

## **Editor's Introduction:**

### **Implementation of California's Proposition 227: 1998-2000**

Proposition 227, known by its proponents as the “English for the Children Initiative,” passed by a 61% majority of California voters on June 2, 1998. Although a range of motivations may have contributed, the initiative was an example of “people making law,” written in response to apparent widespread discontent with California’s policies regarding the education of non-English-speaking children in public schools. Its intent was to inject all English instruction for these students in California’s public schools. Some 25% of California’s students currently fall into this student category and are referred to as limited English proficient (LEP), English language learners (ELL), and/or as language minority students. The assumption behind the initiative was that teaching children in their native language served only to hold them back in their acquisition of English and therefore in their future educational success. A parallel assumption was that learning English is the most important in the education of these children.

Immediately upon its passage, Proposition 227 became a part of the California Education Code (#300-340). As it required within its text, districts throughout the state were given 60 days to implement it. Under this new education code, children entering California public schools with very little English must be “observed” for a period of 30 calendar days. After 30 days, school personnel must decide if children have enough fluency in English to manage in a mainstream English classroom. If they do not, they are eligible to receive one year of “sheltered English immersion,” also referred to as “structured English immersion,” a program of English language instruction that was not described in detail in the law except to require that instruction be “nearly all” in English, with a definition for the term “nearly all” left to the district’s discretion. After one year, children are normally expected to integrate into mainstream English classrooms, where instruction is required to be “overwhelmingly” in English. Again, the definition for the term “overwhelmingly” was left to the district’s discretion. If parents or legal guardians find that district or school personnel, including classroom teachers, “willfully and repeatedly refuse” to provide the type of English instruction specified, they have the right to sue for damages.

The only legal alternative to placing an ELL student in a sheltered English Immersion or mainstream English classroom is through the use of the parental waiver process. According to the new law, children who have special language needs, or whose parents specifically request it, can be placed in “alternative programs,” most likely some form of bilingual education program which includes instruction in the child’s primary language. In order for a child to be enrolled in such a program, the parent or guardian must visit the school annually and sign a waiver requesting the placement. However, the first year a child enters California schools s/he must go through 30 days of “observation,” which is generally conducted in English language classrooms, even if s/he has a signed waiver. Only after the 30 day observation is completed is the child enrolled in an alternative program.

Along with the changes outlined above, the law allocates \$50,000,000 per year to train adult English learners, parents or members of the community, to serve as tutors for children learning English. Finally, the new law is careful to state that if conflicts arise between its requirements and federal, state, or constitutional law, those conflicts are resolved by adhering to the “higher authority.”

There are some policy areas of the California State Board of Education’s requirements for the instruction of language minority children that were not affected by the passage of Proposition 227. Teacher credentialing has remained the same, as have the requirements regarding the assessment of LEP children in English and in their native language. It is still required by state law that schools and districts communicate with language minority families in their primary language whenever necessary. Children who are identified as in need of special education and operate under an Individual Education Plan. That is not touched by the changes, nor in any real sense are students in secondary schools.

However, Proposition 227 certainly altered basic elements of policy toward language minority children in California’s public schools. Prior to the initiative, there had been a 20-year tradition, through legislative and executive actions, encouraging, even mandating, bilingual education in California schools. In 1987, these laws had reached their official “sunset” point, leaving districts less clear on the mandate from the state. Nonetheless, even after 1987, there had been a climate of increasing openness toward bilingual education programs and other special services for language minority students attending California schools. The addition to the Education Code of the sections found in Proposition 227 has brought about a reversal of the state’s widespread acceptance of the use of the home language in the education of ELLs.

The articles in this special edition of the *Bilingual Research Journal* are the first major effort to document this transition. By doing so, the articles, in one significant intellectual space, attempt to provide the most comprehensive mapping of the aftermath of Proposition 227 at the state, district, school, and classroom level. They do so by focusing on policy issues regarding instruction, testing, and teacher preparation, and by documentating effects on administrators and teachers as well as the specific instructional reactions to the new policies.

As the Guest Editor for this special issue, I congratulate the authors as well as the *Bilingual Research Journal* for the opportunity to shed light on the effects of Proposition 227 in California. Of course, the effects of this policy and practice shift are not only beginning to unfold in California, but even other states as well, notably Arizona, are adopting similar policies. And, it will be the laborious and dedicated work of researchers like those contributing to this issue that will shed light on this policy reality as opposed to the journalistic reporting of these policy changes that attempt to change long standing policies and practices in educational programs for ELL students in the United States.

Eugene E. García  
University of California, Berkeley  
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