

*I wrote and delivered this presentation to persuade voters against proposed Amendment 31 to the Colorado Constitution in 2002. The amendment would have outlawed bilingual education in the state and enforced an undefined, untested, unfunded program in its place.*

*I presented the facts as outlined to debate the amendment proponents wherever they would meet, including on Colorado Public Radio and other media outlets around the state. I lobbied federal and state elected officials, school boards, newspaper editorial boards, influencers, and gatherings of Colorado voters. Others on the campaign also used it.*

*Through grassroots efforts and earned, and paid media, we came from behind at 72 percent for the amendment and 28 against to defeat it. Final voting results were 46 percent for, and 54 against.*

## **English Plus Presentation**

We represent English Plus – a coalition of groups and individuals from around the state who have organized to oppose Amendment 31, which mandates a one-size-fits-all education policy without providing any funding for it.

### **I. What English Plus believes:**

1. All children in this country need excellent English skills to succeed academically, economically, and socially.
2. We believe local school districts should work with parents to decide what education options should be available in a particular community. They should not be forced to pay for programs they don't want or need.
3. Teachers should be able to honor parental choice, including bilingual education, without being threatened with their jobs and with lawsuits.

### **II. What the amendment states:**

1. All Limited English Proficient (LEP) children shall be placed for a period not normally intended to exceed one year, in a "Sheltered English immersion" classroom.
  - a. This means a separate classroom, teacher, and materials for LEP children where nearly all instruction is in English and children are forbidden to read or write in any other language than English.
  - b. No funding is provided for the mandate.
  - c. Though there is a waiver section that supposedly allows parents to choose bilingual education, the Supreme Court of Colorado unanimously agreed that the section of the amendment is "unfair and misleading," because it falsely implies parents have viable choices.
  - d. To obtain a waiver:
    - i. The child must already possess good English skills.

- ii. The child must be 10 years or older and school officials, not the parents, decide an alternative educational situation is better for the child, or;
  - iii. The principal and educational staff, not the parents, determine the child has special physical or psychological needs, beyond the lack of English skills. The parents must apply for the waiver every year, provide a 250 word essay every year, and the child must first stay in an English only classroom for at least 30 days each and every year in which the parents apply for the waiver.
  - iv. A school principal and superintendent must both approve a waiver request, and either can refuse for any reason or no reason.
- 2. Any school district employee, administrator, school board member, or elected official who authorizes bilingual education can be held personally liable for fees and compensatory damages by the child's parent or legal guardian up to ten years after a child leaves the program, **even if parents request the waivers**. School employees cannot purchase insurance to indemnify themselves, **even under the waiver conditions specified in the amendment**.
- 3. Any school district employee, administrator, or school board member, or elected official who approves bilingual education under any terms not specified in the amendment will be fired and prevented from serving in public education or holding any elected position for five years.

#### IV. Current status of services for LEP students in Colorado:

- 1. Local school districts, not the state, decide if they will offer bilingual education.
- 2. Only 16 of 176 school districts offer any kind of bilingual education. The other 158 districts are now able to decide locally how to deal with LEP children.
- 3. Denver, which has the largest number of LEP students, is under federal court order to provide English Language Acquisition – ELA. (Amendment proponent Rita Montero was a supporter of the court order, but now wants something else.) The federal court order would supercede any state amendment mandating other language acquisition methodologies, begging the question, why do we need Amendment 31?
- 4. In Poudre School District (Fort Collins), parents currently have three options for LEP students:
  - a. De facto English immersion at any district school
  - b. English as a second Language (ESL) instruction at several schools in the district – a pull out program where children attend regular classes and get supplemental help for an hour or two a day.
  - c. Harris Bilingual Immersion School – parent-chosen, parent-driven. Waiting list of 250 children, many of them English speakers. Research shows dual language immersion, with equal numbers of Spanish and English speakers, is one of the most effective instructional methods in bilingual education.

V. Success of English immersion amendment in California:

1. Despite Amendment 31 proponent Ron Unz's exaggerated claims of enormous improvement on LEP test scores, redesignation rates for LEP students has been less than ten percent a year since California went with a similar one-year English immersion program. Source: California Department of Education.
2. Many studies, including two from Stanford and Harvard, show that test scores for ALL California students went up upon introduction of a new test. However, test scores for LEP students continue to lag English speakers, and the gap is growing.

VI. Final Points

1. Amendment 31 is an unfunded mandate that will affect every school district and every child in every school district in Colorado. Money will need to be taken from existing programs to pay for this unfunded mandate, which has already been shown to be a failure in California. Whether you agree or disagree with bilingual education, the fact is there is no money to pay for Amendment 31 and no way to get out of it to pursue any other viable option when it fails.
2. Potential effects if the amendment passes are increases in class size for all students, tax increases to fill the resulting financial gap, and cutting other programs to pay for the failing one.
3. Parents should be able to work with school districts to pursue any viable educational option.
4. Teachers and administrators should not be penalized for honoring parental choice.