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CALIFORNIA ADVISORY COMMITTEE
TO THE
U.S. COMMISSION ON CIVIL RIGHTS

OPEN MEETING ON EDUCATION

VOLUME I

June 26-27, 1975

Sacramento, California

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VOLUME I

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3 U.S. COMMISSION ON CIVIL RIGHTS
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7 June 26 & 27, 1975
8
9

10 The following committee members were present during
11 the course of the proceedings:

12 MR. HERMAN SILLAS, JR.	MS. NADINE I. HATA
13 MR. JOE F. JIMENEZ	MS. HELEN F. BERNSTEIN
14 MS. BLANCHE M. GOMEZ	MR. JUNIUS GRIFFIN
15 MS. FRANKIE W. JACOBS	MR. GORDON J. LAU
16 DR. NOELIE MARIA RODRIGUEZ	MR. WILLIAM D. ROGERS
17 MS. JAYNE RUIZ	MR. DAVID SANTIAGO
18 DR. JACK B. SHARE	MR. BRUCE F. JOHNSON
19 MR. VERNON T. YOSHIOKA	

20

21 The following staff members were present during
22 the course of the proceedings:

23 MR. JOSEPH BROOKS	MS. SALLY JAMES
24 MR. THOMAS PILLA	MS. RAMONA GODOY
25 MS. ROBERTA JONES-BOOKER	MS. GRACE DIAZ

1 THE ABOVE ENTITLED HEARING was held in Room 3191,
2 State Capitol, Sacramento, California, on the 26th and 27th
3 days of June, 1975, commencing at the hour of 9:00 a.m. on
4 the 26th day of June, 1975, and the following proceedings
5 were had, to wit:

6
7 PROCEEDINGS

8
9 (Mr. Herman Sillas, Jr. was Chairperson for the
10 following session)

11
12 THE CHAIR: Ladies and Gentlemen, if we can have it
13 quiet, please, we are about to commence these hearings.

14 This is the California Advisory Committee open
15 meeting on the state and federal monitoring systems for
16 educable mentally retarded education and bilingual-bicultural
17 programs in the State of California.

18 This meeting will now come to order. I am Herman
19 Sillas, Jr., Chairperson of the California Advisory Committee
20 for the U.S. Civil Rights Commission.

21 The state advisory committee advises and make recom-
22 mendations to the U.S. Commission on Civil Rights upon
23 matters which the committee or any of its subcommittees
24 have studied. The other members of the advisory committee
25 are John Siciliano, Fred Gabourie, Blanche Gomez, Shirley

1 Thomas, Ann Welchner, Arthur Tirado, Nadine Hata, Noelle
2 Rodriguez, Junius Griffin, Helen Bernstein, Gordon Davis,
3 Gloria Molina, David Santiago, William Rogers, Jayne Ruiz,
4 Cora Santa Ana, Joe Jimenez, Anita Miller, Agnes Robinson,
5 the Honorable Mervyn Dymally, Robert Smith, Vernon Yoshioka,
6 Louis Castro, Frankie Jacobs, Gordon Lau, Bruce Johnson,
7 Helen McCullough, Mary Green -- Maury Green, I'm sorry, and
8 Jack Share.

9 The hearing body will rotate as we review the
10 separate sub-topics which are the focus of these proceedings.

11 Also with us today from the Western Regional Office
12 of the Commission on Civil Rights, are Joseph Brooks, Sally
13 James, Ramona Godoy, Roberta Jones-Booker, Thomas Pilla
14 and Grace Diaz.

15 Our Court Reporter for this open meeting is James
16 Bouley.

17 This open meeting is being held pursuant to rules
18 applicable to state advisory committee and other requirements
19 promulgated by the United States Commission on Civil Rights.
20 The Commission on Civil Rights is an independent agency of
21 the United States Government established by Congress in
22 1957, and authorized by the Civil Rights Acts of 1957, 1960,
23 '64 and '73, to do the following things: First, investigate
24 complaints alleging that citizens are being deprived of
25 the right to vote by reason of their race, color, religion,

1 national origin or sex.

2 Second, study and collect information concerning
3 legal developments which constitute a denial of equal pro-
4 tection of the laws under the Constitution.

5 Third, appraise federal laws and policies with re-
6 spect to equal protection of law.

7 Four, serve as a national clearing house for civil
8 rights information, and five, investigate allegations of
9 voter fraud.

10 I would like to emphasize at this time that this is
11 an open meeting, and not an adversary-type of proceeding.
12 Individuals have been invited to come and share with the
13 committee information relating to the subject of today's
14 inquiry. Each person who will participate has voluntarily
15 agreed to meet with the committee.

16 Every report -- I'm sorry, every effort has been
17 made to invite persons who are knowledgeable about the prob-
18 lems and progress in the areas to be dealt with here today.

19 In our attempt to get a well balanced picture of
20 the educational system in California, we have invited state
21 legislators, staff of the state department of education,
22 a representative of the board of education, U.S. Department
23 of Health, Education and Welfare officials and concerned
24 community representatives. Since this is an open meeting,
25 the press, radio, television stations as well as individuals

1 are welcome.

2 Any person discussing a matter with the committee,
3 however, may specifically request that they not be televised.
4 In this case, it will be necessary for me to comply with
5 their wishes. We are very concerned that we get all of the
6 information relating to the matter under investigation.
7 We are, however, concerned that no individual be the victim
8 of slander or libelous statements. As a precaution against
9 such a happening, persons making a statement here or answering
10 questions have been interviewed prior to this meeting.

11 However, in the unlikely event that such a situation
12 should develop, it will be necessary for me to call this
13 to the attention of the persons making the statement and
14 request that they desist in their action.

15 If the testimony -- if in the testimony a person is
16 offering is of sufficient importance, it may be necessary
17 for the committee to hear the information in a closed
18 session. The person against whom the allegations are being
19 made, will have ample opportunity to make a statement in
20 closed session before the committee, if he so desires.

21 In any event, prior to the time that the committee
22 submits its report to the commission, every effort will be
23 extended to get a complete picture of the situation as it
24 exists.

25 We are concerned that no individual be the victim of

1 retaliation for any statements made at this open meeting.
2 Witnesses are protected by the provisions of the U.S. Code
3 Section 1505 and Volume 18.

4 In the event that any person testifying before this
5 committee considers any adverse action taken against him to
6 be the result of having testified, he or she should
7 immediately contact the Western Regional Office of the
8 United States Commission on Civil Rights.

9 At the conclusion of the scheduled meeting, should
10 anyone else wish to appear in open session before the committee,
11 they should notify Western Regional Staff members, whom I
12 previously named, before the end of today's session.

13 My understanding that our first person to testify before
14 us this morning will be the Honorable Mario Obledo, or his
15 representative.

16 At this time I'd ask Mr. Ray Gonzales to step forward,
17 he's the Director of Office of Educational Liaison, State
18 Health and Welfare Agency.

19 Good morning.
20
21

22 MR. RAY GONZALES

23 A (By Mr. Gonzales) Good morning, Mr. Chairman. Ray
24 Gonzales, Director of the Office of Educational Liaison.

25 My remarks are general in nature, simply wishing to

1 thank the commission for the opportunity to appear here. I
2 do not present a position from the administration, however
3 I have been instructed to look into the area of bilingual
4 education from the standpoint of my office and have met with
5 the governor, with Assemblyman Peter Chacon and with Julian
6 Nava (Phonetic), the Los Angeles School Board, in the area
7 of bilingual education.

8 The governor is in the process now of formulating a
9 policy on bilingual education, administration policy, but I
10 can not tell you at this time what that policy is or
11 what it will be. But that the governor is concerned and
12 that the governor has made an effort to familiarize himself
13 with the area of bilingual education and is aware of the
14 legislation moving through the legislature. And is hoping
15 to come up with a firm position so that he can respond to
16 that legislation in the near future.

17 In my own case, as an educator, with extensive back-
18 ground in the area of bilingual and bicultural education
19 having taught courses in this area, at the state college
20 level, and as an educator I'm totally committed to the
21 principle of bilingual education and feel that this state
22 is far behind where it should be in response to the needs
23 of its bilingual people.

24 Including in this group, the Spanish surnamed, the
25 Asian-American, Native American, Filipino-American and others.

1 I think that it's necessary for the state to develop
2 a comprehensive bilingual program, the figures are quite
3 obvious to me and to you and to those others involved in
4 the development of bilingual education and we lag far
5 behind where we should be in responding to the court's
6 mandate in Lau versus Nichol.

7 I simply want to thank you again for the opportunity
8 to be here and extend the warm regards from the adminis-
9 tration.

10 Mr. Obledo, in my understanding, will be here also.

11 THE CHAIR: Thank you very much, Mr. Gonzales. I
12 appreciate your being here this morning.

13 I do see that the Honorable Mario Obledo is now
14 here with us and wonder if, at this time, he might address
15 us.

16
17
18 HON. MARIO OBLEDO

19 A (By Mr. Obledo) Good morning, I should like to welcome
20 the advisory committee of the United States Civil Rights
21 Commission to Sacramento, and indeed to this hearing dealing
22 with bilingual-bicultural education, and as a sub-matter,
23 the problem of English as a second language.

24 I was formerly the general counsel of the Mexican-
25 American Legal Defense Fund, an organization that was

1 dealing in the southwestern states, primarily in the
2 fields of education and employment, etcetera. And I had
3 the privilege to have participated in Sedna (Phonetic)
4 versus Portales Independent School District, a case that
5 dealt with the issue of bilingual-bicultural education in
6 the State of New Mexico.

7 Additionally, I recall sitting in discussions re-
8 garding Lau V. Nichols case when I was officing in San
9 Francisco.

10 Throughout my life, and particularly in the --
11 during the time that I was involved with the legal defense
12 fund in these kind of cases, I've been extremely interested
13 in this particular problem that faces not only the
14 Mexican-American people in the United States, but Chinese
15 and other groups that have a language other than the
16 English language.

17 The Lau V Nichols case, of course, was cited, not
18 on a constitutional principle but on more of a regulation
19 to be enforced by the civil rights section of the Depart-
20 ment of Health, Education and Welfare.

21 Interestingly enough, in the Portales School case,
22 the district court rules that as a constitutional right,
23 children in schools were entitled to the bilingual-bicultural
24 education, but the circuit court, when it was appealed,
25 skirted the constitutional issue and decided the case on the

1 Lau principle which had come down in the interim, so that
2 the highest court in the land has never ruled whether or
3 not this principle that we espouse, and that is a right
4 to a bilingual-bicultural education, is a constitutional
5 right.

6 I should like to see the day when that issue would
7 get before the Supreme Court to be decided once and for all.

8 During my tenure as a legal counsel of MALDF, I was
9 also privileged to have participated in the Rodriguez
10 versus San Antonio Independent School District, that dealt
11 with the school financing system. Of course, that went all
12 the way up to the Supreme Court. The lower court had ruled
13 that when the education of children is based on the
14 wealth of the state, I mean on the wealth of the school
15 district, that that might -- that that would be unconsti-
16 tutional in that particular fact situation, but the Supreme
17 Court ruled, of course, that education was not a fundamental
18 right under the Fourteenth Amendment, and so that the
19 Rodriguez case was lost on that ground and others, so
20 we're back, I think in a situation that we have found our-
21 selves, I guess since the school system came into being
22 throughout the southwest.

23 The problems, of course, have been outlined and the
24 statistical evidence is present of the harmful effects that
25 the lack of bilingual-bicultural education have on an entire

1 people.

2 I am the product of that kind of school system.
3 Even today, with all of the formal education that I've
4 had, I still have difficulty writing the English language
5 and at times articulating in the English language, because
6 of the handicaps I had in going through the school system.

7 There has been an experiment in La Rodejas, on
8 bilingual-bicultural education that I think has proven
9 very, very successful. And the results there show that
10 such a program indeed results in the improvement, scholastic
11 improvement of the children that are enrolled in that
12 kind of a program.

13 I would hope that the school districts throughout
14 the southwest and in other areas of the country where there
15 exist groups that do not have English as a primary
16 language during the early years, that they would institute
17 programs of bilingual-bicultural education.

18 I don't have with me, but I suspect the committee
19 has a wealth of information already, dealing with the
20 problem, and some suggestions on what can be done to
21 alleviate it.

22 As the Chairman of the advisory committee knows, be-
23 cause if I recall, he was also a participant, in at least
24 one case that I'm sure of and perhaps the -- another case
25 down in San Diego, dealing with the issue of the EMR's, the

1 educable mentally retarded, so-called, when we looked into
2 that matter, we knew what the school administrators were
3 doing, of channeling children into these kind of classes
4 without any real indication that the children had any par-
5 ticular mental handicaps.

6 Indeed, you recall in the San Diego School case we
7 were able to settle that matter and there was some nominal
8 damages awarded, but at least the principle was established
9 that school authorities had a duty, a very sensitive duty
10 to make sure that children were not processed into these
11 kind of classes without adequate safeguards.

12 I -- the problems are extreme, people in the field
13 of education are focusing on this problem, we're, at the
14 state level, we're seeking moneys to implement the kind
15 of programs that would alleviate the situations that I
16 have presented to you.

17 Now, I shall be glad to respond to any questions that
18 any committee members may have.

19 THE CHAIR: Mr. Obledo, I'm just wondering, you had
20 indicated the Lau decision had, as I recall, in effect
21 stated that it was the responsibilities of the state that
22 were making use of federal funds to provide this type of
23 program. Bilingual programs.

24 A That's correct.

25 Q (By the Chair) And then in your --

1 A The school districts --

2 Q Yes. And then in your comments you stated, I be-
3 lieve, that you felt that we are now back where we were
4 before all the bilingual programs were started.

5 A Well, there's an indication of that, just as in the
6 area of desegregation, I don't believe that the states,
7 the school districts have moved expediently in this area.
8 I think that a more responsible attitude should take place.

9 The problem is there. It's been called to the atten-
10 tion of public officials for several years, at least,
11 some persons have questioned whether this may be the way
12 to go, but I think experience and results have already
13 shown that this is one of the best methods to alleviate
14 the problem faced by children with a language handicap.

15 THE CHAIR: Any other questions from -- Nadine?

16 Q (By Ms. Hata) Mr. Obledo, what jurisdiction does
17 your office have with respect to educational problems that
18 we're discussing?

19 A None. The -- we have, under the agency health and
20 welfare office, titled office of educational liaison,
21 that deals primarily with child care.

22 Q That is all? --

23 A And that is all, and in fact, it has no real
24 authority for the program, it merely acts as a conduit of
25 sorts for moneys that go to the department of education.

1 Q You have no control over these moneys that go to
2 the department?

3 A Not any real control, no. It's Mr. Wilson Riles
4 (Phonetic) and his department are the ones that institute
5 and carry out the program.

6 Q You have no monitoring function?

7 A No, in fact, we're having discussions on the re-
8 sponsibilities of the department of education and the
9 agencies at this very time.

10 Q Will you keep the committee posted on the results
11 of this discussion?

12 A Certainly.

13 MS. HATA: Thank you.

14 THE CHAIR: Mr. Johnson?

15 Q (By Mr. Johnson) Mr. Secretary, are there any
16 cases pending now anywhere that would give the possibility
17 of the type of precedent that you'd like to see set in this
18 matter, any cases that have a chance of going all the way?

19 A Not that I'm aware of. I take that back. There's
20 several cases that I do know of pending in the Fifth Circuit
21 Court in New Orleans, cases that came out of Texas that
22 deal with bilingual-bicultural education as one of the
23 issues, among others, in the educational system.

24 Additionally, on July the 26th, a case, a trial was
25 started in El Paso against the El Paso Independent School

1 District and one of the issues will be the issue of bilingual-
2 bicultural education.

3 Q But none in California, that you know of?

4 A Not -- none that I know of, but there very well
5 might be some, yes.

6 THE CHAIR: Any other questions?

7 Q (By Ms. Jacobs) Yes, do you have a close working
8 relationship with the office of education just because of
9 the child care aspect?

10 A Well, we have been in office now some five months,
11 the Office of Educational Liaison was in some difficulties
12 with the legislature, there was a question of whether it
13 should exist or not in the agency, because some people
14 felt it had no real authority or responsibilities of any
15 type.

16 I went to the legislature and asked that the office
17 be continued because I would like to at least make an
18 effort to make the office more substantive. I have met
19 with Mr. Riles already concerning this division of re-
20 sponsibilities. I would hope that the Office of Educational
21 Liaison and the agency could take a more positive role
22 in child care centers and the development of child care
23 programs.

24 THE CHAIR: Any other questions?

25 I want to thank you again, Mr. Obledo, for taking

1 time from your busy schedule to address us this morning.

2 A Thank you, thank you very much.

3 THE CHAIR: I see that the Honorable Peter Chacon
4 is with us and I would ask if he would be able to address
5 us at this time, Peter Chacon?

6

7

8

HON. PETER CHACON

9 A (By Mr. Chacon) Good morning, Mr. Chairman, Members
10 of the Committee, advisory committee and -- I'd like to
11 thank you for the opportunity to appear before you and
12 testify on this very important subject.

13 And with your indulgence, I'd like to read my re-
14 sponses to the three questions which you have posed before
15 your witnesses.

16 THE CHAIR: All right. Perhaps, for the record, we
17 should read into the record the question, or do you care
18 to do that, Mr. Chacon? And then respond to the answers?

19 The first question that we presented to you is,
20 "Would you briefly describe the receptiveness of the Cali-
21 fornia Legislature to bilingual education in the last three
22 years?"

23 A Mr. Chairman, Members, I can't speak with absolute
24 authority on events which transpired prior to my election
25 in 1970. Since then, however, I would have to say the

1 legislature has understood and embraced bilingual-bicultural
2 education, if not with unrestrained enthusiasm, at least
3 with greater readiness than has been exhibited by the
4 courts, public or executive branch of the state government.

5 Perhaps, if I briefly sketched the recent legis-
6 lative history of the subject, and related it to the extent
7 of the need for bilingual-bicultural education, it would
8 help you get a better feel for the legislature's attitude.

9 Before doing so, nonetheless, I would like to pause
10 for a momentary digression. It is my belief that acceptance
11 of bilingual-bicultural education is directly proportional
12 to the depth of understanding one has relative to the
13 needs of limited English-speaking children and the
14 terrible waste in both human and economic terms which is
15 a consequence of ignoring those needs.

16 To the degree your hearings focus on these facts and
17 enhance public awareness of them, I feel you will perform
18 a great service to the state. Hopefully, the media
19 assembled here will also facilitate in the public arena
20 that educational process we have begun in the legislature.

21 Continuing now in response to your question, as of
22 January 1, 1975, at least 39 state laws were on the books
23 impacted directly on bilingual-bicultural education. The
24 earliest dating from 1965. These range from simple decla-
25 rations of legislative intent that the needs of limited

1 English-speaking pupils be met to programs containing
2 bilingual componenets such as early childhood education.
3 And programs which are themselves wholly bilingual-bicultural
4 in the sense in which that term is ordinarily understood
5 by educators. I wish to emphasize at this point, however,
6 that there is currently no California statute in effect
7 mandating bilingual-bicultural programs statewide as exists
8 in Massachusetts or Texas, for instance.

9 In those cases in which the legislature has directed
10 its attention to bilingual-bicultural education, as a
11 program in itself, rather than as a component of other
12 programs, it would seem that it has been preoccupied with
13 curriculum of program development and teacher training.

14 My legislation is consistent with this concern as
15 it seems to me that the most pressing needs are in these
16 areas. This may still be true, but I feel as well we
17 should actively begin to develop adequate materials,
18 textbooks and achievement tests.

19 My own personal experience with the needs of limited
20 English-speaking children began with my career as a
21 school teacher. This interest obviously continued after my
22 election. And I coauthored Assembly Bill 116 with
23 Assemblyman Wadie Deddeh, which became law in 1971.

24 That measure provided \$425,000.00 for two pilot
25 projects to develop bilingual programs for limited English-

1 speaking children over a three-year period. This was
2 followed by my own legislation one year later, AB2284,
3 also known as the Bilingual Education Act of 1972. Re-
4 quires school districts to take a census of non- and limited
5 English-speaking pupils and to report the results to the
6 department of education.

7 It also authorized school districts to establish
8 bilingual programs on a voluntary basis pursuant to
9 community participation and the approval of the department
10 of ed.

11 Sixty-nine school districts subsequently took ad-
12 vantage of the five million dollars appropriated for this
13 purpose. Then, in 1974, I authored AB2817, the Bilingual
14 Teacher Corps program, which became law. That legislation
15 directs the superintendent of public instruction to imple-
16 ment a program providing annual stipends to teacher aides
17 pursuing a post-secondary course of instruction leading
18 to a career in bilingual-bicultural education.

19 A total of four million eight hundred thousand was
20 appropriated for these purposes. And of course, this year,
21 I have more legislation in the works in addition to money
22 for bilingual-bicultural education which many of us wanted
23 in the budget.

24 In recounting this personal legislative history, I
25 must emphasize that I have not been the only legislator

1 interested in bilingual education. Senator Mosconi
2 has been active in this field for years and even now, is
3 working a measure through the legislature similar to my
4 own, which would mandate bilingual-bicultural education
5 statewide.

6 I have also received significant support this year
7 from the assembly leadership for inclusion of bilingual
8 education moneys in the state budget. Nor should we for-
9 get that in any given year, legislation can not succeed
10 without affirmative vote of a majority of the members of
11 the committees in which bills are heard, and in the case
12 of bills containing appropriations without affirmative vote
13 of two-thirds of the members of each house.

14 This indicates to me fairly widespread support for
15 the concept of bilingual education within the legislature.
16 Nevertheless, I do believe that in the past the members
17 and the governor could have been more generous by devoting
18 all the resources necessary to serve all 225,000 limited
19 English-speaking children in the state's public schools.

20 At this time, only about 22,000 of them or less than
21 10% are receiving full bilingual-bicultural instruction. And
22 this includes those in federal as well as state programs.
23 However, I would have to say that the manner in which
24 these programs have been implemented by the state's educa-
25 tional establishment has hindered more than helped legis-

1 lative efforts to expand programs and increase funding for
2 them. Especially since we have been beset by the current
3 budget crunch.

4 And that, Mr. Chairman, is my response to your first
5 question.

6 THE CHAIR: All right, for the record again, the
7 second question that the committee poses to you is, "How
8 well do you feel bilingual legislation has been implemented
9 by the state department of education?"

10 A In response to the second question, Mr. Chairman,
11 and members of this committee, as the author of major
12 bilingual-bicultural legislation, and also as a member of
13 the Ways and Means subcommittee on education, I have been
14 concerned with the implementation of bilingual-bicultural
15 education in California. I understand that any major
16 program may encounter administrative problems. However,
17 I can't help but believe that the problems of the bilingual-
18 bicultural programs would have been resolved earlier if a
19 higher priority had been given these programs by the
20 Department of Education of the State of California.

21 I have five major concerns in regard to the depart-
22 ment of education's administration of the bilingual-bicultural
23 programs. The first is the inadequate methods of identi-
24 fying the students who are limited English-speaking.

25 AB2284 of 1972, required the school districts to

1 conduct a language census. Reports from teachers and pro-
2 ject directors in the field indicate that identification
3 of limited English-speaking students was often based on the
4 subjective judgment of a classroom teacher who may have
5 had no training in assessing language abilities.

6 These project directors have expressed a fear that
7 students who are truly limited English-speaking may have
8 been overlooked by this census.

9 The department of education conducted a language
10 dominance survey in 1973-74, but only 540 out of 1,054 dis-
11 tricts reported. Why didn't the other districts report?
12 Data based on only 50% of the districts is certainly of
13 limited usefulness. Yet this seems to be the best data
14 available.

15 Clearly we must be able to identify those students
16 who can get most benefit from participation in the bi-
17 lingual-bicultural education program. New legislation
18 I am carrying this year would require the department of
19 education to develop a standardized census procedure for
20 use uniformly by school districts.

21 My second concern regards a lack of coordination
22 within the department of education of programs to the
23 bilingual component. This is a two-part problem. There
24 has been both a lack of adequate physical reporting and a
25 lack of intradepartmental coordination. Several programs

1 administered by the department of ed., such as early
2 childhood education, Miller-Unruh reading programs and
3 programs for educationally-disadvantaged youth, were
4 intended to provide for the special needs of limited
5 English-speaking children who are enrolled in those pro-
6 grams. However, in the past, school districts receiving
7 these funds under these programs have not been required
8 to identify the funds they expend to meet the special
9 language needs of limited English-speaking students or
10 the number of such students served.

11 Thus we have no idea of how many limited English-
12 speaking students are being served by other programs.

13 Furthermore, since school districts have not re-
14 ported on the bilingual component of these programs we
15 have no idea of the quality of instruction limited
16 English-speaking students receive when enrolled in an ECE
17 or EDY program. Yet I am told that we only need to worry
18 about limited English-speaking students who are enrolled
19 in these programs.

20 I want to see some evidence that programs such as
21 EDY and ECE and Miller-Unruh, are really meeting the needs
22 of these limited English-speaking students. The department
23 of education has fragmented the administrative responsi-
24 bility for programs with a bilingual component. The bi-
25 lingual-bicultural task force does not have responsibility

1 for the bilingual components of ECE, EDY or Miller-Unruh.
2 Has resulted in a confusing situation for local school
3 districts. These other programs should be able to benefit
4 from the expertise of the consultants of the bilingual-
5 bicultural task force. I understand that the department
6 of education is currently undergoing a reorganization which
7 I am sure they will explain in their testimony this after-
8 noon. I have been assured that the bilingual-bicultural
9 task force will be upgraded as part of this reorganization.

10 It is my hope that plan will also improve the
11 coordination of these programs with bilingual components.
12 While I am discussing these other programs, I would like
13 to add one other point. The new consolidated application
14 form developed by the department of ed. requires school
15 districts with 15% or more limited English-speaking students
16 to provide some sort of special language assistance to
17 these students. I am gratified to see this limited
18 response to the U.S. Court decision of Lau-Nichols,
19 however, the department of ed. has not included a re-
20 quirement for a bilingual teacher in these regulations.

21 I must question the quality of bilingual education
22 which is not conducted by a qualified bilingual-bicultural
23 teacher. The evaluation of the 69 AB2284 projects in the
24 '73-'74 year by the department of ed., was woefully in-
25 adequate. Although there were 20,216 participating students,

1 the evaluation was based on only 5,033 student evaluations
2 received from local school districts. I found the evalua-
3 tion to be basically descriptive rather than analytical.

4 There seemed to be no standardization of evalua-
5 tion. The department of education's evaluation report
6 stated, and I quote, the variety of tests used by the
7 projects did not permit the department of ed. to analyze
8 the resulting data in a systematic manner, end of quote.

9 One of the major problems of evaluation of bi-
10 lingual-bicultural education is the absence of a standard-
11 ized tests in languages other than English. I am carrying
12 a bill this session, AB1328, which would allocate
13 \$300,000.00 to the department of education to develop a
14 Spanish language achievement test. I have been working
15 with the department of education bilingual project directors
16 and evaluation experts to develop a means of assessment
17 to use until standardized tests are available.

18 This is one of the most critical problems facing
19 bilingual education programs in California. And I might
20 add, parenthetically, that upon the development of a
21 Spanish-English achievement test, achievement test in Cantonese,
22 and English and the other languages would follow shortly.

23 Physical control over the bilingual education funds
24 has been insufficient in the past. \$570,000.00, or 14.7%
25 of the allocation of AB2284 funds to school districts in

1 '73-'74, was unexpended. This was not the result of a
2 large carryover by a single district, I understand that
3 this year the projects have already made a mid-year report
4 which indicate that they will spend the funds allocated.

5 But the question remains, what happened to \$570,000.00
6 which could have been used to fund other projects?

7 And I might add here, also, that there were 70
8 school districts that applied for funds which were not able
9 to get the moneys. Perhaps the most serious problem in
10 the administration of bilingual-bicultural programs by
11 the state department of education is a failure of the
12 state board of education to adopt the rules and regulations
13 for AB2284 until last month. Nearly two and a half years
14 after the legislation went into effect. These regulations
15 were not submitted by the bilingual-bicultural task force
16 until May, 1974, a year and a half after the legislation
17 became effective.

18 How could the bilingual programs be effectively
19 administered when rules and regulations were adopted so
20 late? Such mal-administration of bilingual-bicultural
21 programs makes legislators somewhat skeptical about bilingual
22 programs in general.

23 It has not only inhibited legislative attempts to
24 expand the programs, but to improve them as well. This
25 climate exists despite the fact that the members of this

1 legislature are better acquainted than most people with
2 the need for bilingual-bicultural education. One can
3 only wonder with some apprehension what effect this will
4 have on the governor who has little familiarity with bi-
5 lingual-bicultural education.

6 Without a doubt, the consequence of poor or indif-
7 ferent administration is to severely jeopardize meaningful
8 education opportunities for our limited English-speaking
9 students.

10 If the committee members have -- may permit, I
11 would like to take just a few moments now to make some
12 closing remarks. I want to bring this issue into sharper
13 focus, if I may. And what I believe is at stake with
14 bilingual-bicultural education in this state before con-
15 cluding this testimony.

16 First we should be mindful of the fact that the
17 necessity for, if not the right to bilingual-bicultural
18 education in this state inheres in the nature of historical
19 and cultural realities of which present day California
20 is a product.

21 The presence of 225,000 limited English-speaking
22 children in this state today reflects the fact that the
23 geographical territory in which we reside has long embraced
24 a polyglot population in which English-speaking peoples in
25 significant numbers are relative latecomers. The native

1 peoples predated Caucasians by about 50,000 years. The
2 Spanish in California predated Anglo-Americans by almost
3 200 years. Then, even after the American influence in
4 war with Mexico led to statehood and citizenship for
5 California's inhabitants in 1850, official documents in-
6 cluding the first state constitution were printed in
7 English and Spanish for 29 years.

8 In addition, for over 100 years thereafter, non-
9 English language groups, noticeably Chinese and Mexicans,
10 were recruited in large numbers to supply the labor
11 necessary for the economic development of the state.

12 For us, as Americans, and Californians, to deny
13 our obligation to meaningfully educate the ancestors
14 of those who predated us, of those who worked our fields
15 and our mains and laid our railroad tracks, would be a
16 monstrous and cynical act of hypocrisy.

17 But ours is more than a moral obligation, sheer
18 pragmatism dictates that we should not discount
19 the grave social, political and economic costs inherent
20 in failure to meaningfully educate all of the state's
21 people. Common sense alone tells us it is better to
22 produce taxpaying citizens who are full participants in
23 the life of society than mere shells of humans who can
24 only add to a welfare, unemployment, criminal justice burdens.
25 And yet, without improving our educational system, a role

1 in which bilingual-bicultural education must play a large
2 part, that is exactly the direction in which we are headed.

3 Look, for example, at Chicanos. A group whose
4 members comprise by far the largest share of limited
5 English-speaking children, a group which will comprise 25%
6 of the state's population by 1990. From studies by your own
7 commission, civil rights, we know, one, that for every ten
8 Mexican-American students who enter first grade in the south-
9 west, only six graduate from high school. That the pro-
10 portion of Chicano students reading six months or more
11 below grade level is twice as large as the proportion of
12 Anglos.

13 And three, that Chicano students are required to
14 repeat grades more than twice as frequently as Anglos.

15 At a cost to southwestern school districts of 90
16 million dollars. From our own studies, we know that
17 although limited English-speaking children constitute five
18 and two-tenths percent of the kindergarten through twelfth
19 grade population they receive only 1.5% of state money
20 spent on elementary and secondary education. And who
21 bears the responsibility for rectifying this unjust and
22 wasteful situation?

23 Well, it is not much of an oversimplification to
24 answer that every state institution, every department,
25 every agency concerned with the delivery of education, must

1 take positive action.

2 First and foremost, the department of education
3 must improve its administration of and enlarge its commit-
4 ment to bilingual-bicultural education.

5 Secondly, the governor himself should make this
6 an item of highest priority within his own administration.
7 He can begin by leaving intact the money the legislature
8 has seen fit to appropriate for bilingual education in
9 the budget he will soon be getting.

10 Third, the school districts themselves must abandon
11 their intransigence. Don't forget it was a suit
12 against a school district which resulted in the Lau decision.
13 And that HEW's office for civil rights is currently inves-
14 tigating 157 school districts in this state for failure
15 to provide limited English-speaking students with meaningful
16 education as required by the decision.

17 Of course, the so-called Big Five urban school
18 districts, should also take the lead in this effort.

19 Four, the state board of education must begin to
20 take its policymaking role in the area of bilingual-bicultural
21 education seriously. And cease to be a rubber stamp for
22 the department of education's actions or inactions as the
23 case may be in this area.

24 Five, teacher training institutions must simply
25 redirect their current resources to the training of qualified

1 bilingual-bicultural education teachers. With 50,000
2 regular teachers out of work, and a crucial need for at
3 least 7,000 bilingual-bicultural education teachers, for
4 these institutions to continue with present policies is
5 an act of insensitivity and stupidity.

6 Six, in some way the public must begin to involve
7 itself more actively in the education of its children, for
8 as surely as we breathe, they are our future.

9 The idea that you can delegate responsibility to
10 someone else and then not be bothered, led to a Watergate
11 in the field of politics and will have similar results
12 in the field of education. Hopefully, your hearings
13 today will express this latter goal and certainly we in
14 politics must do more ourselves.

15 I can only thank you, with the utmost sincerity,
16 for the opportunity you have given me here today to
17 do just that.

18 I'll be happy to respond to any questions, Mr.
19 Chairman, and Members, that you may have.

20 THE CHAIR: Thank you so very much, Mr. Chacon.

21 Questions from any members?

22 Q (By Ms. Jacobs) Yes, Assemblyman Chacon, I cer-
23 tainly was impressed by your testimony and have found it
24 very enlightening. You mentioned, however, that you felt
25 there were many unqualified teachers in the area of bilingual

1 education. Now, what would you use as the criteria for
2 qualified teachers?

3 A. Well, Ms. Jacobs, certainly fluency in the language,
4 the second language and English ought to be one quali-
5 fication. I think also that the qualifications inherent
6 in the new special credentials that the teacher preparation
7 licensing commission has established for bilingual
8 teachers certainly are in order. And that includes training
9 in the background, customs and traditions of the children
10 in the second language as well as their own.

11 Q. Now, in the teacher preparation classes, is this
12 course taught as such or how -- how would teachers get
13 this kind of --

14 A. Well, certainly the colleges and universities,
15 primarily the state colleges that are involved now on the
16 implementation of 2817, a law which I authored last year,
17 are establishing courses leading to a special degree in
18 bilingual-bicultural teaching, and this includes courses
19 that are related to the background and customs of these
20 children. San Diego State University in my own county,
21 for example, has Filipino, Cantonese, Portuguese, Spanish
22 components, so that those persons who wish to obtain this
23 credential through this program will get into the kind of
24 program they want to get into, within those categories that
25 are listed and take those courses that are necessary.

1 Q One more question, I understand that the U.S.-
2 Mexico Sister Cities has a teacher exchange program, do
3 you know anything about that and how effective that is in
4 working in California schools?

5 A I'm not very familiar with that, Ms. Jacobs, only
6 cursorily. I would say that certainly a program of that
7 kind where there's an exchange of teachers, especially
8 in the present circumstances where there is a shortage of
9 bilingual teachers certainly can be very useful and
10 provide an interim solution to the lack of teachers.

11 I would hope that that kind of program and programs
12 bringing qualified teachers, trained teachers from the
13 Philippines, from China and other countries, would be en-
14 couraged so that we can fill the great void that there is
15 right now in the bilingual teachers.

16 MR. JIMENEZ: I have a question, Mr. Chairman, if
17 I may.

18 Q (By Mr. Jimenez) Mr. Chacon, one of the statements
19 you made which concerns me is that you mentioned that the
20 governor has had little or has been in touch very little
21 with bilingual-bicultural education. And based on what
22 he's said or has said in the past, that he's taking a show
23 me attitude, show me that the system -- that the project
24 that you want funded will work. And based on what you've
25 said in your testimony that the bilingual-bicultural

1 system as we know it has been a very low priority in the
2 department of education as in many other areas. Are you
3 in contact with him or other members who have a strong --
4 who have strong feelings to share your feelings on bi-
5 lingual-bicultural to him to enlighten him on the situation
6 that occurs, that we can, it seems it's impossible to
7 show a great success ratio with the type of priority that
8 bilingual-bicultural education has had in the past?

9 A Well, Mr. Jiménez, I have met with the governor on
10 the question of funding bilingual-bicultural programs. And
11 have been greatly disappointed, over his seeming lack of
12 understanding of bilingual-bicultural education, and yet
13 during the campaign, Governor Brown indicated many, many
14 times over that he was a strong supporter of bilingual-
15 bicultural education.

16 Which indicates to me that he recognized the need,
17 but the governor has made no commitment to bilingual-
18 bicultural education other than to provide the four million
19 dollars that was already budgeted last year under my 2284.

20 He has continued, in other words, the present funding
21 level that we established in 1972 with Governor Reagan.
22 That is, of course, completely inadequate. I have placed
23 in the budget an augmentation of four million dollars,
24 doubling the amount, and therefore including perhaps double
25 the number of school districts and mandating bilingual

1 education. And I'm hopeful that the governor will recog-
2 nize perhaps through this hearing and in other ways, that
3 bilingual education ought to be a high priority.

4 But as of this moment, I'm not that hopeful.

5 MR. JIMENEZ: Thank you.

6 THE CHAIR: Any other questions? Ms. Gomez?

7 Q (By Ms. Gomez) Yes, Assemblyman Chacon, because
8 there is an immediate need of 7,000 bilingual-bicultural
9 teachers, do you think that the state legislature as well
10 as the state department of education would be receptive to
11 funding and implementing a recruitment program of Spanish-
12 speaking teachers from the Spanish-speaking countries?

13 A I can't speak for the attitude that the department
14 of ed. would take, Ms. Gomez. I will say this, that my
15 legislation of last year, AB2817, which provided 4.8
16 million dollars for the training of bilingual teachers,
17 can provide and will provide 400 teachers this year, that
18 is -- excuse me, let me back up a little bit. 400 persons
19 will be enrolled as a result of that legislation, and
20 will receive \$1,500.00 a year stipends. Now, how many
21 of those will graduate and be able to go into the classrooms,
22 I don't know, probably certainly not the total number en-
23 rolled.

24 But it would seem to me that since I have included
25 in the budget a -- a doubling of that amount, 4.3 million

1 dollars, this year there is \$700,000.00 earmarked in the
2 budget for the implementation of 2817, the teacher training
3 corps program, and I have doubled that and we have one
4 million four hundred thousand dollars.

5 I would hope that the governor would leave that
6 money intact, thus producing or enrolling 800 students
7 instead of 400.

8 With regard to the encouraging or implementation
9 of an exchange program, I see that as a -- certainly as a
10 possibility, I don't think that there -- that is statutorily
11 permitted at this time. I don't think it's something that
12 can be done without legislation.

13 THE CHAIR: Thank you.

14 Mr. Santiago?

15 Q (By Mr. Santiago) Mr. Chacon, I talked to one of
16 the directors for Title VII in the City of Los Angeles, and
17 she has a problem there where you're going to provide the
18 teachers but in Los Angeles we would not be able to hold
19 onto them because they will be bumped by other teachers
20 due to the economic squeeze. She told me that we are going
21 to lose those bilingual teachers.

22 What could you do to help the Los Angeles District
23 to retain the teachers with the special skills so that
24 other teachers who are monolingual would not bump them off
25 and take them off the rooms?

1 A Mr. Santiago, that is a very serious problem. And
2 under policies followed by local school districts, presently,
3 there is little that school districts can do to retain
4 special-need teachers. That is teachers that are needed
5 for special programs such as bilingual teachers.

6 If, for example, a school district has a Spanish-
7 a Mexican-American teacher or a Chinese-American teacher
8 who is really needed for the program, but that teacher is
9 one who was just recently employed, it's very possible
10 that that teacher would be dismissed simply because the
11 policies the local school districts have of retaining
12 teachers of seniority in a declining enrollment situation.

13 And there is no law now which authorizes school
14 districts to retain those teachers which they need, whether
15 or not they are -- they have seniority or not. There is
16 a real need for that kind of legislation. I doubt whether
17 that kind of a bill would make it through the legislature,
18 though.

19 Q That's a big problem for us in Los Angeles, and
20 also the teachers' aides, I know we cut to three hours a
21 day, that means they're going to lose their fringe benefits
22 also, due to the economic squeeze, so I wanted you to be
23 aware that we're concerned, very much concerned about this
24 and I wish we could be of some help, even if you have to
25 press Governor Brown's neck to sign a bill like that.

1 A I understand your concern, Mr. Santiago, I have the
2 same concern, but under current law, as I indicated earlier,
3 school districts are more apt to release teachers that
4 are recently hired than those teachers who have seniority.

5 And thus, those teachers who have seniority are not
6 apt to be bilingual teachers.

7 THE CHAIR: We have time for one more question,
8 Ms. Hata.

9 Q (By Ms. Hata) Mr. Chacon, I understand the state
10 colleges no longer require a foreign language, require a
11 foreign language for a bachelor's degree. Do you think
12 we need such a foreign language requirement to help in
13 creating and recruiting bilingual-bicultural teachers?

14 A Yes, Ms. Hata, I definitely believe that we do. I
15 think there's been a tragic mistake for universities and
16 colleges to downgrade the foreign language requirement.

17 Unfortunately, the history of this country has been
18 that we have not ever recognized, really recognized the
19 need for facility in language other than English as though
20 everyone in the world spoken English. Quite an absurd
21 position to take, and because of that, there are few teachers
22 today who are qualified to teach in elementary or secondary
23 who have facility in another language. Most of them are
24 monolingual, English-speaking, and that's one of the reasons
25 we have such a crunch and such a serious problem, such a lack

1 of bilingual teachers today, indeed there has been emphasis
2 on foreign language instruction, we'd have a pool of
3 teachers who are fully qualified professional educators
4 who needed only to obtain some background in the customs,
5 traditions of the particular second language group and thus
6 be able to go into the classrooms. We have no such
7 teachers today.

8 Q I was also concerned about your comments regarding
9 the lack of cooperation, coordination, inadequate
10 evaluation procedures, who is ultimately accountable to
11 see that these kinds of things are done. Evaluation and
12 the coordination and all of the other problems that you
13 pointed out, who is accountable for this? Who monitors this?

14 A Well, ultimately the superintendent of public in-
15 struction obviously is the -- has the final responsibility
16 for this, under him, of course, are those who directly
17 administer the programs. I can't tell you just what line
18 of responsibility there is from the department, of course,
19 but in answer to your question, ultimately the superintendent
20 is responsible for all of that.

21 Q Do you exercise any kind of monitoring function on
22 the superintendent?

23 A We do not, the legislative analysts office does
24 and the department of finance, and both have pointed out
25 the shortcomings that I have listed here in my presentation.

1 Q Does your bilingual teacher training program have
2 any kind of placement provision for the teachers that
3 are ultimately produced?

4 A The teacher corps program, 2917, does not have
5 that. However, I don't think that's necessary, because
6 I think that teachers obtaining a special degree in bi-
7 lingual-bicultural education will have no problem getting
8 a job, since there is such a shortage of them.

9 THE CHAIR: One final question.
10 Helen Bernstein?

11 MS. BERNSTEIN: Two.

12 THE CHAIR: Two, all right.

13 Q (By Ms. Bernstein) You stated that school districts,
14 many school districts, have failed to respond to their
15 census forms in the past and that you're having a new
16 census form which you're offering now. What guarantee do
17 you have that the school districts will respond to that one?

18 A Well, Ms. Bernstein, I have no guarantee that they
19 will respond to the form in any better fashion than they
20 did before, and I might add, that the form is not of my
21 own making, it's from the department of education, they
22 have what they call the consolidated application form,
23 and in this form they are going to ask school districts
24 to identify all the children with EDY, ECE, Miller-Unruh,
25 who are receiving bilingual instruction and in any way

1 whatsoever. In addition, the requirement is going to be
2 to provide an explanation for type of instruction that's
3 been provided so that we will be able to identify, assuming
4 that we get a large return on those forms, and they are
5 accurately filled out and so forth, we'll get a good picture
6 of what's happening, and that, of course, is a step in
7 the right direction.

8 But I have no guarantee, of course, that the forms
9 will be returned in any greater number than they are now.
10 Hopefully hearings like this will encourage that kind of
11 thing.

12 Q Okay, and the second question I have is, since there
13 is an excess of teachers and the seniority system probably
14 won't fall very quickly, does any pending legislation that
15 you have offering or any bills provide funds to train ex-
16 perienced teachers so that they can participate in bilingual
17 programs?

18 A Yes, 2817 does not specify that students enrolled
19 in this program must be third-year students, four-year
20 college students, that is left completely open so that
21 any teacher who is currently credentialed and teaching
22 could qualify. As well as students who are moving through
23 the system and have not received their credentials yet.

24 Q Well, I mean, for instance on-site training for
25 teachers that are based in bilingual classrooms is paid for

1 now by 2284, the original legislation of 1972, which
2 provides moneys for in-service training so many teachers
3 monolingual, English-speaking, for example, who are in the
4 bilingual classes now, can receive in-service training
5 through moneys obtained through 2284.

6 THE CHAIR: Again, Mr. Chacon, the committee gratefully
7 appreciates a person of your background to have taken the
8 time from your schedule to testify before us this morning.
9 And on behalf of the committee, I wish to thank you.

10 A Thank you.

11 THE CHAIR: Next scheduled witness is Mr. Maurice
12 Jourdane. Good morning.

13
14
15 MR. MAURICE JOURDANE

16 A (By Mr. Jourdane) Good morning.

17 THE CHAIR: I wonder if, for the record, Mr. Jourdane,
18 would you identify yourself, please?

19 A Yes,, I'm Maurice Jourdane, I'm with the Cali-
20 fornia Rural Legal Assistance.

21 THE CHAIR: All right. The committee has some
22 questions they would like to address to you, and if that
23 meets with your approval we'll go to that format.

24 A Fine, I would just like to indicate at the outset
25 I also have some written material that has been prepared

1 by several of the attorneys in the field offices of CRLA
2 that they've asked me to provide to the committee that I
3 can either give to you now or at the end of your presen-
4 tation.

5 THE CHAIR: Fine, you can file that with the staff
6 and the staff will accept those as part of the material
7 that's to be included in the report.

8 A Fine.

9 THE CHAIR: Mr. Bruce Johnson, do you have questions
10 for Mr. Jourdane?

11 Q (By Mr. Johnson) Mr. Jourdane, for the benefit
12 of the committee and the record, can you tell us something
13 about the rural assistance program, how many offices you
14 have, who your clientele is generally?

15 A Yes. CRLA, as it's referred to, was founded in
16 I believe 1966. We have ten field offices and a central
17 office with about four lawyers and two or three community
18 workers in each office.

19 Our clientele is about 60% Chicano and almost en-
20 tirely either farm worker or welfare recipient. It's
21 all poor people.

22 Q Do you, in your office, receive educational com-
23 plaints, complaints on education problems?

24 A Yes. I -- I think it's safe to say that every one
25 of our offices has received a substantial number of educa-

1 tional complaints. If I might relate a couple of the kind
2 of problems that we get, I think that might be helpful.

3 I understand that the hearing is limited to EMR
4 placement and bilingual education, so I'll limit the
5 problems to that, but I think it's important to stress
6 that these are only two of the problems, that the problems
7 are many-fold and in dealing with these two problems I'm
8 not saying that the other problems are not there and are
9 not being met or the educational needs are not being met.

10 I'm saying they are not being met. Let me give you
11 an example of one of the kind of problems and the kind of
12 reaction we got from the state department on that, just
13 to begin.

14 In 1969, I was working in Soledad, a little town
15 south of Salinas, about 3,000, mostly farm workers, almost
16 all Mexican-Americans, and one afternoon a family came in,
17 farm worker family with a little girl who was about ten
18 years old, named Diana. And Diana was in an MR class,
19 nobody in the family spoke English, Diana had been in the
20 class for three years and the reason they came in is they
21 didn't really know what was going on, but they knew there
22 was something wrong at school because Diana would come
23 home crying because the kids were making fun of her.

24 We got into the problem, myself and another attorney
25 with the program and learned that what was going on was they

1 were testing kids in English and throwing them into an MR
2 class and then teaching them things like how to fold paper,
3 how to cut pictures of cars out of magazines, how to eat
4 properly. Teaching them almost no English or math or
5 substantive academic program.

6 We also found out that there were about 85,000 kids
7 in MR classes in California at that time and that 26% of
8 those kids were Chicanos.

9 Well, the student population was only 13% Chicano.
10 As we got into it, we found -- we got into the sort of the
11 process and how it worked.

12 What happened is, a kid would go to school and he
13 would fall, he or she would fall behind in school work,
14 frequently because she or he did not understand what the
15 teacher was saying in the classroom because they spoke
16 Spanish instead of English. What they then did, the kid
17 would fall behind so they would administer an IQ test,
18 almost always in English, and ask questions like, why is it
19 better to pay bills with checks than with cash? Or what is
20 a ruby, what is a hieroglyphic,
21 what is an umbrella, things that are not common at least
22 in rural California's Spanish-American Mexican homes.

23 As a result of a low score, they then would throw
24 the kid into the MR class and he would get the education
25 I just talked about.

1 We filed a lawsuit on behalf of the kids in Soledad,
2 the kids in Soledad were retested by a Chicano psychologist
3 from San Diego and even though the whole test is invalid
4 when just being allowed to be tested in Spanish, all nine
5 kids tested scored above the ceiling the district was
6 using just by the change in the language.

7 Some of the kids in that class have gone on and
8 now have graduated from high school and are above average
9 intelligence.

10 Okay, we filed the lawsuit, a few months, lot of
11 bad press for the state department, a few months later
12 we entered into an agreement, a stipulated order and that
13 order had three parts. One that they, the districts had
14 to change their procedures in putting kids into the class.
15 They couldn't rely on the verbal part of IQ test scores
16 and they had to look at the home environment of the kid.

17 And the second part of the order was that the
18 state had to obtain statistics of the racial breakdown in
19 MR classes and when a district continued to have a
20 variance they had to get explanations of that variation.

21 And the third part and an important part to us, was
22 the development of a culture-free test. Well, that was
23 early 1970.

24 The fall of 1972 the disparity still existed, it
25 had diminished somewhat, it had gone down to about 25%

1 from 26%, the cultural-free test had never been developed
2 and I doubt that it ever can.

3 I learned a little bit more about IQ testing since
4 I got into it, at that time I thought it could. Anyway,
5 we started negotiating again with the state because they
6 couldn't comply with the earlier order. And out of that
7 second negotiations came an agreement that **every district**
8 that had a significant variance between the percentage of
9 Chicanos in their MR programs and the percentage of
10 Chicanos in their district, had to develop an affirmative
11 action plan to get rid of that disparity within three years.

12 And for all kids that have been erroneously labeled
13 they had to provide special educational services to those
14 kids.

15 The court issued an order requiring those provisions.
16 The state then repudiated the order, the state department
17 of education saying that it was too vague and that --
18 what was a significant variance, even though prior to the
19 order being entered into we had talked to the state about
20 the number of districts, about what we were talking about
21 all the way through. It was not vague at all in the ne-
22 gotiations.

23 We -- they repudiated the order, said we're not
24 going to do anything. We then went back to the United
25 States District Court for the Northern District of California

1 and filed an application to hold Wilson Riles in contempt.
2 We told the court in our papers what had happened, and the
3 state's response rather than being on the substance or
4 anything like that, charged Mr. Martin Glick (Phonetic),
5 who was then executive director of California Rural Legal
6 Assistance and who is now counsel for the Health and
7 Welfare Agency of the State of California, and myself,
8 with -- with providing the court with distortions and
9 omissions and misrepresentations.

10 It was, in fact, a character assassination rather
11 than attempting to deal with it on the merits. Fortunately,
12 Judge Peckham, who was the judge, did not believe what
13 the department was saying. And went ahead and held Wilson
14 Riles in contempt and required that those affirmative
15 action plans be done within two years.

16 As a result, things are now finally being done.
17 But it sure is not any help or any thanks to the state
18 department of education.

19 This is only Chicanos. The state department is still
20 fighting to preserve the overrepresentation of Blacks in
21 ~~classes for the mentally~~ retarded, which is about three times
22 what it ought to be.

23 There's a case called Larry P versus Riles in
24 San Diego that's going on right now, it's probably going
25 to go to trial.

1 Q The case only specifies Mexican-Americans?

2 A Only Mexican-Americans, so we have the ironic
3 situation now where there's -- they have to limit the
4 number of Mexican-Americans that can be placed but they
5 don't have to limit the number of Blacks.

6 Let me just add a footnote that's a problem with
7 the state, sort of a footnote to that, that has to do
8 with the Office of Civil Rights Compliance in San Francisco,
9 because I understand they're sort of involved in this
10 hearing.

11 After we finally got the second order enforced, I
12 got a call from an employee of OCR in San Francisco, com-
13 plaining that in Fresno, the district was not being allowed
14 to put in as many Mexican-American kids in the MR class
15 as they wanted and he asked me if I would go back to
16 court and seek to have the order modified so the district
17 could continue to place mentally retarded kids in at will
18 and this was from the agency that is supposed to be getting
19 compliance with civil rights.

20 That's the MR. If you would rather do it by ques-
21 tions or if I could just go on and talk about bilingual
22 education, we've had similar problems there.

23 Q That was my next question, so --

24 A Okay, we also have a lawsuit involving bilingual
25 education in California, it's called Tostado versus the

1 state board of education and it was filed in 1973, in
2 Sacramento Superior Court here. In the suit we're seeking
3 to have kids who don't speak English be taught in a
4 language they understand, the same thing that was asked
5 for in Lau.

6 After our suit was filed, Lau came down and it
7 should have resolved our suit, it's the same thing. What
8 we did at that point was we thought it was going to re-
9 solve it so we started negotiating with the state depart-
10 ment and our negotiations revolved around the requirements
11 in the instructions for consolidated application.

12 I don't know if you're familiar with how that works,
13 in California, all of our Title I money, a lot of the
14 federal money, Miller-Unruh, SBO, lot of money the districts
15 get through one application, all the special needs money
16 except for a couple programs, but most of the special
17 needs money, so we thought that if we could condition
18 those funds upon the district providing bilingual education
19 to the kids who were entitled to it, that that would re-
20 solve the problem.

21 So we sought adequate identification because the
22 identification that had been done before was totally in-
23 adequate and the state admitted that, we sought bilingual
24 programs where we had ten or more kids in a grade in a
25 school who didn't speak English or had limited facility in

1 English, we sought to have it staged in because we felt
2 that there might not be enough ~~teachers~~ or probably aren't
3 enough teachers in fact, to provide all the teachers
4 that are needed, so we were willing to go year by year
5 and wait the two years, if that's what it took, as long
6 as we would eventually get bilingual education in Cali-
7 fornia.

8 Now, during this period of time, these negotiations
9 were going on, Dr. Riles was making public statements to
10 the effect, and I have a quote from one here, that he
11 made to the state board of education in their minutes,
12 to the effect that California had more kids needing bi-
13 lingual education than any other state in the country.

14 He had just finished talking to Congress and telling
15 them this, and that he hoped Congress would pass some
16 legislation to beef up the bilingual program and that
17 Lau versus Nichols required bilingual education for kids
18 who didn't speak English.

19 I mean that's his language. Okay. So we thought
20 wow, we're in good shape.

21 In private, something else was going on. We were
22 having these negotiations and Dr. Webster, who is deputy
23 superintendent, asked me to write a letter setting out our
24 position on a certain issue.

25 In that letter I explained why I thought Lau and

1 Serna (Phonetic), read together, required bilingual, why
2 educationally, the people that I -- that we're dealing
3 with Chicano educators mostly, think that it's the most
4 educationally sound program, all the arguments in, legal
5 and educational.

6 My response was about this big, saying, we're all
7 trying to serve the needs of the kids, and I'm sure you'll
8 like what we're doing, something to that effect.

9 The letter and response are also in here.

10 And then that sort of cut off that line of negotia-
11 tion or that -- those negotiations.

12 At the same time, Xavier Del Buono, who was one of
13 the deputy superintendents also, wrote a memo to the
14 executive cabinet of the state department, and asked the
15 executive cabinet to adopt a resolution supporting full
16 bilingual education in California and it had all the
17 whereas's, the 225,000 kids that needed the rich history
18 of bilingual-bicultural state, the need in government,
19 the need everywhere for bilingual people and how the --
20 you know, we spend a lot of money to teach Anglos Spanish
21 in high school when they could learn it a hundred times
22 easier in elementary school.

23 Anyway, those are all the whereas's and the final
24 thing is the state takes a position supporting full bi-
25 lingual education.

1 The executive cabinet refused to adopt that reso-
2 lution.

3 Now, in the course of our negotiations we were
4 being told although the public statements were being made,
5 we were being told that the state department is not con-
6 vinced that bilingual education has been proven effective.
7 And until such time as it is proven effective, they're
8 not willing to require districts to have it.

9 And I don't care what they'll -- you know, you
10 talked about slander and that before, I don't care what
11 the state department says, that's what they've been telling
12 us.

13 THE CHAIR: Who made those statements? I mean --

14 A The legislative liaison, John Mackler (Phonetic),
15 I believe is his name, Marian Joseph, I believe is her
16 name, just about everybody we have dealt with in the state
17 department except, I would say, Xavier Del Buono has made
18 that statement or similar statements

19 Q (By Mr. Johnson) What criteria have they set up
20 to determine effectiveness?

21 A Well, see, that's part of the catch. In the
22 Tostado suit we filed some interrogatories and in the
23 course of that we asked them that question, they don't
24 have any criteria. They're required by law to provide or
25 no, they were requested in 1973 by a task force to provide

1 all the districts with some kind of sample bilingual
2 programs ~~from model~~ districts so we asked them whether
3 they'd done that and they said no, they hadn't done that.

4 Then we asked them why, they said we don't have any
5 criteria to judge whether a bilingual program is any good
6 or not. The problem is that the ESL lobby in this state
7 is incredibly strong. There's a lot of Anglo teachers who
8 want to keep their jobs so they're all teaching ESL,
9 they're not competent, they can't speak Spanish, you know
10 they can't deal with the kids.

11 They don't know the problems of the kids but that
12 lobby is keeping -- in my opinion, is keeping bilingual
13 education down in California. We see it when we're lobbying
14 for legislation here, we want to put a mandatory require-
15 ment in the bills, like Assemblyman Chacon was just talking
16 about, we can't do it.

17 THE CHAIR: Let me see if I understand correctly.
18 You're stating that the board of education, I'm sorry, not
19 the board of education, the department of education is
20 saying -- said they're not convinced that bilingual
21 education is effective --

22 A. That's correct.

23 Q (By the Chair) -- and am I correct in assuming that
24 they are the body that is to provide bilingual education?

25 A. They are the -- the funnel through which all federal

1 funds go to the districts. The districts actually provide
2 the education but they are the superintending body in
3 California.

4 Q Who implements it, is it the school districts that
5 implement it?

6 A The school districts have the programs, but the
7 programs have to be approved or the -- the funding appli-
8 cations for those programs have to be approved by the
9 state department.

10 Q I see. Okay.

11 Q (By Ms. Jacobs) As far as you know, is the state
12 trying to develop any criteria for --

13 A Not that I know.

14 Let me just, there's a couple other things in
15 the area of bilingual that have been problems. Assemblyman
16 Chacon talked about the language census problem. The 2284,
17 the legislation he was talking about, required the language
18 census and it was taken and the department and everybody
19 else recognized that it was really sort of a sham, that the
20 information that came back was not, way underestimated the
21 number of kids that were limited or non-English-speaking
22 but they did no followup.

23 They -- we asked them in interrogatories whether
24 they had, whether they knew what was done by teachers or
25 anybody who spoke Spanish, what criteria was used to de-

1 termine they had no information on any of that and they
2 made no effort to find that out.

3 They're also required by law to act as a clearing-
4 house for bilingual personnel. So districts can come to
5 them to help recruit because that is a problem for,
6 especially small rural districts. They haven't done that.
7 And that's clear statutory duty.

8 Instead they use as an argument against when they
9 don't want to have a requirement that there be a bilingual
10 teacher and a bilingual class, they'll say well, there
11 are not enough bilingual teachers.

12 You know, had they done, fulfilled that statutory
13 duty they might know whether there are enough bilingual
14 teachers or not.

15 It's our belief, being out in the field, that
16 there are in fact enough bilingual teachers to begin a
17 staged-in, full bilingual program in the state.

18 Let me just, one third thing that was under 2284
19 that also was a bilingual funded program, or fund program
20 for bilingual, they were supposed to adopt rules and regu-
21 lations. They didn't adopt any rules and regulations
22 for two years.

23 The state board was because actually the depart-
24 ment writes them and gives them to the state board. They
25 didn't do anything for two years.

1 As a result, districts were getting money for bi-
2 lingual programs that weren't bilingual. I believe it
3 was Berkeley, or one of the districts that had a bilingual
4 program that was one hour a week in Spanish. There was
5 a district up here in Sacramento, bilingual program with
6 hardly any Mexican-American kids in it, it was all Anglos.
7 It's a district, but it's also a state problem, because
8 the state had a duty to write the regulations and approve
9 the applications and it didn't carry out that duty.

10 Q (By Ms. Hata) Does the state, then, have the right
11 to monitor, or the responsibility to monitor these programs?

12 A Yes, it does.

13 THE CHAIR: Any other questions from any members
14 of the committee?

15 A Can I go on and say one other thing in there's
16 one other thing I'd like to talk about?

17 THE CHAIR: Certainly, as long as it deals with
18 bilingual education.

19 A It does, it does.

20 These problems have been state problems, but all
21 our local offices have problems too. Let me just give you
22 a couple examples of what happens, then, in that area.

23 In Madera, a couple teachers had beaten up a student
24 and the teachers were criminally charged for beating up
25 the kid. The parents, a group called Padres de Ninos in

1 Madera, wrote a letter to Riles and they asked the state
2 to come in and help clear up the situation in the schools,
3 it was really bad. They complained, not only about the
4 brutality, but also, no bilingual program, no affirmative
5 action programs, all those things that were going on.

6
7 Over a period of time the state sent some people
8 down and what came out of the state's mouth was, we don't
9 have any enforcement power. And they would do things
10 like they would come in and they would look at their
11 consolidated application with their program and review
12 them, which is supposed to be making sure that the dis-
13 trict's doing what it says it's going to do, and they
14 found that they didn't have a bilingual component or
15 bilingual program that they were supposed to, so they told
16 the district, give us, tell us what you're going to do,
17 and when you're going to do it, and the district then
18 just replies and says, well, we're going to do better in
19 the future, we're going to hire a consultant next year.

20 Q (By Ms. Jacobs) How long ago was this?

21 A This was in December of last year. No -- no,
22 pardon me, it was this year, the review was conducted the
23 7th, 8th and 9th of January of this year.

24 Q But this incident happened in December of '74?

25 A The beating happened actually, no, it happened in the

1 school year of last year, the trial was in August of last
2 year.

3 There was a boycott at the schools in September
4 of last year in Madera. The state came down, the parents
5 were crying for help from somebody and they called the
6 state in and all they got from the state was we don't have
7 any power to do anything and things really haven't changed
8 in Madera.

9 OCR is even worse in that situation, they've been
10 trying to contact OCR and OCR half the time doesn't respond
11 to their letters, they write a letter in August and
12 they get a response in February, no response, they call in
13 February and finally get somebody down. The OCR then
14 begins communicating with the district, sending letters
15 back and forth, getting information. Neither the district
16 nor OCR will provide the lawyers for the parents that
17 information. It's public information and they say secret
18 investigation of the school district.

19 Tomorrow you're going to hear about Fresno, Fresno
20 is really a horror story, honest to God, what they've done.
21 It's unbelievable that a government body, charged with
22 compliance with Title VII would be doing what it's done
23 in Fresno.

24 Madera could be the same situation, it's just we're
25 five years later in time because it's only been about a

1 year since it happened.

2 The other district I want to just mention, the other
3 kind of example is Guadalupe. Two or three years ago the
4 United States Commission on Civil Rights did a report on
5 the Guadalupe School District, which blasted the hell out
6 of it, charged it with, I mean it was unbelievable brutality
7 going on there, kids were being taped, mouths taped, taped
8 to their chairs, every kind of thing you can imagine.

9 They also found that there was no bilingual program,
10 no affirmative action program, all those things that no
11 district has and they made some recommendations to the
12 Department of Justice, to look into the brutality things
13 and to the department, I believe, of credentials licensing
14 of the state to find out whether they could take some
15 licenses away from teachers. They sent this report all
16 over. Nothing ever happened.

17 The state made about 15 visits down there, they
18 had meetings, the state talked about generalities, the
19 parents wanted concrete help and Guadalupe is still where
20 it was when that report was written and the sort of final
21 anecdote is five years ago the whole Guadalupe thing was
22 started, as I understand, because it was a boycott of the
23 schools.

24 Well, the kids are out again now or they're going
25 out again, it was a demonstration night before last in

1 Guadalupe and that's really the remedy and you start
2 talking to parents in California and they can put up with
3 the runaround for only so long and then they're taking
4 their kids out of the schools and that's just, you know,
5 it's a drastic enough step, but it's a dangerous first
6 step in, you know, just loss of confidence in the whole
7 system.

8 THE CHAIR: For the record, this committee, of
9 course, is very familiar with the Guadalupe situation
10 since we were there, did investigate and produce a report
11 that you refer to.

12 A It would be good if somebody could do a followup
13 on what's been done there.

14 THE CHAIR: We, again, for the record, have been
15 out there, there has been a change in the policy of the
16 school regarding the taping, etcetera, and the last check
17 I had there was about two months ago, the school board
18 now has three Chicanos which now gives them a majority
19 on the board.

20 A I know that since the report they have hired a
21 new superintendent, a new principal, and two or three new
22 secretaries, in a district that's 80% Chicano and none
23 of those people. They've passed over qualified people
24 for those positions.

25 THE CHAIR: It's a long battle.

1 Any other questions from the members of the committee?

2 Q (By Mr. Jiménez) I just have one question, unless
3 it's in the documents that you're going to provide for us,
4 and without, I know you've mentioned a lot of things, but
5 do you have anything that you could specifically tell us,
6 what kind of recommendations would you have?

7 A Yes. Let me --

8 Q Do this slowly now, because I don't want the Court
9 Reporter to miss any of this.

10 A First, the state, I think that, I don't know what,
11 I don't know whether you have any power, you know, and
12 whether you can do anything. But somebody has to get the
13 state department of education to exercise that power that
14 it has.

15 I mean it is, it appears to me to be afraid of the
16 school districts. And it is not, it will not, it won't
17 come down on districts that it knows are not complying
18 with Title VI. And I think through the consolidated
19 application it has the power to do that, it's a power to
20 review those, to tell the districts where it's been wrong
21 and tell the districts how to make right what it's doing
22 wrong and it won't exercise that power.

23 I also think that somebody has got to convince the
24 state that the only way they can comply with Title VI is
25 to require full bilingual programs in schools where you have

1 substantial numbers of limited and non-English-speaking
2 kids. And I don't know how that can be done but that's --
3 that's an ultimate first step. Or necessary first step.

4 I mean it can be a phased-in program, but it's got
5 to have bilingual teachers and a bilingual program.

6 The OCR compliance in HEW may be a little bit more
7 difficult problem, or I don't know, they're all difficult,
8 I mean they not only don't respond and are afraid,
9 apparently afraid to exercise the powers that they have,
10 they can cut off the funds but they won't do it and the
11 districts all over know that.

12 In Madera they're not afraid of an OCR review be-
13 cause they know what happened in Fresno. You know, Fresno's
14 been put in shining OCR on for five years.

15 That's one. They've got to use the power they have.

16 The other things that they've got to be open, they
17 can not go into -- have complaints filed, go into a school
18 district and then have a secret investigation. I mean
19 that completely eliminates any confidence on the part of
20 the people in that district, in OCR and they're just not
21 going to go to OCR unless OCR changes that policy.

22 I could go on forever.

23 THE CHAIR: Okay, on behalf of the committee, Mr.
24 Jourdane, I want to thank you for taking your time and
25 giving us your first-hand experiences, and studies of what

1 has occurred over the past years. Thank you.

2 And if there are any further input you would like
3 to give this committee before we make our final report,
4 we'd be more than happy to receive it.

5 At this time, for the sake of our Court Reporter,
6 we will take a ten-minute break and reconvene at 10:45.

7
8 (Short recess)

9
10 (Mr. Joe Jimenez was Chairperson for the following
11 session)

12
13 THE CHAIR: In order to stay with the schedule as
14 much as possible, we'll now start and our next witness is
15 Mr. Harold Geiogque, is that the correct pronunciation?

16
17
18 MR. HAROLD GEOIGQUE

19 A (By Mr. Geiogque) Yes, very good.

20 THE CHAIR: All right, for the record, Mr. Geiogque,
21 if you would state your name, position and who you're with?

22 A Okay. For the record my name is Hal Geiogque, I
23 work with the Office of Legislative Analyst. I'm a
24 principal program analyst with that office, heading the
25 section which handles the analysis of bilingual education,

1 that's what we're specifically interested in.

2 Q (By the Chair) That is. And I think you were here
3 earlier. What we'll do, we'll have the members from the
4 committee ask you questions and if you'd be kind enough
5 to respond --

6 A Okay, fine. I would make a preliminary statement
7 if you'd like, in order to save some time and effort.

8 That is that most of our work was done in a testi-
9 mony we prepared for the Ways and Means committee back in
10 December of this year, and it was then further acted on
11 in the budget review sessions of which Assemblyman Chacon
12 was a member of the Ways and Means subcommittee.

13 Much of the information that we gathered as I heard
14 earlier this morning, was already conveyed to you through
15 Assemblyman Chacon's testimony and I could maybe give you
16 some more technical background as to that and some other
17 comments, if you prefer, but go ahead.

18 THE CHAIR: If you have anything you want to leave
19 with us for the record also, we'll be happy to take that.

20 A Fine.

21 THE CHAIR: Okay, committee?

22 Q (By Ms. Bernstein) We understand that your office
23 recently published a summary on the administration of
24 bilingual education. Was this the first time such an
25 extensive study was done?

1 A Yes, our office got into bilingual education review
2 because of the 2284 program which is a state program. We
3 did not previously look at Title VII or any federal pro-
4 grams, we primarily stayed, so this just came out in the
5 December review and the followup on the budget --

6 Q How did you obtain the data for this?

7 A The data was collected through our staff, we have
8 fairly close working relationships with the department of
9 education, although it's somewhat of an adversary relation-
10 ship. We also go to the field and we went to various
11 bilingual education programs throughout California and from
12 different types of programs, including the San Francisco
13 programs, and we gathered our data in the field primarily
14 on the department's data.

15 Q How specifically do you gather the data from the
16 field, in the schools?

17 A Yes, we go to the school site level, try to inter-
18 view teachers, principals, often the district sends their
19 coordinator, but it's school site level review.

20 Q How much time do you spend at a specific school?

21 A Usually about three hours per school, you're usually
22 dealing with only one or two bilingual classes in most
23 schools so you don't need a great deal of time.

24 Q And is this type of review annual?

25 A We hope to make it annual. We have an annual responsi-

1 bility to the legislature to review these programs, and
2 comment on them, and we will maybe not as extensively
3 prepare documents, but we will make annual reviews, yes.

4 Q Can you give us any specific weaknesses that you
5 found?

6 A Yes. I think that's where I was saying that
7 Assemblyman Chacon's testimony has already enlightened
8 on this, but I will specifically give you the areas that
9 you may re-look at.

10 We were concerned about basically this lack of in-
11 formation. There is a lot of money being spent on bi-
12 lingual education in California, but the state department
13 of education is not organized in such a fashion to pull
14 it all together and tell you how much money is out there.

15 We were able to identify approximately 37 million
16 dollars when you look at Title I, Title VII, our 2284
17 program, ECE, however there is some money in the EDY
18 category which they can not specifically identify as
19 being allocated to bilingual education. There is money in
20 the ESAA fund that are being used for bilingual education
21 which is not specifically broken out. There is even more
22 money in Title I than we could find.

23 We could only find the ESL component of the money
24 as being spent on bilingual education and there's more
25 Title I money being spent in bilingual-bicultural, so would

1 point out that unless you can identify fully, all the
2 sources of funds for bilingual education and the number
3 of students being served, you're in a position of unknowing
4 and uncertainty when it comes to asking the legislature, of
5 California at least, for more funds for, say these 2284
6 programs.

7 And this also as Assemblyman Chacon pointed out,
8 carried over to the administration of the program and the
9 administration of the program with the department of ed.
10 is fragmented and that's partly why they can't put all the
11 data together, producing another crisis in confidence, as
12 I would call it, in what the department will tell you
13 about what we're doing in bilingual education.

14 The other concerns we had was the fact that there
15 was unexpended funds which I think he alluded to, and
16 that the evaluation of the program was also deficient, it
17 was collected from only 5,000 student samples. It was
18 collected on different forms, with different objectives,
19 it does not give you any measure of effectiveness of how
20 the funds are being spent, even though we don't even know
21 how much of the funds are being spent for the total program,
22 so it's a difficult area to make rational decisions in.

23 Q Did your office make any recommendations to alleviate
24 some of the problem?

25 A Yes, we did, we made a series of specific recommen-

1 dations, many of which at this point are being enacted,
2 one was a fiscal reporting system on a quarterly basis,
3 so that we can get the funds out on line that are
4 appropriated for the purpose.

5 Another recommendation had to do with the reporting
6 of all the various programs' funds and number of students
7 served, so the department will organize itself in such a
8 fashion that we can get the total information on the pro-
9 gram.

10 We also had pointed out the fact that there was a
11 lack of regulations and as of May, a month ago, I believe,
12 these regulations were finally adopted.

13 We made a specific recommendation that they be
14 adopted and tried to raise the issue to the legislature.
15 These recommendations have been partially implemented
16 and the, I believe the department was able to respond
17 during the legislative hearings this spring in such a
18 fashion that they at least got the legislature to slightly
19 augment the program funds by five million dollars.

20 Q What was, in general, what was the response of the
21 department to your analysis?

22 A I think they were very positive, I think they were
23 aware that they had some deficiencies, they didn't -- you
24 know, fight the recommendations, they more or less accepted
25 that they were correct and they tried to make some amendments,

1 reorganizing the department, they are implementing the
2 fiscal reporting systems, I would say that we've had good
3 working cooperation with them, despite the fact that we've,
4 you know, found these problems.

5 Q What was the response of the legislature to your
6 recommendations?

7 A I believe it was one of also being acceptance to the
8 degree that we're, I would say, you know, we favor the
9 need to address this problem, you know, and we have to
10 look at it from a management point of view as to how much
11 is enough and is 37 million that we're currently spending
12 enough, you know, or should there be more?

13 The legislature realized that there is a need to
14 address this, I think both politically and rationally.

15 Rationally, as you know, the governor did not add
16 any more money to the state's 2284 program, partly because
17 of his problems, the legislature has put together a con-
18 ference committee report which at this moment, I think
19 should be sent from the floor of the assembly to the
20 governor, that will augment the funds, but I would say
21 that it was difficult to augment the funds.

22 The conference committee spent over an hour and a
23 half just discussing this one issue, partly because of the
24 problems in the program, they weren't able to come up with
25 a rational solution, so they just, in effect, doubled the

1 current program, this four million dollars in the current
2 state program, they went up to eight million dollars.

3 They did add \$700,000.00 to augment our teacher
4 training program for bilingual teachers and they added
5 \$300,000.00 to fund the evaluation test that Assemblyman
6 Chacon mentioned he is carrying in the legislature, so
7 they responded to education, within the context of some
8 confusion and doubt.

9 Q Can you foresee any possible way of really coordinating
10 all these various programs? Or monitoring them?

11 A Yes, I think that it -- within the ones that are
12 controlled by the state department of education, that is
13 just a matter of management. You know, we have the re-
14 porting systems, we need some better leadership, actually,
15 to bring them together and I think that they're working
16 in that direction.

17 The one problem we have, is coordinating with
18 Title VII. Although we're only reviewing the state programs,
19 we did come across Title VII programs and we did try to
20 get information from Title VII, and it was very frustrating,
21 it's very difficult in the Title VII administration and I
22 think primarily because it isn't administered by the
23 Western Regional Office, it's administered nationally and
24 I think there could be some better coordination between
25 the State of California and the Federal Government with these

1 programs. And -- but that's the one area I see that
2 really needs some addressing of attention..

3 Q Is there any way that you can approximate how much
4 money is spent per child?

5 A Okay, there's a problem in that regard, also, be-
6 cause you say per child, and are you talking about bilingual
7 children or children that need the bilingual service or
8 are you talking about also the English-speaking students
9 that are in the room for bicultural experience?

10 And that's one of the areas that there's some problem
11 with. If you talked about both children, you're talking
12 about, I think it's \$400.00 per child, and in a room. And
13 to the degree that only half the funds are addressing
14 -- well, let me go back on that. To the -- well, we are
15 using as a yardstick about \$400.00 per child but it varies
16 from \$200.00 to \$400.00.

17 Q In other words, the school district is given \$400.00
18 per child that's, any children that are in the bilingual
19 program?

20 A Correct, and that could be English-speaking
21 students also, it's bilingual-bicultural, so the funds
22 are spread.

23 We pointed out that over half the children in our
24 program, the state program, are English-speaking, so the
25 funds are not always addressing your strongest need.

1 Q All right, this is separate from the funds that are
2 provided for ESL programs?

3 A Yes, this is the 2284. ESL, basically, gets funded
4 through Title I and the Educationally Disadvantaged Youth
5 program in the State of California, which is sort of like
6 a Title I add-on program, but different than bilingual
7 program.

8 Q For the sake of comparison, do you have any idea
9 how much -- what the number of funds are for, say an ESL
10 student?

11 A No. And I would like to perhaps speak on that.

12 Part of the emphasis right now is, as you all know,
13 and which you may be properly so, is bilingual-bicultural,
14 and ESL has been a traditional approach. One of the popular
15 mistakes, as I see it, is to say that ESL is not good and
16 bilingual-bicultural is the only way to go. I think
17 that could be an error in some cases. Not to say that one
18 is better than the other but I think there should be room
19 for both to be allowed.

20 Many of the people now are trying to mandate one
21 approach and I think in any educational field, in any
22 testing area, you can find that there are good results with
23 different approaches, depending on the clientele group and
24 that freedom should be allowed.

25 The best we could identify for ESL right now is just

1 the money being spent in Title I, and that's about seven
2 million dollars with our EDY funds, but again serving about
3 33,000 students.

4 Q Have you projected, say over the next five years,
5 how many students will be involved in bilingual-bicultural
6 programs?

7 A That's a request we're making in the budget to the
8 department of education and their survey and we have not
9 made the projection, we are hoping that the projection,
10 though, will be made. We're actually requesting that the
11 projection be made.

12 Q How do you go about determining how many students
13 will be involved?

14 A That's a good question. That's up to them. Part
15 of it has to do with the migrancy rates, part of it has to
16 do with our, lot of bilingual education goes on with
17 migrant children, and part of it has to do with just, for
18 instance the Viet Nameese situation just put an enormous
19 bilingual burden on the State of California, which was un-
20 foreseen, so many of these things are difficult to project.
21 And also there's a projection that has to be made as to
22 how many people you won't need in the program anymore,
23 students don't necessarily have to be in bilingual education
24 for 12 years, they'll drop out. And that all has to be
25 factored in and hopefully we'll work with the department of

1 ed. and come up with some factors to do this, but it has
2 not been done to date.

3 Q In your projected, the funds will be approximately
4 the same \$400.00 per student or will they increase as well?

5 A At this point they'll probably be much the same.
6 The state has a way of getting locked into certain dollar
7 amounts and until you can shake loose with some very good
8 reasons, they normally go on at that rate.

9 Q So you don't see an increase?

10 A Not per student but I do see a total dollar amount
11 increase, yes, you know, and with more students being in
12 the program.

13 THE CHAIR: Any other questions.

14 MR. SANTIAGO: Yes.

15 THE CHAIR: We'll start here.

16 Q (By Mr. Santiago) You mentioned something about
17 spending close to a million dollars for training bilingual
18 teachers. The previous speaker mentioned that there's a
19 lobby in Sacramento, lobbying against bilingual education
20 because of their personal interests in maintaining the
21 seniority of teachers who are monolingual, you have one
22 close by me here.

23 I am not in favor of hurting anyone, but I wonder
24 if spending this money would not be a waste of money if we
25 will not be able to hire and keep these teachers in the

1 classrooms to teach our own children?

2 A This is correct. Unless you amend the tenure laws,
3 you're going to have a problem there. I think the Mosconi
4 legislation tries to address that issue to some extent,
5 and with tenure the, you know, last hired is the first
6 fired often, and if it's bilingual, then they're the
7 first fired. I think there is also a recent civil rights
8 case, though, that makes some dent in this area, and I'm
9 not a lawyer so I don't speak to the legal aspects of that,
10 somebody else may be able to tell you more, but that is a
11 problem, correct.

12 MR. JOHNSON: It's a reverse bumping case.

13 A Is that it?

14 MR. JOHNSON: It's still up, though.

15 Q (By Mr. Santiago) Also you mentioned that you have
16 difficulty in coordinating Title VII with the state pro-
17 grams?

18 A Correct.

19 Q What is your suggestion for solving this problem?

20 A That, I think, will probably have to come from the
21 federal government. One suggestion might be better adminis-
22 tration in the Western Regional Office, because most of
23 your bilingual problems, as I understand it, in the United
24 States, are probably western, southwestern and they need,
25 I think better field staff to do this, and I think also we

1 need some, perhaps agreement, some sort of joint agreement
2 with the state department of education to have a coordinated
3 approach. So that we don't duplicate what they're doing
4 or we learn from them what they're doing. We often don't
5 even know.

6 I think Title VII hasn't had, talking about our
7 evaluation, Title VII has had even a poorer history of
8 evaluations so we don't know what are good programs and
9 what are bad programs out of Title VII.

10 And I think the initiative has to come from the
11 federal government, we can mention it and ask and point
12 out the need here, but it's really a federal problem. To
13 come forward.

14 Q I remember two years ago there was an evaluation
15 in the Los Angeles program, in East Los Angeles where I
16 come from, and I was a member of the advisory council of
17 Title VII. And we visited the schools ourselves, one of
18 the things that we found out was that the kids that were
19 monolingual in Spanish were learning English faster through
20 bilingual education.

21 Now I've complaints from the people in Los Angeles
22 that we're going to lose our teachers. And I'm very con-
23 cerned, I keep repeating this because I think that's
24 something we have to be done, how you people can help us.

25 A Okay. Partly, as -- to the degree of losing teachers,

1 the State of California can do something about that, that
2 has to do with our laws and our system of removing teachers.

3 Again I believe some of the legislation currently
4 in process will help address that issue and again maybe
5 this reverse bumping lawsuit will help address that issue.
6 But I sympathize with it.

7 THE CHAIR: Ms. Hata?

8 Q (By Ms. Hata) Yes, you mentioned that you were
9 going to begin a review of bilingual programs as an annual
10 practice. When is this review going to begin?

11 A The review actually began this last year, with our
12 first initial document and our testimony subsequently to
13 the legislature. The office that I represent has a field
14 staff, a small field staff, which has designated bilingual
15 as a high priority of review and as of fall again begins
16 the programs we will be out in the field in the fall.

17 We find that it doesn't help to do much until almost
18 October of November, because schools as they initially
19 get going, have a hard time even having the personnel
20 available. There's bilingual recruitment is going on in
21 the fall, they are not ready September 1st, or whenever
22 they open, so we will be there this fall, yes, and continue --

23 Q Now, your office is charged, then, with reviews,
24 fiscal impact and effectiveness of state funded programs.
25 I'm concerned about what Assemblyman Chacon was talking about

1 with respect to the handling of data coming in. Are you
2 not mandated in some way to get an evaluation report from
3 each of these programs to which you have given some money?

4 A Yes, the law mandates that, and it's the department
5 of education which has the primary responsibility of the
6 collection and the assimilation of that data and it's our
7 responsibility, we don't get involved in the direct handling,
8 we get involved with the review and the system.

9 Q What happens when the department of education does
10 not provide the reports as they have been ordered to do
11 so, who then is responsible for monitoring this and seeing
12 that you get the reports, so you can put it together?

13 A Well, that's partly why we do our own field work.
14 also. We don't have the staff that they do but the depart-
15 ment is very cautious and very, you know, aware of the
16 fact that they have these obligations and I think they're
17 aware of the fact that they haven't performed on this par-
18 ticular case well, to date, and to the degree that it
19 threatens their administration and it threatens reorganiza-
20 tions, they are responding.

21 Unfortunately, this was the first year that an
22 evaluation was required, because this is the first 2284 full
23 year of operation was '73-'74. So that sometimes the
24 initial year isn't everything you would hope it to be, and
25 I again, you know, would like to see how they do the second

1 year. If you're alluding to maybe we should take it away
2 from the department of education that would take a statutory
3 change and nobody has suggested that yet.

4 Q I'm not taking away, I'm talking about accountability
5 and responsibility in terms of seeing that reports are pro-
6 duced and that there is an adequate evaluation. I was
7 wondering which agency, which body, which person, was re-
8 sponsible for seeing that these were done. According to
9 the law.

10 A That was the department of education.

11 Q And if they do not fulfill their responsibility or
12 obligation, then what?

13 A Well, unfortunately, sometimes the program suffers
14 and not the administration of the department of education,
15 but --

16 Q Some of your recommendations that you discussed,
17 once they are adopted by the department, who sees to it
18 that these recommendations again are followed through?

19 A We do.

20 Q You do. You have an enforcement --

21 A Yes, we have an annual responsibility to the legis-
22 lature to review and to report back, the implementation
23 of legislative decisions and we will do that again in a
24 similar fashion next spring. Every spring we produce
25 basically this document, which is a report to the legislature

1 on all the programs, and we will be there again to, you
2 know, maintain, see if they enforce it or not.

3 Q (By the Chair) Mr. Geiogue? But short of that, if,
4 let's say next year, the department of education has done
5 nothing, per se --

6 MS. HATA: Except made promises.

7 Q (By the Chair) No, well, I'm -- and you find that
8 they have done nothing, there's still nothing that can be
9 done other than some action that the legislature would like
10 to take, is that correct? Because you have no enforcement
11 policy --

12 A Correct.

13 Q -- you can not force a department to give you the
14 report and all you report to the legislature is that
15 they gave you not report. Is that correct?

16 A Yes.

17 Q And then you make recommendations to the legislature or --

18 A Correct.

19 Q -- as to how to solve this and any action must be
20 taken by the --

21 A Yes, we're merely staff to the legisltuare, advisors,
22 and they pick and choose our advice as they please, yes.

23 Q (By Mr. Johnson) Who, specifically, would you --
24 would you communicate the fact that the department had not
25 communicated this report to you?

1 A To the fiscal subcommittees of the Ways and Means
2 Committee and to the fiscal subcommittee of the Senate
3 Finance Committee, which in effect determines the budget
4 for the agency.

5 THE CHAIR: Then if you were trying to do away
6 with a program, one way to do it would be not to give re-
7 ports on it?

8 A That -- it would endanger a program, yes. I'm not
9 sure who you mean by you.

10 Q (BY the Chair) Well, anyone who wanted to do away
11 with a program. Let's say the department of education, if
12 they did not choose to give a report, what they did is
13 incur the wrath of the legislature because they did not
14 report on it and that program is not funded?

15 A This happens.

16 Q Is that normally the way it goes?

17 A It can happen that way. We do find it's almost
18 impossible to eliminate a program around here, but we
19 find that we don't give them more money and --

20 Q (BY Ms. Jacobs) You didn't give them more but you
21 give them the same amount?

22 A Yes, we kind of squeeze them to get a little bit.

23 Q (BY the Chair) Were you here earlier when I re-
24 ferred to the governor's attitude on existing programs,
25 that before he got too excited about refunding them, he wanted

1 to see that they worked? Based on your recommendation to
2 the legislature on the bilingual-bicultural aspect, how do
3 you view -- how do you think he's going to view the
4 workability, the accountability of this program?

5 A I believe he's concerned about this program, his
6 staff, through the department of finance, represented his
7 position at the hearings, it is my information, at least,
8 that he initially was thinking about adding money to this
9 program but when he found out it was in such a mess that he
10 went with holding the line on the program.

11 He may now accept the augmentation the legislature
12 added, being that there have been amends made in the depart-
13 ment and some promises, you know. And plus there's political
14 leverage on this program. So that -- but I think he's in
15 one, this is in that group of programs that he's cautious
16 about and he would like to see better performance shown to
17 him before he's going to go for it. I believe it fits in
18 that category.

19 Q (By Ms. Hata) To your knowledge, did the initiative
20 for the establishment of these bilingual-bicultural programs
21 come from the legislature or the state department of
22 education?

23 A That's a tough one, it's kind of a chicken and an egg
24 thing, sometimes these programs get going together, the
25 department of ed. talks about it, the legislators meet with

1 them, we have conferences, we have hearings in the interim
2 and then, finally, legislation is introduced and in this
3 area, I believe the -- it might be a shared kind of in-
4 ception.

5 Usually the legislature doesn't initiate something
6 that isn't already somewhat accepted and established within,
7 you know, the administration of schools, We attempted,
8 from time to time, but I would say it was probably both,
9 and maybe Title VII had a good impact there because Title
10 VII has been around for a number of years.

11 Q (By Mr. Lau) Is it your opinion that a low priority
12 has been set by the department of education in regard to
13 bilingual-bicultural?

14 A Well, in the official budget presentation the
15 department did place it in a high priority, they placed it
16 next to ECE, ECE was, of course, their largest and highest
17 priority, they then followed it by bilingual education,
18 and then followed by Educationally Disadvantaged Youth,
19 in the number 2 and number 3 programs tended to interchange
20 along the way, but they ended up with bilingual as number
21 2, so within their official policy, at least, it is a high
22 priority to the department of education.

23 Q But from what you've told us, their unofficial policy
24 is that there's a low priority, is that correct?

25 A I would say that it could be managed better than it

1 has been, yes.

2 Q Who would you feel is responsible for this policy?

3 A I, personally, don't have any comment on that.

4 Q In your dealings with the department, have you
5 dealt with administrators who come from a bilingual-bi-
6 cultural background?

7 A Yes. Bill Martinez, the people that have been on
8 the task force, we've dealt with.

9 Q Have you studied bicultural-bilingual programs in
10 other countries, for instance programs like in Montreal, in
11 the Philippines, Southeast Asia, Europe?

12 A Not to be facetious, but the legislature rarely
13 lets us get out of the state, so -- but no, I have not.

14 Q Do you know if the department of education has?

15 A Some of their people that they have brought in have
16 had a multitude of backgrounds and I haven't looked at
17 the resumes of all of them, but I'm sure that they've
18 looked at some of this and I do know that the bilingual
19 task force had a very nice travel budget and they did go
20 to programs throughout our country and I think they went
21 to Montreal.

22 Q Do you know what their findings were in regard to
23 the value of these programs?

24 A They never conveyed that to us. I don't know.

25 Q Do you know if they will?

1 A I doubt it. It's not required of them.

2 Q Who are they going to report to?

3 A Basically, internally to the department, unless you
4 specifically demand something we rarely get things offered
5 to us, you know, and they have a lot of information
6 internal to the department of education which they do not
7 share with us often.

8 Q Now, we're told that there are approximately 225,000
9 language-handicapped students in California. Is there a
10 timetable for curing this problem?

11 A There has not been a formal accepted timetable at
12 this point. Primarily because we don't know how many of
13 those students we really are now serving. That goes back
14 to this lack of information. We don't know if we're half-
15 way serving the program need or three-quarters or one-
16 quarter, we have a very, very difficult time on that, and
17 that's what this year is spent, I believe to be doing,
18 you know, that's what they're going to do this year.

19 Q Has the department told you that they'll get all
20 this information within this year?

21 A Yes. They have assured us at this point.

22 Q And then, after that, do they have some kind of
23 forecast on when they're going to try to cure this problem
24 for the 225,000 students?

25 A To my knowledge, we have never been presented with

1 a forecast with an objective as you point out, that would
2 show that these students will be served within a time
3 certain. We do not have that. No. I've seen such things,
4 for instance early childhood education, they have a five-
5 year plan which shows all children in grades K through
6 three will be served by 1979-80. In bilingual I've not
7 seen a similar type of projection.

8 Q (By Mr. Johnson) Back to this, mechanics of this
9 report again, that does not get done --

10 A Yes.

11 Q -- the fact is, then communicated to you and they
12 say you don't have it and you then communicate to the legis-
13 lature we don't have a report on bilingual. Who up there,
14 do you communicate that to or is there anyone in the
15 legislature, does the entire body have to be insensed and
16 say where is your report, or a subcommittee chairman?

17 A No. The legislature delegates to a great degree to
18 their committees and subcommittees, and the subcommittee
19 of Ways and Means which handles education consisted of
20 Howard Berman (Phonetic), Assemblyman Chacon, Gordon Duffy.
21 There was a switch of membership for one position there
22 and then I believe the, I'm trying to remember who the
23 Republican, the other Republican was on the committee,
24 but anyway, these are usually fairly well respected legis-
25 lators who, if they say something, the large body will accept.

1 In the senate side it was the chairman of the senate
2 education committee, Senator Broda (Phonetic), who had the
3 subcommittee on this, and it's to the degree that we have
4 long days and weeks of hearings, and to the degree that
5 these men are interested and do their work, then this comes
6 to the attention of the legislature.

7 And, that's basically the system and I would say that
8 they do share concern and as you were aware from
9 Assemblyman Chacon, he has pretty much fixed this as one
10 of the major areas of his legislative program and he is
11 carrying bills, he was very active in the subcommittee, he
12 was primarily determined to get the legislature to augment
13 the program and he did, so that these things have ways of
14 happening.

15 THE CHAIR: Any other questions?

16 Q (By Ms. Hata) I'm a little interested in this lack
17 of interagencies rapport, it sounds a bit like internal
18 masturbation. An arrangement that perhaps is not best
19 for students involved.

20 Would you describe, would you agree to this de-
21 scription?

22 A I think I'll decline to comment.

23 THE CHAIR: Any other questions? If not, thank you,
24 Mr. Geiogque.

25 A All right, thank you.

1 THE CHAIR: Mr. Roberto Cruz.

2 Mr. Cruz, if you will identify yourself and your
3 position for the record?

4

5

6

DR. ROBERTO CRUZ

7

8

A (By Dr. Cruz) Roberto Cruz, Director, Bay Area Bi-
lingual Education League, BABEL.

9

THE CHAIR: Okay, Mr. Santiago?

10

11

Q (By Mr. Santiago) We understand that there is a coaliti-
tion of organizations concerned about bilingual education in your area.

12

13

Would you agree to describe the coalition's member-
ship and its purpose?

14

15

16

17

18

19

A Yes, just recently, like three months ago, there was
grave concerns throughout California of the major Mexican-
American and two Asian-American institutions that were
concerned about bilingual education, the state of the art,
the reports that are coming out, and the support or lack
of support for bilingual education.

20

21

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The organizations that combine to attack these
problems are CABE, the California Association for Bilingual
Education; the Association for Mexican-American Educators,
AME; the American G.I. Forum; the League for United Latin
American Citizens, LULAC; the Mexican-American Political
Association, MAPA; California Rural Assistance League, CRLA;

1 sent a representative also; and the Mexican-American Legal
2 Defense Educational Fund, MALDEF.

3 And then we had representatives from the bilingual
4 directors of California that formed this coalition, if
5 you will, to attack the problem rather than on an individual
6 association basis.

7 And we have brought it to the fore, we have met with
8 Dr. Wilson Riles three days ago, to bring our concerns and
9 our problems and some of them I've been hearing this
10 morning.

11 Q What was Dr. Riles' reaction to your appeal?

12 A First of all, we -- we had scheduled the meeting
13 and Dr. Riles has been out of -- has been out of the office
14 so we had to delay the meeting until June. We had been
15 trying to set it up prior to now, in April.

16 The immediate reaction was one of, why so many
17 organizations, and wondering whether we were going to
18 destroy the state department or burn it down.

19 After we spoke, I think that we saw that we could
20 jointly construct something that would be viable for all of
21 the children of California, especially limited non-English-
22 speaking children from various groups. So, where it was
23 a tense moment at the beginning, we had a very, very good
24 meeting, with a commitment that came out of the meeting
25 for, we are to meet the third week in July to bring forth

1 some recommendations to Dr. Riles as to how to coordinate
2 all bilingual moneys and programs across the age level
3 spans and across the support units, so it was a good
4 meeting with a commitment to work together towards solving
5 the problem.

6 Q So, you're planning to work to coordinate both
7 state legislation and the Title VII legislation?

8 A The concern about Title VII is a grave one in that
9 there is very little that we can -- we can do because
10 of the -- it's a federally-funded program that goes directly
11 to districts.

12 We were mostly concerned with the moneys that some-
13 body earlier mentioned, the 37 million dollars that are
14 across each one of those units that somebody, alluding to
15 that if they'd ever get together we might have -- we might
16 better attack the problem of bilingual-bicultural education.

17 And contrary to a comment I heard, it is not a handi-
18 cap, nor is it a cure for the problem, bilingual education
19 is a positive alternative for all children because we do
20 also have Anglo Saxons, Black children in our programs.

21 If you will, there is a chart here in the room,
22 there are what are called the age level spans, the elementary,
23 secondary and adult education, then on the far right, the
24 fourth one is the support components.

25 In each of those age level spans there are bilingual

1 funds, in early childhood education and secondary and
2 adult, and then, of course, you have your support units.
3 Each of which has also bilingual funds.

4 One of our gravest concerns was that all of those
5 funds should be coordinated and all those programs should
6 be coordinated through one central unit. So that we can
7 best meet the needs of the children. Instead of having
8 each one of them reporting and doing their own thing, we
9 felt that they should be coordinated through one unit.

10 A grave concern that we have, even today, is that
11 the office of bilingual education is really called a task
12 force for bilingual education. Task force is a temporary
13 thing, as you might suspect, it has been temporary for the
14 past three years.

15 We are saying that that office should become an
16 official bureau of bilingual education. And Dr. Riles has
17 already taken some steps to elevate that office to the
18 status of a bureau. And we understand there have been some
19 interviews for the positions to elevate that office, so
20 that the state, one of the comments, the first comment that
21 Dr. Riles made was that his top priority is bilingual
22 education.

23 He assured us of this. And that the office would
24 be a bureau of bilingual education, and then he also was
25 concerned about the coordination of funds across the age

1 level spans, and of course, the support unit. And we're
2 saying that if that office was truly given the management
3 and authority to implement bilingual education, that it
4 would have a more, a better chance to implement the program
5 rather than as a task force, if you will, with five
6 members to implement over 100 programs in the State of
7 California.

8 Q Is he going to listen to the community as to appoint-
9 ments of people for these positions or is he going to
10 select his own houseboys to do the work?

11 A The -- that was another concern that was brought out.
12 As you may know or might not know, there is a selection
13 process by which people are selected for offices or whatever.
14 And one of the concerns we had was that, in fact I'll read
15 it, the selection process for bilingual positions in the
16 state department of education is done by people whose
17 qualifications are other than those required for the
18 positions. And we were happy to report that that was
19 corrected for these positions, so that there -- it's a --
20 there are some people competent in bilingual education that
21 are doing the interviewing for those positions, and the
22 process was opened statewide so that anybody could apply
23 for those positions.

24 So it is a fair process, I can state that at this
25 point.

1 Q From your past experience, what parts of the bi-
2 lingual program have been effective in California?

3 A In the -- I wanted to relate it first from the
4 state, the statewide. Statewide I think that the most
5 positive things that are starting to happen, that is the
6 fact that there are initial steps right now for coordination
7 of training within the department across each one of
8 those age level spans and the support units. In other
9 words, the consultants that go out rather than us hearing
10 different things from different consultants from different
11 offices, there is some training that's taking place.

12 With the cooperation of the task force where the
13 people are now sitting together and talking about what
14 should we go out there and say about bilingual education?
15 That's a positive that we are -- we're excited about.

16 The -- also the network of communication and dissemi-
17 nation that the bilingual task force office is starting
18 to initiate with county offices, in Los Angeles and in
19 San Jose. In other areas, so that there is going to be
20 a better coordination through county offices, through
21 local educational agencies, and in July there will be some
22 technical assistance centers that will be funded in the
23 State of California from the federal government. So that
24 there will be some assistance that will be provided and if
25 coordinated, and if that office is given the status that it

1 deserves, then we could have a well cohesive program for
2 bilingual-bicultural education. A positive at the state
3 level also, the five major language groups, the Spanish,
4 Chinese Portuguese, Japanese and Filipino, have encouraged
5 now, other programs, other people to start looking at bi-
6 lingual education as a positive alternative, and not as a
7 bandaid, for education.

8 For example, in the Fresno area, we've got Punjabe
9 (Phonetic), the language there that is -- -- this group is
10 now wanting to maintain. We have grave concerns with the
11 Viet Nameese, Cambodians, Laotians that are coming in, and
12 what type of programs will be provided for them.

13 At this point we have already open dialogue with
14 these groups to talk about alternatives to meet the needs
15 of those children. That's at the statewide. As far as
16 positives that are taking place now.

17 I might add that they're long in coming but they
18 are now there.

19 As far as the local districts are concerned, and
20 much has been stressed as far as give us the hard data,
21 they're telling our communities give us the hard data,
22 this is all right, give us the instrument to provide you
23 that hard data. They tell you to do something but they
24 don't give you something to come up with that data.

25 They're telling us to give hard data with standardized

1 instruments, standardized English instruments that have
2 been on the middle class Anglo Saxon population and those
3 children that do not speak fluent English. I've adminis-
4 tered those instruments, we are going to go back into the
5 mentality of classifying those children as mentally re-
6 tardated so we're trying to come up with some instruments,
7 some testing instruments that can be -- can measure
8 effectively the program and the educational growth of
9 children and at this point we do not have a uniform instru-
10 ment in Spanish or in Chinese that we can administer
11 statewide and say this is the hard data to show that in
12 that -- in the native language here's where the children
13 are.

14 We have several instruments that we're using and
15 experimenting with. And this is because of regional dif-
16 ferences. If we go into -- into the -- in San Francisco
17 with one type of instrument in Spanish, we are going to
18 run into problems because of the La Racachina (Phonetic)
19 type of syndrome, okay?

20 The various differences that we have in our languages,
21 and so the other language groups. So there are positives,
22 there are some results that are coming in now, that -- and
23 we have hard data, by the way, in the Bay Area Bilingual
24 Education League to prove that it does work.

25 We have been submitting these reports to the federal

1 government contrary to a statement I heard earlier, that
2 no reports are submitted on evaluation or very little
3 reports, we have a track record and we have those results
4 to show that bilingual education the children are achieving
5 so there are positives as far as the involvement, the
6 training of parents now that are in the classroom also,
7 they are now being trained, given college credits, and we
8 have even initiated a Ph.D. program at Stanford University
9 in bilingual-bicultural education for bilingual students.

10 So there are positives that are happening, there
11 are also little -- the problem becomes as to when you fund
12 100 districts and you fund a large district and say give us
13 the hard data, then you require the same type of data from
14 a small district, with little or no assistance, they then
15 provide what becomes a very weak evaluation because no
16 assistance has been forthcoming to those smaller districts.

17 I think we will be able to correct this come July
18 1st, from the technical assistance centers and the state
19 department getting together, so there are some very positives
20 that are happening in bilingual-bicultural education from
21 the standpoint of community, from the standpoint of student
22 growth, and achievement.

23 Q Did you mention to Mr. Riles that you want the same
24 test to be provided for the whole state?

25 A That was not brought out. Because all we did was

1 present our concerns, now we're to sit down with the program
2 officer for Dr. Riles and come up with the recommendations
3 and one of the recommendations will obviously be this type
4 of approach.

5 Assemblyman Peter Chacon has introduced some legis-
6 lation to come up with some test instruments that would
7 enable us to start in that direction that you're alluding to.

8 MR. SANTIAGO: That's all the questions, Mr. Chairman.

9 THE CHAIR: Any questions?

10 Ms. Hata?

11 Q (By Ms. Hata) I'm concerned about the lack of sup-
12 port you seem to be getting from the state department of
13 education. For example, you say we will create test in-
14 struments, who is we?

15 A When I say we, we're talking about the bilingual
16 task force, the local school districts, county offices
17 and the technical assistance centers. There will be, when
18 we have already met on this, because of the forthcoming
19 centers from the federal government and the state depart-
20 ment right now in bilingual education and the task force
21 have five people, and those five people have to monitor and
22 offer technical assistance to us, that's a mockery. When
23 -- so when I say we, there have been some regional meetings
24 already held by the task force and they have called for
25 bilingual directors that have had four, five years of

1 experience in administering programs to help sponsor those
2 workshops so there has been a reachout-type of assistance
3 set up, and the task force office has met with the
4 directors, with the California Association for Bilingual
5 Education, who I might add has conducted four workshops
6 on evaluation to coordinate that effort there.

7 Q What kinds of powers does the task force have, is
8 all of their activity simply voluntary? Do they have to
9 be called in before they can do anything or can they move
10 on their own initiative?

11 A Are you referring to the task force as far as
12 power to go into a local school district?

13 Q Yes.

14 A They obviously have the right or the power to go
15 into a school district, monitor and offer technical assis-
16 tance to improve the problem. If that problem is not im-
17 proved, then they could cut off funds.

18 I don't know that that has taken place. As far as
19 cutting off of funds.

20 THE CHAIR: Dr. Cruz, now, just let me interrupt.
21 Does the task force have the power or the department of
22 education has?

23 A They recommend, they recommend that a program not
24 be refunded. What happens, if -- and you have to be careful
25 here because if you go into a school district that has a

1 lot of Chinese or Chicano or other children, and you say
2 that this is not the way to implement that program and
3 here's some technical assistance as to how to -- you can
4 improve that, and they -- they are -- if they're reluctant,
5 then -- they --

6 Q The district?

7 A The district, then who's going to suffer? Those
8 children are. So if you cut off the funds you're not
9 doing anything to the district, you're doing it to the
10 children, so this is why the task force has been sensitive
11 to areas like Gilroy, Marysville, where we have large
12 concentrations of Chicanitos that if you cut off the funds,
13 who are you hurting? So, see --

14 Q (By Ms. Hata) Supposing the funds aren't doing any
15 good anyway?

16 A Well, you see that -- that again is a different
17 question because if they're bringing in bilingual --
18 if they're hiring bilingual teachers, if they're hiring
19 monolingual teachers, then you have every right to say that,
20 see, with those funds, that's clearly a misexpenditure of
21 funds.

22 There has to be a closer monitoring to see that this
23 happens.

24 Q Who's charged with this monitoring responsibility?

25 A The monitoring responsibility obviously is with the

1 director or the manager of the task force and the five
2 consultants. To monitor 100 programs with five people,
3 is what becomes a difficult task. It has to be a dif-
4 ferent kind of system set up to help monitor.

5 We have discussed the regional team approach where
6 other bilingual directors with the state department go
7 out and help monitor programs.

8 Q Our previous, the previous person who testified
9 indicated that the department indicated when it submitted
10 its request for money, that bilingual-bicultural education
11 was priority number 2. Based on your experience, do you
12 agree?

13 A Priority two in the sense that -- that I understand
14 he was talking about the lack of management, the coordina-
15 tion, etcetera, and that the governor has said that until
16 you prove that it works, we're not going to provide the
17 additional funds.

18 I think I'm hearing two things, I think I'm hearing
19 from Dr. Wilson Riles say that this is top priority, in
20 his administration, and I'm also seeing where, during in-
21 flationary times, hold the limit on budget, from the --
22 from the legislative side. And I don't know who to believe.

23 You know. I want to believe that Dr. Riles is right,
24 that it is a top priority of the state.

25 Q Has Dr. Riles given you the capability funding per-

1 sonnel, etcetera, to make this a high priority?

2 A Well, Dr. Riles has no funding powers in that the
3 money comes from --

4 Q He allocates it, does he not? When the money gets --

5 A He makes a request. He makes a request and it can
6 be blue-penciled by -- before --

7 Q I guess I'm concerned about the function here of
8 the task force, you're talking about five people who monitor
9 so many programs and why hasn't more money been given to
10 these five people to make sure that the funds have been
11 spent wisely?

12 A Okay. If you're referring to the number of posi-
13 tions, obviously we need to increase it, okay. There are
14 bilingual -- there are some bilingual personnel in the
15 other age level spans that if you would coordinate those
16 people from migrant education, from compensatory education
17 that are bilingual, that are Chinese, Chicano, etcetera, and
18 put them under the bureau of bilingual education or put
19 them in some way a joint appointment, or somehow to
20 coordinate that, then you have more personnel, and then
21 you have more moneys to implement bilingual education.

22 That's the type of plan that we're going to try
23 to come up with, some recommendations.

24 Q And Mr. Riles has the capability, the responsibility,
25 the ability to create such a bureau on his own initiative?

1 A Yes, it's -- he does, very much so.

2 THE CHAIR: Any other questions? Ms. Bernstein?

3 Q (By Ms. Bernstein) From your personal observation
4 what has been the general reaction of most school districts
5 to bilingual --

6 A From my personal observation, the districts are
7 more concerned about their fiscal chaos than any educational
8 program.

9 For example, there is a -- there is a -- discrimina-
10 tory law on the books that discrimination against all
11 third world people. The -- in the districts right now, they're
12 saying let's receive federal, state funds, whatever for
13 whatever, from whatever sources, let's get them in here,
14 we're having to close down schools, we're losing enrollment,
15 yet we have all of these limited non-English-speaking
16 children. So if federal funds come in, they are putting in
17 monolingual teachers, or because they are -- they have a
18 fiscal deficit, they're losing enrollment, so that what
19 they're doing now is shifting some of those.

20 Well, I want to say excess, but I'm not, some of
21 the extra teachers that have not been placed and put them
22 into the bilingual program or put them into any other pro-
23 gram, any type of federal funds, never mind whether they're
24 qualified or not.

25 So, this is -- this is a problem that we're facing now,

1 the districts will go out and say that we are supporting
2 bilingual education but we're also very concerned about
3 that fiscal deficit we have, so we have a paradox here.

4 The law that I'm referring to that is discriminatory
5 is the fact that districts are penalized if they have more
6 administrators per ratio of classroom teachers and that's
7 a good, that's a good law, however it discriminates now
8 against bilingual personnel because all of a sudden federal
9 funds and state funds are coming in, and you need somebody
10 to administer those.

11 You need an administrator, a competent administrator.
12 That adds to the ratio of the district, and if you -- you
13 have a large district, that already is -- is at the quota
14 of administrators, you need an administrator to administer
15 this bilingual program, but you can not, you will not hire
16 because you'll be penalized. So they're not hiring bilingual
17 administrators, because they will be penalized, so they
18 call them a lead teacher, or they call him something else,
19 which is lesser pay. And we're saying that there should
20 be some type of a waiver so that -- so that all of those
21 federal funds and state funded programs that need that
22 coordination should be -- should be offered a waiver so
23 that they can hire those competent administrators to adminis-
24 ter those programs.

25 Q Has there ever been a suggestion that the teachers

1 in the bilingual program or the administrators not be
2 counted in the normal ratio?

3 A. It has been a suggestion, there's even, Assemblyman
4 Miller from the Berkeley area has even got a legislative
5 bill that has always been killed before it gets out of
6 committee, to change that, so that it will allow you to
7 bring in this type of an administrator to administer the
8 program.

9 It's been more than a suggestion, it's been intro-
10 ducing legislation to try to amend it. We don't want it
11 changed, mind you, because I think that there should be,
12 in fact, a lot of those administrators should be in the
13 classroom, but we want it not to be discriminatory, that
14 there should be a waiver to allow bilingual programs,
15 special education programs to hire administrators competent,
16 that are qualified, that can speak those languages rather
17 than allowing a principal at some school that -- that
18 couldn't care less about bilingual education, saying well,
19 you -- it's your baby, you administer it.

20 And this is what's happening also.

21 One of you asked me about the districts, what's
22 happening with -- Assembly Bill 2284 allowed moneys for
23 teacher -- teacher aides to be hired. But it doesn't
24 allow any teacher moneys. Or any administration moneys.
25 So we're hiring a lot of teacher aides, putting them in the

1 classroom with a monolingual teacher and this person's
2 supposed to be the teacher for the bilingual program.

3 The administrator of the school is the principal,
4 who may or may not be bilingual and more often than not
5 is not bilingual.

6 Q Are there any moneys allocated to train monolingual
7 teachers?

8 A There are moneys for training, and -- that can be
9 used for, quote, retraining of teachers, sure, that's
10 allowable.

11 Q Is it working?

12 A Yes, if you're -- if you don't force the teacher,
13 if you're saying to a teacher that is going to be either
14 put in a substitute list or go into a bilingual program,
15 you know, like nobody wants to go into the substitute
16 list so they'll say yes, I'll take the bilingual program,
17 not because they want to but because they're forced into
18 it.

19 In a situation like that it will never work because
20 the commitment's not there. Where a teacher on their own
21 requests to be a bilingual program and go to a country
22 where they can learn a language or make a serious effort,
23 yes. It works. Because they are committed to the program
24 and to those children.

25 Q (By Ms. Jacobs) To what extent are school districts

1 encouraging teachers to go to another country and get the
2 experience and come back?

3 A. They would like to place them all in the bilingual
4 program, so they're trying to encourage them to go into
5 any type of federally funded program. They're saying let's
6 not, let's not go outside of the district and hire new
7 people, let's take from what we have here and let's put
8 them in the classrooms. So they're encouraging everybody
9 to go into it, into it, because of fiscal chaos. Not be-
10 cause --

11 Q. But encouraging them in what ways?

12 A. We have a fiscal problem, we would like for -- we
13 would like to consider you for the bilingual program. What
14 alternatives do they have? A bilingual program or you go
15 into the substitute list. So they say we'll take a bi-
16 lingual program.

17 Q. (By Ms. Bernstein) But are there programs available
18 to train these teachers?

19 A. Yes, they are. In fact, July 1st, there are moneys
20 coming in, they're called developmental moneys, from the
21 federal government to institutions of higher education
22 to train and retrain teachers so they can enroll in these
23 colleges and universities and receive bilingual training.
24 So, anybody that wants to go into bilingual education has
25 that option now, you see?

1 Q (By Ms. Jacobs) Yes. Now, Mr. Cruz, are the school
2 districts then advertising this and encouraging their
3 teachers to take advantage of these training programs,
4 giving them time off to participate in the -- maybe giving
5 them step increases or something if they do?

6 A This is a new phenomena as of July 1, 1975, so that's
7 forthcoming. I see it. Unfortunately, some districts
8 have cut away all -- all release time for teachers, because
9 of the fiscal chaos, so I don't -- I don't know whether
10 it's going to work.

11 And I might add, in looking at just, of speaking
12 against what, some of the practices the districts do,
13 looking from the districts' standpoint, the property tax
14 can no longer support education and we knew that, and
15 this state is functioning within a court decision of the
16 Serano versus Priest that said the state has to do some-
17 thing about equalizing the educational opportunities. And
18 help with fiscal moneys. And until that happens, I don't
19 see that the district will have that option to say we
20 will give you some release time, salary increments to go
21 into bilingual teacher training, that's not happening be-
22 cause of this other big monster, the fiscal chaos.

23 Q (By Ms. Hata) Dr. Cruz, you seem to express some
24 satisfaction that Dr. Riles has made a commitment to work
25 together with you. Was this a verbal commitment?

1 A Yes, it was. It was a verbal commitment made to
2 12 organizations there at the meeting.

3 Q Well, a commitment's fine but what direct input,
4 then, do you have into his office, are you given regularly-
5 scheduled meetings with him, are you allowed to participate
6 in decision making sessions, what is the nature of this
7 commitment?

8 A First of all, we asked for the meeting and we don't
9 have, we don't have that regular dialogue, if you will,
10 or network setup, we are requesting that such action take
11 place, that we -- that there would be an on-going type of
12 communication, and asking us for recommendations and
13 this type of thing.

14 We don't have a written commitment that that will
15 take place. I don't see, I don't see why it couldn't.
16 Because Dr. Riles was not opposed to receiving recommendations,
17 third week in July we will sit down again and alter those
18 recommendations based on coordination of funds and programs.

19 Q What assurances do you have that your recommendations
20 will not be pigeonholed?

21 A None.

22 Q What support have you received from the state depart-
23 ment of education as a bilingual director, what kind of
24 assistance and what kind of support?

25 A The support we've received has been in the technical

1 assistance area, in that consultants have come out and
2 sat with our district and worked, walked us through the
3 proposal writing, if you will, and we have received the
4 monitoring support and we don't see the consultants as much
5 as we want to but we understand why, also, with five other
6 programs.

7 We have received regional conferences that they have
8 set up so that districts within that area can come and
9 attend and go through workshops and evaluation, etcetera,
10 so what we would like to see happen is this delivery
11 system network setup between the state department, technical
12 assistance centers, local educational agencies and the county
13 offices, to help monitor programs and work as a cohesive unit,
14 coordinating those funds and programs through one bureau,
15 rather than five or more.

16 THE CHAIR: We've got time for one more question or
17 if there are no questions, we will finish. If there are
18 no questions, Dr. Cruz, thank you very much for the time
19 you've taken to appear before the committee. We appreciate
20 it.

21 The committee will recess for noon, to meet in the
22 same place at 1:00 o'clock, promptly.

23
24 (Noon recess)
25