown to delay English acquisition. The ability to learn a foreign language is an advantage and should be encouraged among students -- I myself speak four languages. But in the United States, English proficiency should be the primary objective. Without it, students will face a life struggling with language barriers. Conversely, with a strong base of English proficiency, the doors of opportunity will open to them. I urge the California State Senate to oppose SB 1174 and continue making it their priority to assist English language learner students to acquire English proficiency as soon as possible.

Support

The recent IGS poll shows weak support for repealing the Prop. 227 requirements: 22.2% repeal - 64.3% keep - 13.5% don't know. The poll did not ask specifically about Prop. 58.

Secretary of State reports that \$628,000 has been raised to date by the support committee, from CTA, SEIU, UFCW, and Association of California School Administrators. Listed endorsements of Prop. 58:

- Governor Jerry Brown
- Lt. Governor Gavin Newsom
- Tom Torlakson, State Superintendent of Public Instruction
- Alex Padilla, California Secretary of State
- Betty Yee, California State Controller
- Dave Jones, California Insurance Commissioner
- Fiona Ma, Member, State Board of Equalization
- Senate President pro Tem Kevin De Leon
- Speaker of the Assembly, Anthony Rendon
- 23 other Senators; 16 other Assemblymembers
- Various local electeds and 5 school districts
- Asian Business Association
- California Medical Association
- Los Angeles Chamber of Commerce
- San Jose Silicon Valley Chamber of Commerce
- Silicon Valley Leadership Group
- Regional Chamber of Commerce-San Gabriel Valley
- California Democratic Party
- Various unions and education groups

Note: California Chamber of Commerce voted to support the measure.

Opposition

There is no opposition committee listed by Secretary of State, and no listed opposition in the legislative analyses. The only publicly cited opposition is from Ron Unz and US English. The voter's guide oppose/support rebuttal arguments are signed by Ron Unz, Senator Anderson, Assemblywoman Grove, and Kenneth Noonan (former Oceanside USD Superintendent).

Executive Committee Recommended Position

Position: Support

Proposed Statement: "The California Business Roundtable is committed to working with the state's education system to ensure our schools produce individuals who are prepared and can compete in today's global workforce. Prop. 58 can give local schools the autonomy they need to create the best learning environment for California's increasingly diverse student population. We look forward to working with Senator Lara and the Legislature to ensure this goal can be achieved while still providing better education outcomes for English-learner students in our public schools."